PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 95

HOUSE OF COMMONS

OFFICIAL REPORT

THIRD SESSION OF THE FORTY-NINTH PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
THIRTY-FIFTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 1985-86

COMPRISING PERIOD
8 APRIL—18 APRIL

HER MAJESTY'S GOVERNMENT

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(FORMED BY RIGHT HON. MARGARET THATCHER, MP, SEPTEMBER 1985)

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IN THE THIRD SESSION OF THE FORTY-NINTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

THIRTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 95**

TENTH VOLUME OF SESSION 1985-86

House of Commons

Tuesday 8 April 1986

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

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ISLE OF WIGHT BILL

Read the Third time, and passed.

Oral Answers to Questions

EDUCATION AND SCIENCE

General Certificate of Secondary Education

1. **Mr. Shersby** asked the Secretary of State for Education and Science if he will make a further statement about preparations for the introduction of the general certificate of secondary education examination.

The Minister of State, Department of Education and Science (Mr. Chris Patten): The programme of preparation for the GCSE is thorough and of high quality. Never before has so much been done to prepare all teachers for examination reform. My right hon. Friend announced on 13 March a series of measures to ensure the successful completion of the training programme and the provision of adequate resources for schools.

Mr. Shersby: Will my hon. Friend assure head teachers that, given the additional training and resources that we have made available, there is time available for proper planning by teachers, including an agreed syllabus? Will my hon. Friend bear in mind that parents of third-year pupils in my constituency will soon have to choose subjects?

Mr. Patten: I give my hon. Friend that assurance. I know of some of the concern expressed about syllabuses. There is no reason why proper choices should not be made on the basis of the information available, including the national criteria and the draft syllabuses that have been in schools for some months.

Mr. Beith: Is the hon. Gentleman aware that few head teachers or other teachers would recognise his description of the state of preparedness for the GCSE? Does he realise that most parents are not at this stage primarily interested in apportioning blame but are interested in ensuring that their children are properly prepared for the examination? Does the hon. Gentleman agree that postponement has now become a matter for much more serious consideration than hitherto?

Mr. Patten: Postponement of the examination would overwhelmingly lead to the very chaos which its supporters say they fear. Most fair-minded heads and teachers would accept that there has been more preparation for this change than there was for the introduction of the GCE O-levels or CSEs or for the raising of the school-leaving age.

Mr. Pawsey: Will my hon. Friend confirm that the onus for ensuring that this new examination functions effectively is on the shoulders not only of my hon. Friend or his Department, but of teachers and the LEAs?

Mr. Patten: I agree with my hon. Friend. We must make this important change work. I do not believe that we have an option. The Government have shown that they are prepared to play their part. I hope that we can all work to make this new examination the success that it deserves and needs to be.

Mr. Fatchett: Does the hon. Gentleman still not recognise the widespread anxiety and concern among parents? Would it not be a sign of strength rather than of weakness by the Government if they postponed the

examination and allowed proper preparation and proper resources to be devoted to this examination so that those worries and anxieties could at last be eased?

Mr. Patten: Of course I recognise those worries and anxieties. Last week I sat through a debate on this subject at the conference of the Assistant Masters and Mistresses Association. I recognise that many of the anxieties expressed are the result of professional judgments rather than of politics. I do not believe that another option exists. I think that we can and should now work together to make this examination a success.

Mr. Greenway: Is my hon. Friend aware that this morning my right hon. Friend the Secretary of State told the Select Committee on Education, Science and Arts that teacher disruption made the introduction of GCSE less sure? Will my hon. Friend give an assurance that, despite that problem, this important educational reform will go ahead whatever happens, so that parents are certain that their children's education problem is solved?

Mr. Patten: We shall press ahead. I hope that in all the teachers associations and unions wiser counsel will prevail than was shown by some last week. We cannot have a national syllabus determined by the annual conference of the NUT.

Mr. Boyes: Is it not fact that parents, local authorities, teachers and students are concerned about the education system—in fact just about everybody except Education Ministers on the Front Bench. Is it that they simply do not care?

Mr. Chris Patten: That is a ludicrous observation. If that were true, last month the Government would not have announced further phase two training and said that we were prepared to allow schools to close next term for a couple of days so that training could be completed. We would not have made available the £20 million in addition through the education support grant for the extra cost of books and equipment.

Mr. Madel: If certain teacher trade unions continue to refuse to co-operate with the introduction of the new examination, will the Government have contingency plans ready to deal with possible disruption of the curriculum in September? Will it be necessary to ask the Associaton of Chief Education Officers whether it thinks it would be practicable to go ahead with the new curriculum in September?

Mr. Patten: I am afraid that if some of the teacher unions do what they claimed last week they would do, it raises far greater questions than the introduction of the GCSE. In those circumstances we would have to look at contingencies, but I hope that that situation will not arise.

Mr. Radice: We share the Government's support for the new 16-plus examination. Is the right hon. Gentleman aware that not only the teachers but the National Confederation of Parent Teacher Associatons, many local authorities and two out of the five examining groups have expressed strong reservations about the new courses going ahead as planned? Is the hon. Gentleman seriously telling the House that, without more resources and without more adequate preparation, it is fair to next year's fourth-year pupils to start work for the new examination in September?

Mr. Patten: I repeat that we have added to the literally unprecendented preparations which have already been made and which were agreed in 1984. I see no reason why every teacher should not have received perfectly adequate training by the end of next term. There are no GCE or CSE syllabuses for 1988, and in many cases the machinery which would be necessary to create them has already been dismantled.

Departmental Reorganisation

2. **Mr. Sheerman** asked the Secretary of State for Education and Science whether he has any plans to reorganise his Department.

The Secretary of State for Education and Science (Sir Keith Joseph): Separate information technology and architects and building branches have been established this year on 1 January and 1 February respectively. I have no plans for any further changes in the organisation of my Department.

Mr. Sheerman: Given the variety of educational policies that have been espoused by the Secretary of State, his junior Minister, Lord Young and the Prime Minister, what structure of Department would the Secretary of State advise the Prime Minister to adopt and thus bring a notion of vision, clarity and purpose to a Government who seem to have no educational policy and who are fighting about it after seven years in office?

Sir Keith Joseph: I commend to the hon. Gentleman the policies set out and which are being implemented in "Better Schools". Such policies can be perfectly carried through by the Department of which presently I am the head. There is no need on account of those policies to make any changes.

Dr. Hampson: Will my right hon. Friend initiate a move to end the binary division in higher education, where there is much overlap and duplication and a need for better use of resources? Many of us find it strange that the polytechnics, having increased the proportion of young people going into higher education, now contemplate a massive cut in places.

Sir Keith Joseph: I have to say to my hon. Friend that the report in *The Times* this morning about a decided cut in polytechnic places is rubbish. There is no need to change the organisation of the Department, of which I am presently the head, in the light of any decisions about binary or non-binary division in higher education.

Dr. Owen: Is the Secretary of State aware that there are many people who believe that the time has come to merge the MSC with the Department of Education and Science, but think that it would be anathema if he were to nationalise the locally provided educational service and would see that as going against the spirit and purpose of the Education Act 1944?

Sir Keith Joseph: There is no intention to nationalise the education service. As the right hon. Gentleman knows, merging one Department with another would be a matter for my right hon. Friend the Prime Minister.

Mr. Patrick McNair-Wilson: Will my right hon. Friend warmly congratulate my hon. Friend the Minister of State on his speech last week? Is my right hon. Friend aware that the belief that there is genuine local control of education is a complete fiction, and will he take urgent

steps to transfer the cost of teachers salaries from local government to the central Exchequer and so take the burden off a handful of ratepayers?

Sir Keith Joseph: In answer to the first part of my hon. Friend's question—yes, enthusiastically. I agree with every word of my hon. Friend's speech. I understand that he has made the same speech in substance several times before, and I am glad that it has received the attention that it deserves. On the last part of my hon. Friend's question—no, Sir.

School Books

3. **Mr. Fisher** asked the Secretary of State for Education and Science if he will make a statement on the level of expenditure on text books in primary and secondary schools.

Mr. Chris Patten: Since 1979 spending per pupil on books has fallen in real terms, as measured by the GDP deflator, while spending per pupil on books and equipment overall has increased substantially. It is for local education authorities and schools to decide on the balance of spending on these items, bearing in mind local priorities.

Mr. Fisher: Is the Minister of State aware that the Prime Minister, in a letter to my hon. Friend the Member for Durham, North (Mr. Radice) yesterday, confirmed the judgment of Her Majesty's Inspectorate that one third of local education authorities have an inadequate supply of textbooks? Is it not an appalling condemnation of seven years of Tory mismanagement of education that children have to share textbooks and so cannot take them home and, in many subjects, are working from textbooks that are out of date? What will he do about it?

Mr. Patten: Unlike the hon. Gentleman, I obviously have the advantage of reading the whole of the letter from my right hon. Friend the Prime Minister to the hon. Member for Durham, North (Mr. Radice), rather than just part of it. My right hon. Friend pointed out that Her Majesty's Inspectorate had found that the proportion of books and equipment was satisfactory in over two thirds of the local education authorities, and in only one tenth of schools was inadequate capitation judged to be the cause of shortage.

Mr. Willie W. Hamilton: Does the Minister recognise that if there is a chronic shortage of textbooks throughout the education system we are in danger of creating the "yob society" about which he talked, which is already in evidence at the Federation of Conservative Students?

Mr. Patten: That would have been a more impressive supplementary question if the hon. Gentleman had listened to my earlier answer. In its report the HMI noted that provision for books in schools has improved each year since 1981. It also noted that inadequate identification of needs and poor departmental management were a more common cause of shortage of books and equipment than low capitation.

Burnham Committee

4. **Mr. Chope** asked the Secretary of State for Education and Science whether he remains satisfied that the representation of the teaching unions on the Burnham committee is pro rata to the size of membership of those unions.

8. **Mr. Haselhurst** asked the Secretary of State for Education and Science whether he will institute a biennial review of the composition of the Burnham committee teachers' panel; and if he will make a statement.

Sir Keith Joseph: I am satisfied that the representation of the teacher unions on the Burnham primary and secondary committee reflects the Burnham-relevant membership of the teacher unions as at 31 December 1984, which is the latest date for which figures are available for all the unions. I do not think that it would be appropriate to consider another review until the independent panel recently appointed by the Advisory, Conciliation and Arbitration Service to assist management and teachers in negotiations on various matters, including procedures for negotiation, has completed its work.

Mr. Chope: Is my right hon. Friend aware that tens of thousands of moderate teachers who put pupils before politics are leaving the NUT, and have been since 1984, and are joining the Professional Association of Teachers and the AMMA? Should not those changes be reflected without further delay in the composition of the Burnham committee?

Sir Keith Joseph: I am unwilling, at a time when there is widespread agreement that the Government should consider shifting from the present Burnham committee arrangements for negotiations—although without much agreement on what the shift should be towards—to confirm the durability of the Burnham committee by reviewing teacher numbers. After all, the only arrangements for the audited collection of numbers is at the end of the year, so the latest numbers available would be at the end of 1984, and, soon, 1985. It will be time enough to consider this when ACAS has reported.

Mr. Haselhurst: Will my right hon. Friend not altogether exclude the possibility of a further review, and not confine that review simply to a pro rata arrangement, but consider the more revolutionary approach of according equal representation to all the teacher unions? That might reflect a better balance and better working within the Burnham system.

Sir Keith Joseph: I certainly do not want to rule out the possibility of a review in a suitable form at a suitable time. I therefore heed what my hon. Friend says, but without necessarily espousing his last suggestion.

Mr. Flannery: Is it not true that the problems of education will remain huge and will continue to move towards the centre of the political stage, no matter how much gerrymandering is done with the Burnham committee? As the right hon. Gentleman moves the goalposts on the Burnham committee, are not teachers going back to work embittered and angry because they realise that the Government are interested not in state education but only in private education? The Government care not for the education of the children, whom we believe should be educated to the best possible standard.

Sir Keith Joseph: The hon. Gentleman is mischievious in his suggestions and entirely unjustified. Let him read "Better Schools" to see the practical interest of the Government in the improvement of standards in state education. The only power that I have used in reviewing the membership of the Burnham committee was given to the holder of my office by statute by a Labour Government.

Mr Madden: When will the Secretary of State respond to the calls of those on the Burnham committee and elsewhere in education, and resign?

Hon. Members: Answer.

Sir Keith Joseph: I think, Mr. Speaker, that that was a rhetorical question.

Privatisation

5. **Mr. David Atkinson** asked the Secretary of State for Education and Science what recent representations he has received in support of legislation to privatise educational services; and if he will make a statement.

The Parliamentary Under-Secretary of State for Education and Science (Mr. Bob Dunn): There have been many responses to the Government's consultative paper on compulsory competitive tendering by local authorities issued in February 1985. The Government remain committed to the principle of requiring local authorities to submit certain of their in-house services to the discipline of competitive tendering against outside private contractors and are preparing the necessary complex measures for inclusion in the legislative programme as soon as is practicable.

Mr. Atkinson: Does my hon. Friend agree that the demand for private and independent education in this country has never been higher? Will he now consider introducing new incentives to satisfy that demand? Does he agree that the alarming expressions of teacher power over the Easter weekend will serve only to encourage those who believe that the privatisation of state education services is now due?

Mr. Dunn: As the House knows, the Government continue to consider all possibilities for improving school education. We also take the view that the greater the variety available to all parents, whether in the maintained or the private sector, the better for the future well-being of the country.

Mr. Bell: May I commiserate with the Secretary of State for being described in today's *Daily Telegraph* as "the most misunderstood man in British politics"?

We welcome the fact that there are no privatisation plans for the polytechnics. May we nevertheless have an assurance that the proposals announced yesterday by the National Advisory Board, as they affect Teesside, Newcastle and Sunderland polytechnics will be set aside after counter-proposals have been made to the Department, whether they are privatised or not?

Mr. Dunn: I congratulate the hon. Gentleman on the ingenuity of his supplementary question, but it has no relation to my hon. Friend's original question.

Mr. Stern: Does my hon. Friend agree that, in view of the Government's wholesale success in privatisation across Government Departments, the privatisation of existing schools should not be ruled out?

Mr. Dunn: I am certainly prepared to consider any schemes along the lines suggested by my hon. Friend, but I must point out that we are concerned about privatising educational services and that many of the least efficient local authorities are the least interested in increasing efficiency. That is why the Government propose to take this step.

Mr. Canavan: As education should be a right for all and not just a commodity to be bought and sold in the market place, may we have a categorical assurance that the Government will reject the crazy proposals of some of the Right-wing extremists in the Tory party and also, apparently, Mr. John Pardoe of the Liberal party, who want to take education out of the hands of elected local education authorities and contract it out to private agencies and private schools? That will be the surest way of creating the type of "yob society" to which the Minister of State referred during his speech last week.

Mr. Dunn: I feel that the hon. Gentleman is in danger of not understanding the debate about the future of the education service. His rather crazy and convoluted question does not deserve an answer from me.

Teachers' Dispute

6. **Mr. Chapman** asked the Secretary of State for Education and Science if he will make a statement about the situation in schools, following the declared end of the teachers' industrial action.

Sir Keith Joseph: Following the 1985 pay settlement and the opening of talks led by the ACAS appointed panel, many teachers have returned to full normal working, but I am sad to say that disruption has continued in many schools in England and Wales. Such disruption is even more indefensible now that talks covering pay, structure, duties and responsibilities are taking place.

Mr. Chapman: I welcome the belated agreement to the 1985 pay settlement at a level ahead of inflation. Does my right hon. Friend agree that any long-term solution must not only consider improved pay and promotion prospects for teachers, but must include an unequivocal definition of teachers' responsibilities and some sort of performance assessment? Does my right hon. Friend also agree that any disruption in the schools before these talks are concluded, or any attempt by any union to dismiss certain parts of what must be a total package; will be vigorously objected to not only by parents but by the public at large?

Sir Keith Joseph: I think that what my hon. Friend has formulated lies within the agreement reached by ACAS with the local education authorities and with at least five of the teacher unions. The National Union of Teachers, to a certain extent ambiguously, is associating itself with the talks.

Mr. Weetch: My question refers to the abiding situation in schools. Does the Secretary of State realise that one of the deplorable features in state schools is the increasing level of violence outside and inside the classroom against members of the teaching profession? Has the Secretary of State received a report from the NAS/UWT on the appalling level of violence against teachers in some parts of the country? Has he considered it, and if not, will he consider it carefully and consult local education authorities as to ways in which this deteriorating situation can be dealt with?

Sir Keith Joseph: Yes, I have received such a report. I share anxieties about it. I have to point out that although the subject has validity, the report represents a 3 per cent. response to an inquiry by the NAS/UWT of its members. Nevertheless, I do not doubt that violence takes place and

is enormously to be regretted. I take the view that a good head teacher makes a huge difference to a school. I shall certainly study the report and anything that might be done seriously.

Mr. Lord: Is my right hon. Friend aware that in some schools in my constituency of central Suffolk no homework is being set, some pupils have had only one school report in three years, and many pupils are now having to decide on their state examination options without their parents having had any consultations with the teachers who will be teaching them throughout that period? Does my right hon. Friend agree that the teachers concerned in this action must be well aware of the permanent damage that they are doing to the children and that they ought to be made to carry out at least those basic duties?

Sir Keith Joseph: I share entirely the reaction of my hon. Friend. I have time and again paid tribute to those teachers, including head teachers, who, despite every pressure, have not responded to the encouragement to disrupt given by some teachers' unions. I deplore the disruption that some teachers' unions have encouraged their members to take. It is entirely wrong that pupils should be penalised, and I agree with my hon. Friend. The employers — the local education authorities — must consider their reaction to the behaviour of such teachers.

Mr. Evans: Can the Secretary of State confirm that the sensible agreement reached between the Scottish Office and the Scottish teacher unions has made his task of trying to reach a sensible agreement with the English and Welsh teachers' unions almost impossible? Will he guarantee that no matter what ACAS recommends in its inquiry into the dispute, he will accept it?

Sir Keith Joseph: I cannot give that assurance to the House. The Government have said that they will seriously consider any recommendations that emerge from ACAS. The hon. Member must realise that the position in Scotland was not paralleled in England, where the ACAS initiative has broken the deadlock.

Mr. Key: One tragic side effect of the dispute is the loss of contact time out of school between the teaching profession and pupils. Is the Secretary of State satisfied that this is, therefore, a good time to deregulate Sunday trading, when that might lead to pupils having less time for school preparation? The teachers unions are extremely worried about that. Will he ensure that there is no unfortunate educational side-effect to this measure?

Sir Keith Joseph: I congratulate my hon Friend on introducing his views on Sunday trading into this question. I cannot accept that, whatever happens to Sunday trading, it will have the result that he fears.

Mr. Radice: Is the right hon. Gentleman aware, after four and a half years as Secretary of State, and after seven years of Conservative Government, that even Ministers acknowledge that our schools are in a crisis? As he is an honest man, will he accept that when the contenders for the succession so publicly and obviously submit their competing job applications, and when he has so clearly lost the confidence of parents, teachers and local authorities, the time has come for him to stand aside and allow someone else to clear up the mess?

Sir Keith Joseph: I welcome the hon. Gentleman's acknowledgement earlier that the Opposition agree with the Government that the new GCSE examination should be introduced. A by-product of the present tragic state of schools is the fact that all parties in the House acknowledge that higher standards in the state education service are greatly to be desired, for the benefit of children and the country as a whole. I hope that, out of that general recognition, much good can come from the present misery.

Mr. Fallon: Is my right hon. Friend not constantly amazed at his tolerance and patience? If the NUT now demands a veto on what its members will teach and when they will teach it, has not the time come to scrap the Burnham machinery and introduce legally enforceable contracts between teachers and employers?

Sir Keith Joseph: I need no persuasion that it may be sensible to abolish the Burnham machinery. I need to know what might suitably and appropriately take its place.

Schools (Midday Supervision)

7. **Mr. James Lamond** asked the Secretary of State for Education and Science whether he is satisfied with the arrangements of local education authorities in giving effect to section 2 of the Education (Amendment) Act 1986.

10. **Mr. Litherland** asked the Secretary of State for Education and Science if he is satisfied with the arrangements made by local education authorities for training supervisors for midday supervision as a result of section 2 of the Education (Amendment) Act 1986.

13. **Mr. Greenway** asked the Secretary of State for Education and Science if he will make a statement on lunchtime supervision in schools.

14. **Mr. Thurnham** asked the Secretary of State for Education and Science how many local authorities have not yet sought additional funding for lunchtime supervision for schoolchildren.

Mr. Chris Patten: Sixty five local education authorities in England have submitted bids or draft schemes in application for education support grant for midday supervision. Thirty two LEAs have yet to submit a scheme, although 26 of these have made informal inquiries of the Department. Forty nine LEAs have had their proposals approved. This represents satisfactory progress in the short time since the Education (Amendment) Act 1986 came into force. It is for LEAs to make their own arrangements for training supervisors.

Mr. Lamond: Does the Minister realise that the plain truth about the midday supervision scheme is that it is grossly underfunded, and was introduced without adequate consultation? It is causing great concern to parents throughout the country, including those in my constituency. Should he not grasp the nettle now and introduce a national plan, which would at least prevent an unmitigated disaster, even by the pathetic standards of his own lame duck Department?

Mr. Patten: I am delighted that the Oldham local education authority has submitted a scheme, which we have been able to approve, subject to certain inquiries on our part. That represents good progress. But I fear that if we had suggested a national plan we would have been accused of centralisation, and that really would not do.

Mr. Litherland: Does the Minister not agree that a national scheme would be more beneficial and would give

equal supervision to all children? If the scheme is left to local education authorities, what confidence can parents have that the supervisors will be adequately trained and will have the necessary experience?

Mr. Patten: This is an issue for local education authorities, and I hope that the hon. Gentleman's constituents will have every confidence in the scheme submitted by the Manchester local education authority.

Mr. Greenway: Is it not scandalous and dangerous that children should be locked up in schools during lunchtime? Is not the Act, and the way that it is working, to be welcomed? Is my hon. Friend aware that some head teachers are concerned that assistant teachers operating the scheme may earn more than they do, and that that is why they have some reservations? Will he look into that possibility and ensure that it does not arise?

Mr. Patten: I understand what my hon. Friend has said. We want to see that head teachers are paid properly for the responsibility that they carry. That would, of course, have been one of the consequences if the teachers associations had accepted the 12 September package.

Mr. Thurnham: What action can be taken in the case of those head teachers who are not co-operating in making the new arrangements work?

Mr. Patten: It is more a question of encouraging the remaining local education authorities to put in bids for schemes. I very much hope that all head teachers will help to make the arrangements work. I know how hard head teachers have had to work during the past year, and we greatly admire the way in which they have carried their burden.

Mr. Flannery: Why does the Minister not admit to something that no one knows about? Why does he not tell the House that the £40 million is not only not enough, but is taken out of the £1·25 billion being offered to the teachers, which is in itself inadequate? Ministers never tell people where the money is coming from.

Mr. Patten: As a matter of interest, both the public and the teachers, in particular, were told that on 5 August 1985.

Sir Kenneth Lewis: Is my hon. Friend aware that I and many teachers and parents are convinced that teachers make the best supervisors? They should be encouraged to pick up the extra money and to supervise school meals. The only thing stopping them is the NUT, in particular, and some of the other unions.

Mr. Patten: I do not think that only teachers can supervise at lunchtime, but some local education authorities are introducing schemes involving teachers. We have made it clear that teachers should carry out such duties on a contractual basis.

Mr. Andrew F. Bennett: Why did the Government not heed the Opposition's warning that there should be national standards for midday supervision and a basic training scheme? Does the Minister agree that he has now offended the National Association of Head Teachers as a result of his proposal? Have we not seen yet another example of the Government's determination to offend everyone involved in education, and to cause as much difficulty as possible?

Mr. Patten: No.

Mr. Couchman: Is my hon. Friend aware that both parents and governors are writing to us suggesting that some schemes put forward by local education authorities propose an inadequate level of supervision? Will he ensure that when he approves schemes he takes careful account of that so as to reassure parents and parent governors?

Mr. Patten: I can certainly give my hon. Friend that assurance.

9. **Mr. Dixon** asked the Secretary of State for Education and Science when he last met the National Association of Head Teachers to discuss the implementation of the Education (Amendment) Act 1986.

Mr. Chris Patten: My right hon. Friend met the NAHT on 3 January. I met the NAHT myself on 28 January. My right hon. Friend and I are always willing to discuss matters of common concern with the teacher unions, although no date has been set for a further ministerial meeting with the NAHT.

Mr. Dixon: Is the Minister aware that the National Association of Head Teachers, 16 counties and 24 metropolitan district counties, including my district council of South Tyneside, have suggested that there should be a national plan for midday supervision? Why does the hon. Gentleman not listen to them? How does he propose to ensure that children are properly and equally supervised?

Mr. Patten: That is the general view of local authorities. I am delighted that South Tyneside local education authority was one of the first to apply for help under the education support grant. We acted in the Education (Amendment) Act 1986 to deal with a long-standing grievance. I am surprised that the hon. Gentleman and others are criticising us for doing so.

Science Budget

11. **Mr. Soames** asked the Secretary of State for Education and Science what recent representations he has received on the size of the 1986-87 science budget.

The Parliamentary Under-Secretary of State for Education and Science (Mr. George Walden): My right hon. Friend has received 193 representations about the resources available for science. These representations relate generally to the Government's plans for science funding over a period of years rather than to the budget for a specific year. The Government's plans for the science budget will be reviewed during the annual public expenditure survey.

Mr. Soames: Is my hon. Friend aware of the very great concern felt in all parts of the House that if we are to compete with the Japanese and United States of America we must spend a great deal more money on civil research and not so much on military research? Does he agree that we should have a national policy, and will he take steps to move towards that?

Mr. Walden: There is a standing case for spending more on science, as there is in many other areas, but it is a question of priorities. It is a question of getting the money first and of making sure that that money is well spent. In that connection, I should like to pay tribute to the considerable efforts made by the research councils to rationalise the way in which money is spent. But it is not

just a question of the Government spending money; industry, too, should spend more on research and development. Pointing to the fact that British business spends less on research and development than any other Western economic competitor, and to the fact that our wage increases are higher by far than those of any other economic competitor, my right hon. Friend recently described that as "a suicide pact".

Mrs. Renée Short: Does the Minister accept that one of the major criticisms of his Department is that resources for teaching and research in science are not adequate? Is it not nonsense that in industrial areas we should be closing down science departments in polytechnics? What will he do about that? Does he not think that a Minister for Science should be appointed?

Mr. Walden: My right hon. Friend earlier described the so-called cuts in polytechnics as rubbish. I do not think I can do better than that. I am sure the hon. Lady knows that it would be wrong to lend her name to a campaign of alarmism about so-called cuts in polytechnics. *[Interruption.]* I am chairman of the relevant committee of the NAB, which has made no such recommendation for cuts; has my right hon. Friend. He will be considering in the normal way at the end of the year, in the first round, the amount of money available for expenditure in the public sector of higher education.

Sir Anthony Grant: Is my hon. Friend aware that in Cambridge at least there are definite signs of a brain drain, which could be resolved by the expenditure of a relatively small sum of money? Will he and his colleagues fight the Treasury on this much more vigorously in the future than in the past?

Mr. Walden: My hon. Friend makes a point to which we are devoting considerable attention. We are awaiting a report from the Royal Society on the brain drain. We also listen carefully to the representations from the "Save British Science Campaign", which includes many distinguished men and women.

General Certificate of Secondary Education

12. **Mr. Weetch** asked the Secretary of State for Education and Science what are his latest estimates of the cost of introducing the general certificate of secondary education examinations.

Mr. Chris Patten: The Department is contributing more than £9·5 million to the national programme of in-service training for the GCSE. We have also proposed devoting £20 million expenditure, supported by education support grant, to books and equipment for the GCSE. It is not possible to draw up precise estimates of local education authority expenditure, but the general criteria for the GCSE provide that syllabuses and methods of assessment should not make unreasonable demands on resources.

Mr. Weetch: I am grateful to the Minister for that answer. Is he aware that one of the issues on which confidence has been lost in the teaching profession and among parents is the utterly inadequate level of funding of the examination? How has the £20 million figure been reached? Are there any detailed costings which will be subject to public scrutiny? When will any of the money be made available to the examination groups?

Mr. Patten: The money will be made available during the next financial year—it should be available by the second half of the academic year. As for the assessment of how much money we should make available, we took account of what was already being provided through capitation and what we could afford on top of that.

PRIME MINISTER

Engagements

Q1. **Mr. McKelvey** asked the Prime Minister if she will list her official engagements for Tuesday 8 April.

The Prime Minister (Mrs. Margaret Thatcher): This morning I had meetings with ministerial colleagues and others, including one with the President of Kiribati. In addition to my duties in this House I shall be having further meetings later today. This evening I shall be presiding at a dinner for the President of the Republic of Korea.

Mr. McKelvey: Does the Prime Minister endorse the actions of "Rambo Ronny" who, at this very moment, is exploding a nuclear device in the Nevada desert? Does she agree that that is against the spirit of world peace? [HON. MEMBERS: "Reading".] If the Prime Minister is in favour of a comprehensive test ban treaty, will she say so? Will she—[HON. MEMBERS: "Reading".]—further assure the House that this test is not in any way connected with the present British Trident programme?

The Prime Minister: I have seen press reports on the prospective test. As a nuclear power, we understand the reasons for nuclear testing. It is not possible to have a comprehensive test ban treaty until methods of verification have cleary been worked out.

Mr. Robert Atkins: Has my right hon. Friend seen — [HON. MEMBERS: "Reading".] — a copy of this document, which I have in my hand, which purports to be guidelines for members of governing bodies in secondary schools and which seeks to destabilise, damage and destroy the relationship of head teachers with governors and children in schools? The document is circulating in the north-west of England. Will my right hon. Friend do what she can to publicise to head teachers, governing bodies and parents the nature of this insidious and seditious paper, which is put out by the extreme Left-wing of the Labour party?

The Prime Minister: I have seen today the report of that document in *The Times*. I agree with my hon. Friend. The document should be compulsory reading for everybody. It shows how the extreme Left really works.

Q2. **Mr. Willie W. Hamilton** asked the Prime Minister of she will list her official engagements for Tuesday 8 April.

The Prime Minister: I refer the hon. Gentleman to the reply that I gave some moments ago.

Mr. Hamilton: Has the Prime Minister ever known a time when the education system as a whole was in such a chaotic mess and when morale among all sections involved, whether parents, teachers, students or university lecturers, was so low? When will the Government understand that massively increased investment in this area would be the wisest possible decision that the nation could make now?

The Prime Minister: I hear what the hon. Gentleman says and, of course, disagree with most of it.

"I fear that those whose only answer to these problems is to call for more money will be disappointed . . . The challenge in education is to examine its priorities and to secure as high efficiency as possible by the skilful use of existing resources."

That is what the last Labour Prime Minister, the right hon. Member for Cardiff, South and Penarth (Mr. Callaghan), said in a speech at Ruskin college. I agree with him.

Mr. W. Benyon: In view of the recent appalling events in Protestant Loyalist Ulster, has not the time come when we should reconsider very carefully the expenditure of lives and money to keep Ulster within the United Kingdom?

The Prime Minister: I share my hon. Friend's view about the recent appalling events in Ulster, when the police have been attacked in a terrible way, which all of us should utterly condemn. I think that we must carry on with the Anglo-Irish accord and do our best to try to restore some peace and stability in the Province. We really must call upon all decent Unionists utterly to condemn this kind of activity and to do their best to see that no more of it occurs.

Mr. Kinnock: First, may I completely endorse the Prime Minister's last answer and express the hope that the message goes to all parts of the community of Northern Ireland so that they will comprehend the determination, jointly shared in this House, to see that the agreement is upheld in peace as a way to peace.

When our country's future depends so obviously and so heavily on technology and trade, where is the sense, the efficiency or the justice in making further cuts in polytechnic degree courses in civil engineering, the sciences and modern languages? Would that not be a desertion of the national interest? Would it not be a further action by a yob Government?

The Prime Minister: The number of places in polytechnics in 1986-87 will be 172,000, an increase of 43 per cent. over the number in 1979, which remained static under the Labour Government. As for trying to get more scientific courses in both universities and polytechnics, an extra £43 million has been made available by the Government to get the courses which industry requires. Industry has contributed another £24 million towards those courses. That augurs well for future co-operation between universities and polytechnics and industry.

Mr. Kinnock: If the position is as the Prime Minister describes, why is it that her own National Advisory Body and the Committee of Directors of Polytechnics say that they cannot make any further cuts without destroying the quality of provision in all the subjects that she mentioned? Will she heed the words of her own Green Paper last year on higher education, which acknowledged that if present trends continue we shall fall even further behind our competitors in engineering and technology?

The Prime Minister: I saw the right hon. Gentleman sitting in his place when I heard my hon. Friend the Member for Buckingham (Mr. Walden), the Parliamentary Under-Secretary of State for Education and Science, who is chairman of the National Advisory Body committee utterly repudiate that report. [HON. MEMBERS: "Not true."] He should know, because he is the chairman.

Mr. Kinnock: In that case, was the dispatch of a letter from the National Advisory Body committee to the directors of the polytechnics a mistake, or did it not take place, or is it another fantasy?

The Prime Minister: It was not a committee. It was a secretariat. The National Advisory Body will not submit formal recommendations about academic provision in particular polytechnics in 1987-88 until September. In the meantime, I repeat that this Government have an excellent record in the provision of science courses in polytechnics.

Mr. Baldry: Does my right hon. Friend agree that this House will not countenance intimidation from the Loyalist community in Northern Ireland, any more than it would countenance it from the IRA? Does she agree that it does not lie in the mouth of any person who attacks anyone who wears the Queen's cap badge to call himself a Loyalist?

The Prime Minister: I agree with my hon. Friend that terrorism and violence must be condemned equally, no matter from what quarter in Northern Ireland they come. I am sure that the police will uphold their duty totally impartially and will not be intimidated by terrorism.

Mr. Steel: Will the Prime Minister explain to the House how it is that, when Sunday trading was not in the Conservative manifesto at the last election, the Government are intending to introduce the Bill to this House next week on a three-line Whip? Should there not be some issues left to a conscientious free vote of the majority of Members of this House?

The Prime Minister: The right hon. Gentleman will remember that we have had the Auld committee report, that it made a full report on Sunday trading, that the Bill has been through the other place and that it will shortly be coming before the House. He knows that whipping is never decided until much nearer the time.

Sir Eldon Griffiths: Referring to Northern Ireland, does my right hon. Friend recall that long before Portadown, when we were debating the Northern Ireland agreement, I asked in the House for an assurance that, in the event of the police needing protection for their families, that protection should be provided? As Ministers promised it and it did not materialise until the petrol bombers struck, does my right hon. Friend not understand that that is why there is among the rank and file of the Royal Ulster Constabulary a great measure of dispiritment at the present time?

The Prime Minister: I understand what my hon. Friend is saying, and I know he will agree with me that we have great admiration for the RUC, for the totally impartial way in which it carries out its duties. My right hon. Friend will take every action he possibly can if any further action is required to see that the families of the RUC are protected.

Q3. **Mr. Sheerman** asked the Prime Minister if she will list her official engagements for Tuesday 8 April.

The Prime Minister: I refer the hon. Gentleman to the reply that I gave some moments ago.

Mr. Sheerman: Will the Prime Minister have time today to look at the chorus of criticism of her Government's educational policies? Her Government have been in power now for seven years, yet at this time her Ministers are publicly both confused and divided about the

educational policies of her party and her Government. When will she do something to put at rest the minds and hearts of parents and deal with the confusion and chaos that exist in our classrooms today?

The Prime Minister: This Government have committed substantial resources to education. Indeed, expenditure per pupil is up by 16 per cent. in real terms and pupil-teacher ratios are at their best-ever levels. So resources and increasing numbers of teachers have been provided. I agree with the hon. Gentleman that many of us are shocked at the action that some of the teachers have taken recently. It is not befitting any profession, let alone a profession which expects, and should expect and enjoy, a good deal of prestige.

Mr. Holt: Does my right hon. Friend agree with me that most of us woke up this morning to a marvellous fillip on hearing of the launching of HMS Coventry? Does she agree, further, that the management of Swan Hunter has shown that it is leading a marvellous shipyard in the north-east, and does this not augur well for the order for the new auxiliary oil replenishment vessel going to that region?

The Prime Minister: Strenuous and successful efforts were made to ensure that the frigate HMS Coventry was launched on time, and I congratulate all concerned. I have nothing further to report on the order which two shipyards are hoping will come to them. Further inquiries are being made to ensure that the figures about competition are fair, because that is vital to both shipyards.

Q5. **Mr. Stott** asked the Prime Minister if she will list her official engagements for Tuesday 8 April.

The Prime Minister: I refer the hon. Gentleman to the reply that I gave some moments ago.

Mr. Stott: The Prime Minister is no doubt aware that in a letter replying to my hon. Friend the Member for Durham, North (Mr. Radice) she admitted that reports by Her Majesty's inspectors of schools indicated that at least one third of local education authorities in this country were vitally short of textbooks for the education of our children. Is that not an appalling record for someone who has been the Prime Minister of Britain for the last seven years?

The Prime Minister: If the hon. Gentleman reads that report in full he will find that a good deal of the problem is due to bad management of the resources. He has heard about the tremendous extra resources that the Government have made available per pupil for education. Expenditure per pupil is up by 16 per cent. over and above inflation and pupil-teacher ratios are at their best-ever level. With increasing resources per pupil, and an increasing number of teachers compared with pupils, there is good reason to expect that, if those resources are properly managed, education will be at a high standard.

Viscount Cranbourne: Will my right hon. Friend take time today to tell the House whether, in her opinion, there would have been an Anglo-Irish agreement if there had not been an IRA terrorist campaign?

The Prime Minister: There is an Anglo-Irish accord, and it must be implemented. It is intended to bring peace and stability to Northern Ireland. Obviously that requires the goodwill and active co-operation of decent men and women on both sides of the community. As Burke said, all that is required for evil to triumph is that good men do nothing. Now is the time for good men on both sides of the community to make their views known.

Q6. **Mr. Redmond** asked the Prime Minister if she will list her official engagements for Tuesday 8 April.

The Prime Minister: I refer the hon. Gentleman to the reply that I gave some moments ago.

Mr. Redmond: What monetary price does the Prime Minister put on the pain and suffering of people who are waiting to go into hospital? Will the Government cut the waffle and put their money where their mouth is?

The Prime Minister: The number of nurses and doctors has increased considerably, the number of patients treated by the NHS has also considerably increased and the waiting lists have decreased. In 1979, when the Government were elected, expenditure on the NHS was £7·5 billion. This year it will be £17·5 billion.

Royal Ulster Constabulary

3.30 pm

Mr. Peter Archer (Warley, West) *(by private notice)* asked the Secretary of State for Northern Ireland if he will make a statement on the safety of members of the RUC and their families.

The Secretary of State for Northern Ireland (Mr. Tom King): In the last month there have been 138 attacks on off-duty members of the RUC and the RUC Reserve, and their homes and families. The vast majority have taken place in predominantly Protestant areas. The whole House will wish to join me in condemning utterly these cowardly and disgraceful attacks on the men and women of the RUC who have given such loyal and courageous service to defend the Province against terrorism and to uphold law and order.

The Chief Constable, with the full support of the Police Authority for Northern Ireland and of the Superintendents Association and the Police Federation, has put arrangements in hand to provide quick and effective assistance to police officers and their families who are subject to attack or other forms of intimidation. Extra patrols are being mounted in vulnerable areas, and steps have been taken to provide suitable alternative accommodation for those unfortunate enough to have to move from their homes. In addition, the police are making strenuous efforts to bring the people responsible for this criminal behaviour to justice, and a considerable number have already been charged with serious offences associated with it.

I welcome the fact that the Churches and the more responsible political leaders have condemned without any qualification these outrages.

I look to the whole community to join together to defeat these acts of terrorism against its own police force, and to give every possible support to bring those responsible to justice.

Mr. Archer: Will the Secretary of State accept that we on these Benches join him in extending our sympathy to those officers and their families who have suffered attacks?

In recognising that violence of this kind against police officers and their families is deplorable from whatever political sector it comes, does the Secretary of State agree that it is condemned by the large majority of right-thinking people in the Unionist tradition? Will he invite those Unionist politicians who have not dissociated themselves from these attacks to make clear where they stand? Does he agree that the violence appears to stem from elements who once identified law and order with support for a particular political position, who expected the police to administer the law in a discriminatory way, and whose belief in law and order evaporated when they discovered that they too were subject to the law?

Does the Secretary of State share the view that at least some of those people have been and are involved in unlawful attacks on isolated Catholics? Will he join us in commending the stand taken by the Chief Constable in difficult circumstances in distinguishing between the freedom to march and demonstrate peaceably, and triumphalist marches calculated to provoke a disturbance?

I have two specific questions. First, does the Secretary of State agree that those who warned that plastic bullets were an unpredictable and dangerous method of crowd control and that their use was counter-productive have been shown by the tragic injuries to Mr. Keith White to have given sensible advice?

Secondly, will the right hon. Gentleman consider, with the Home Secretary, the suggestion made from the Opposition Front Bench by my hon. Friend the Member for Hammersmith (Mr. Soley) during the debates earlier this year on the Public Order Bill that there should be a special scheme for quick and adequate compensation for policemen and others whose jobs involve a special risk of criminal injury and on whom we rely to form a front line in situations not of their own making?

Mr. King: I am grateful to the right hon. and learned Gentleman for his remarks. I immediately endorse one thing he said. I have no doubt that the overwhelming majority of people in the Province, regardless of their views about the Anglio-Irish agreement, are quite appalled by the attacks on the police. It is regrettable that some political leaders, some of whom sit in the House of Commons, have not yet felt able to condemn, without qualification, these attacks on the Royal Ulster Constabulary. One of the nastiest aspects of these attacks is that they are not just attacks on the police; there have also been nasty sectarian attacks that I know the House will deplore.

I have the greatest admiration for the Chief Constable, his senior officers and the RUC. Hon. Members may have heard that one such police officer who was attacked today, when asked in a radio interview this morning whether what had happened would undermine morale, said that it would only make the RUC stick together more closely as a family in their determination to stand against terrorism. They have stood together bravely for about 17 years and they will not stop now just because terrorism is coming from a different quarter. The whole House will respect them for that.

On the point made about plastic baton rounds, one understands the problems and difficulties involved, but at the same time the police face real problems when they are being stoned, as they were in Portadown. I am not prepared to see the police left quite defenceless against that sort of violence, although I very much regret injuries, even if they were caused to people who knew they were attending an illegal march, because that march had already been banned.

I would like to consider the point about compensation.

Sir John Biggs-Davison (Epping Forest): Must not all politicians on both sides of the water accept their responsibilities? Was it not forecast from these Benches that the result of the Anglo-Irish agreement would be to place this splendid force, whose families are also suffering so grievously now, between two fires? In the light of experience, will the Prime Minister seek to talk to the Taoiseach and, in view of the threat to the security of the whole of Ireland, seek an appropriate change of policy?

Mr. King: I very much hope that, in his remarks, my hon. Friend was in no way condoning the violence against the police. I am sure he would wish to be associated with any statement of condemnation of the fact that the RUC should be placed in that situation. Obviously, I recognise that many people in the Province, who have the strongest feelings about the Anglo-Irish agreement and who wish to argue about it, discuss it, and see how we can provide

alternative approaches, would not dream of indulging in violence of any kind. I trust that we will respect that approach and no approach that espouses violence.

Obviously, we are most anxious — and the Prime Minister has made this clear — to enter into talks with Unionist leaders. We have just received a letter from the right hon. Member for Lagan Valley (Mr. Molyneaux) and the hon. Member for Antrim, North (Rev. Ian Paisley) expressing concern, and we shall respond to it shortly. I hope that it will be possible to have sensible talks, because it is by talking and not by violence that these problems must be solved.

Mr. J. Enoch Powell (South Down): Does the right hon. Gentleman remember that he and the Prime Minister were told in advance of the disastrous consequences that would inevitably ensue if they went ahead and made this agreement? What shall be done to the evil counsellors to whom they listened instead?

Mr. King: I am well aware of the right hon. Gentleman's feelings about this agreement. I had hoped that he would feel able to include in his remarks his condemnation of the violence shown to the RUC. That violence is regrettable, and I hope that the right hon. Gentleman will feel able even now to say so, even if in another place, and to make that known.

Sir Eldon Griffiths (Bury St. Edmunds): Why did certain elected Unionist Members approve the use of plastic baton rounds when they were directed at Sinn Fein mobs but objected to them when they were used against Loyalist mobs? Will my right hon. Friend explain to the House and to the men and women of the RUC why protection, for which requests were specifically made and which was specifically promised, was not forthcoming until after the petrol bombers had struck? Will my right hon. Friend explain that the arrangements being made now could not have been made when they were promised?

Mr. King: The first point is not a matter for me. It is for the Unionist Members of Parliament, or whoever my hon. Friend has in mind, to respond to that point. I have noted the comments elsewhere on that matter.

On the second point, I think that my hon. Friend is referring to a reply in this debate by an Under-Secretary of State to the effect that, if resources and help were needed and requested, they would be given. That is precisely what we are doing at the request of the Chief Constable. I have set out clearly in my statement ways in which, as soon as the threat emerged, steps were taken to meet it. I hope that I shall have my hon. Friend's full support—he has a particular interest in this matter—in ensuring that these co-operative efforts work as effectively as possible.

Mr. Merlyn Rees (Morley and Leeds, South): Is the right hon. Gentleman aware that, like all his predecessors, he has every reason to praise the RUC for the way in which it has changed itself over the years from a Protestant force for a Protestant people, and I gladly do so?

In my view, the position is getting worse every day. The politicians do not count. Whatever the reason, the politicians dare not put their heads above the political parapet.

Will the right hon. Gentleman ask the Prime Minister —I offer this as a serious suggestion—to appear on the television and to talk to the people of Northern Ireland as Prime Minister and as leader of the Conservative and Unionist party? Will she explain to them that the people over there can take any view they like about the Anglo-Irish agreement—it is a political agreement—but that the RUC has become a British police force which is there for one reason—to uphold the laws on violence, which is what it is doing?

Mr. King: I have noted those comments, as has my right hon. Friend the Prime Minister, especially in view of the right hon. Gentleman's experience and his years of service in the Province. Obviously we take those points seriously.

During the terms of office of the right hon. Gentleman and of other right hon. Members who have shared the post which I now have the honour to hold, more than 200 members of the RUC have laid down their lives in defence of the Province and of Protestants and Catholics against terrorism. They are entitled to the support of everyone in the Province and in the United Kingdom. If, as the right hon. Gentleman said, the politicians do not count any more, it is perhaps because it has not yet been possible to get talks or discussions going. This is a political matter and it is essential that it is discussed by politicians and is not tackled by men of violence, as is happening at present. That is why it is so important that we have early discussions.

Mr. Ian Gow (Eastbourne): Is my right hon. Friend aware that those Conservative Members who support him and those who opposed the Anglo-Irish agreement join him in condemning totally attacks on members of the RUC? Is he aware that, but for the Anglo-Irish agreement, this afternoon's statement would not have been made?

Mr. King: I am grateful to my hon. Friend for his clear and unequivocal support of the condemnation of acts of violence. I hope that, in his last sentence, he did not imply that violence against the RUC could be justified. The RUC is seeking impartially to uphold the law and it is in the vital interests of every person in the Province that it should be able to continue to discharge that function. The community owes it to the RUC to give it support at this difficult time.

Mr. Stephen Ross (Isle of Wight): We would like to add our congratulations to the RUC. We recognise the courage which it is showing at this time. We also recognise the courage shown by the Secretary of State. We on these Benches much admire his responses and we hope that he will see the Anglo-Irish agreement through to its fulfilment because it is the only sane way forward in Northern Ireland.

Is protected accommodation being made available to members of the RUC who have not yet suffered any attacks? Can they move into such accommodation with their families if they so wish?

Mr. Tom King: I am grateful to the hon. Gentleman for his opening remarks. I would rather not go into detail on the question of the arrangements that are being made for the RUC. There is close co-operation between the Chief Constable and the Superintendents Association and the Police Federation in this respect. They will certainly receive the fullest support from my office, and from the other security forces with anything that can be done to help.

Mr. Michael McNair-Wilson (Newbury): Further to the events in Portadown, and in view of the fact that the marching season has now begun in the Province and this year is likely to be more contentious than usual, is my right hon. Friend satisfied that the RUC has sufficient forces to cope with the parades? Will my right hon. Friend give due consideration to the Chief Constable's suggestion for an independent public tribunal to look into the routes of the parades? I beg my right hon. Friend not to put the RUC in a position where it is alienated from the support of either the majority or the minority.

Mr. King: My hon. Friend will be aware that the march which took place in Portadown was a non-traditional march. He will recall that last year, even before the Anglo-Irish agreement, violence had unfortunately taken place at Portadown when there was an attempt to re-route the march. When my hon. Friend makes such comments, I hope he will recognise the responsibility on others who wish to carry out the traditional and respected rights of marching and that they should not seek to do it deliberately in the most provocative and aggressive way through nationalist areas.

That has been part of the problem which has obviously concerned people in the past. I am very anxious that the marching season should be conducted without the strains that my hon. Friend has mentioned. Obviously responsibility falls on others to seek to arrange their business in the most appropriate way.

Mr. Roy Mason (Barnsley, Central): Is the Secretary of State aware that much of this violence must weigh heavily on the shoulders of the Unionist leaders, especially when hard-liners from their own ranks are turning against their own people? Is the Secretary of State further aware that firm leadership should now be given to stop this mass intimidation of the RUC and their families? It is about time that the Unionist leaders spoke out alongside the Secretary of State and his Ministers.

Mr. King: I am grateful to the right hon. Gentleman. He is held in respect for the firm leadership he has given on previous occasions. We shall give the RUC our fullest support. I certainly hope that the message which he has just delivered will be heard by others and that they recognise their clear responsibility.

Mr. Ivor Stanbrook (Orpington): Every responsible person, including every Member of this House, condemns violence, so do not let us waste any more time on that. When the Government decided to sign the Anglo-Irish agreement, was any assessment made of the scale and violence of the likely reaction among the majority population of Northern Ireland? If so, is my right hon. Friend really surprised at what has happened? If not, why not?

Mr. King: I am sure that my hon. Friend does not seek in any way to imply that violence can be justified. I hope that I will get his support about the need for discussions to take place. I understand his views on these difficult issues and I have made my own position absolutely clear in the past and my concern about the strength of the reaction. I hope that we can have talks, because that is the way to find a sensible and law-abiding way of resolving these difficulties.

Mr. John Hume (Foyle): Does the Secretary of State agree that the policemen in Northern Ireland who so clearly and in such difficult circumstances impartially upheld the rule of law in Northern Ireland last week deserve not just the support but the appreciation of the entire Northern Ireland community, but that those Loyalist Members who consistently come here to lecture the rest of us on law and order now stand exposed as to what they mean by law and order—they mean their law and their order?

Does the Secretary of State further agree that some hon. Members — I use the adjective "honourable" only because I am supposed to use it — are engaged in organising and encouraging the violence against the police in Northern Ireland in an outright campaign against the democratic process in order to create an atmosphere of fear in Northern Ireland so that decent people will not speak against it?

Finally, does the Secretary of State agree that the right hon. Member for South Down (Mr. Powell) has presented himself for most of this century in the House as the upholder of the sovereignty of Parliament but that he abandoned that today, abjectly, and in so doing abandoned the rule of law?

Mr. King: Some hon. Members and some Unionist Members have stood up bravely and have unequivocally condemned the violence against the RUC, not without some risk to themselves, and I hope that the House respects them for that, but others have not felt able to do so. I note the hon. Gentleman's further comments about those who may be involved in organising or abetting. I shall not comment on that today, but the House will have noted the Chief Constable's remarks.

Mr. Henry Bellingham (Norfolk, North-West): Does my right hon. Friend agree that those who currently advocate an increase in the number of troops in Northern Ireland should listen carefully to the views of the Chief Constable who has made it clear that more troops should not be moved there at the moment?

Mr. King: The House will have noted the Chief Constable's comments, and I know that hon. Members will recognise, as did the right hon. Member for Barnsley, Central (Mr. Mason), the professionalism, competence and all-round ability of the RUC. It is an impressive police force. There is a real determination on the part of the Chief Constable and throughout the RUC to meet the challenge to prove that they can command and deal with this serious situation. Having said that, I make it clear that should additional resources be needed we would obviously seek to meet that, but, as my hon. Friend makes clear, that is not the Chief Constable's request at this time.

Mr. Tam Dalyell (Linlithgow): What is the Secretary of State's reflection on the important question asked by the hon. Member for Dorset, South (Viscount Cranborne) of the Prime Minister, but unanswered by her, that, if it had not been for the activities of the IRA, would there have been an Anglo-Irish agreement at all?

Mr. King: I think that the hon. Gentleman took part in our debates on the Anglo-Irish agreement in which that point was discussed, along with the problems that have been posed in Northern Ireland over the years and the attempts to find a way to break the stalemate and to establish a form of local administration, or whatever word one uses for it, which could command widespread

acceptance. The way in which the particular characteristics of Northern Ireland could be recognised in an effective form has defied solution, and the agreement was an attempt to break that stalemate in the interests of all the people in the Province, not in response to the problems of terrorism.

Mr. Barry Porter (Wirral, South): Will my right hon. Friend accept from me, as one of those who voted against the Anglo-Irish agreement, and, indeed, as somebody who has frequently spoken in the House in defence of loyalism, in the proper sense of that word, that I recognise, accept and applaud the views expressed by my right hon. Friend the Prime Minister and my right hon. Friend about the recent violence, but will he also accept that the patience of those of us who have supported and who will continue to support the Union is wearing thin and that, unless and until the leaders of the Unionist parties decide and express the view that the Union and the rule of law is utmost, the rule of the paramilitaries should be dismissed immediately by them?

Mr. King: I am grateful to my hon. Friend for his remarks. My own views on the value and merit of the Union are clearly on the record, and I am determined to see that the Union is not put at risk. The tragedy is that those who shout loudest against the agreement and in any way associate themselves with the current forms of behaviour are those who represent a real risk to the Union.

Mr. Robert Maclennan (Caithness and Sutherland): Does the Secretary of State agree that those politicians in the Province who seek to present the RUC as supporting a political settlement with which they are in disagreement are uttering a calumny upon the RUC whose sole role is to uphold the rule of law?

Mr. King: That is exactly the position. It is overwhelmingly in the interests of all the people in the Province to realise the need to respect the impartiality of the RUC in enforcing the law, whatever it may be.

Mr. Hugh Dykes (Harrow, East): At this testing time for the Government, will my right hon. Friend bear it in mind that he has the support of virtually the whole House? Is he not shocked that today one or two prominent politicians here have not unequivocally condemned the violence? Far from acceding to the ideas of the right hon. Member for Morley and Leeds, South (Mr. Rees)—in respect to the inference of his question, not of its substance—is it not the duty of Protestant politicians in Northern Ireland not to abdicate, as the right hon. Gentleman suggested, but to get out there, condemn the violence and support the Government's policy? In due course, after passing through this testing time, they will then have the courage of my right hon. Friend the Secretary of State — perhaps even including, dare we guess it, that Jacques Soustelle, the right hon. Member for South Down (Mr. Powell).

Mr. King: The community in Northern Ireland at this time desperately needs leadership from every person in any position of responsibility. Everyone has that duty to lead. This is a dangerous and uncertain time; I make no secret of that. I will do what I can, and I feel entitled to look to every responsible person in the Province to play his part, too.

Several Hon. Members *rose*——

Mr. Speaker: Order. We have a heavy day before us. We must move on.

Questions to Ministers

Mr. Giles Radice (Durham, North): On a point of order, Mr. Speaker. In view of the confusion arising out of the Prime Minister's answer to a question by my right hon. Friend the Member for Islwyn (Mr. Kinnock) about the status of the advice sent out last week by the National Advisory Body to directors of polytechnics and colleges, and in view of the anxiety of the 9,000 well qualified young people who may be deprived of places in polytechnics and colleges in 1987-88, would it now be possible for the Secretary of State to answer question No. 15 on the Order Paper, which requests a statement on the National Advisory Board's 1987-88 planning exercise?

Mr. Speaker: I am sorry, but that will not be possible. We have passed beyond that point. I am sorry that that particular question was not reached, but we had a fairly long run on the matter.

Mr. Radice: Further to that point of order, Mr. Speaker. Of course I accept your ruling, but my hon. Friends and I will press for the Government to make an early statement on the matter.

Mr. Stuart Bell (Middlesbrough): Further to that point of order, Mr. Speaker, and in response to the question that the Prime Minister answered, may I refer to the answer by the Parliamentary Under-Secretary of State for Education? I suggest that the Parliamentary Under-Secretary of State unwittingly misled the House by stating that the Government had no responsibility either for the National Advisory Board or for the proposals sent yesterday to every college of further and higher education. That letter stated that there was a 7 per cent. cutback in students——

Mr. Speaker: Order. That sounds like an extension of Question Time. It is not a matter for me. I cannot be responsible for answers from the Government Front Bench.

Mr Bell: I respect what you say, Mr. Speaker, and I shall bring my point of order to the point. There is a constitutional relationship between what was said by the Parliamentary Under-Secretary of State and the position of the Government. As I have indicated that the hon. Gentleman misled the House, would it not be appropriate for him to make an early statement rectifying that misleading statement?

Mr. Speaker: Order. I do not know whether the Parliamentary Under-Secretary of State did so, unwittingly or not, but I am sure that he will have heard those comments.

Entry Refusals (Rights of Members)

Mr. Max Madden (Bradford, West): I wish to raise a point of order of which I have given you notice, Mr. Speaker. It concerns the rights of hon. Members in connection with immigration matters, and I think that it is a matter directly for you.

Last Friday morning at 10 minutes past nine o'clock a visitor to this country was refused entry. A message was left with a relative of the sponsor, who is a constituent of mine. I was asked for my help at 10 o'clock. I immediately phoned the Home Office which made inquiries and rang back a few minutes later to tell me that it was impossible to accede to my request to stop the visitor's removal or for me to make representations on his behalf as he was already on a flight taking him to Pakistan. You will remember, Mr. Speaker, that immediately before the Easter recess we received assurances from the Home Secretary that every effort would be made to ensure that the guidelines concerning the rights of Members of Parliament in immigration matters would be exercised reasonably and flexibly to allow us an opportunity to exercise those rights. If the immigration authorities act as they did last Friday —which an official at the Home Office has described as "undue haste"—the immigration authorities will not be limiting the rights of hon. Members but removing them altogether.

Therefore, Mr. Speaker, I ask you to inquire urgently into the circumstances of this case and ask the immigration authorities and the Home Office to ensure that the period of time between refusing a visitor entry into this country and the removal of the visitor from this country is sufficient for our constituents to ask for our help and sufficient to enable us to give the help they are entitled to receive, but on this occasion were denied.

Mr. Speaker: I have allowed the hon. Gentleman to make his point, but it is not a matter for me. The operation of the immigration regulations is not a matter for the Chair.

Several Hon. Members *rose*——

Mr. Speaker: Order. The regulations are not a matter for the Chair.

Mr. Dennis Skinner (Bolsover): On a point of order, Mr. Speaker. You will have noticed that during Question Time several matters were covered but, unfortunately, not the one to which I shall refer. During the recess there was mention of the alleged conspiracy of Gerry Gable, the editor of Searchlight, in which a Tory Member of Parliament was involved. Many of us had thought, quite properly, that during Question Time someone would have got round to raising that matter. In fact, my hon. Friend the Member for Battersea (Mr. Dubs) was only too anxious to catch your eye——

Mr. Speaker: Order. No hon. Member got round to that.

Mr. Skinner: I have an answer for it.

Mr. Speaker: The hon. Gentleman probably has, but I cannot see that in any conceivable way it is a matter for me.

Mr. Skinner: I raise the point of order with you, Mr. Speaker, because it borders on the question of privilege of Members of Parliament. If there is the faintest possibility

that the Prime Minister could be induced to answer questions on this matter later, we might get round to that question.

Mr. Speaker: Order. The hon. Gentleman should try his luck on Thursday.

Mr. Madden: Further to my point of order, Mr. Speaker.

Mr. Speaker: I have nothing to add to what I have already told the hon. Gentleman. I allowed the hon. Gentleman to make his point, but it clearly was not a matter for me.

Mr. Madden: May I ask you to reflect, Mr. Speaker, on the fact that it is pointless and futile for us to have guidelines, which were debated in the House before Easter, giving hon. Members clear rights in immigration matters if those rights are to be obliterated by the immigration authorities? I believe that it is directly your responsibility.

Mr. Speaker: Order. It is certainly not my responsibility. It is the responsibility of the Government Department concerned. The hon. Gentleman must raise the matter with that Department.

Tin Mining (Cornwall)

4.4 pm

Mr. David Harris (St. Ives): I beg to ask leave to move the Adjournment of the House, under Standing Order No. 10, for the purpose of discussing a specific and important matter that should have urgent consideration, namely,

"the tin crisis in Cornwall, particularly the suspension of mining at Geevor".

I hope that I and my colleagues from Cornwall, particularly the hon. Member for Truro (Mr. Penhaligon) and my hon. Friend the Member for Falmouth and Camborne (Mr. Mudd), have said sufficient over the past weeks and months to convince you, Mr. Speaker, and the House of the specific nature of the crisis facing Cornwall and of the importance of that crisis for the county and for those who work in its tin mining industry.

I am afraid that during the recess the importance, seriousness and urgency of the matter has intensified dramatically, particularly a week ago when, unfortunately, Geevor mine in my constituency was forced to give notice to some 270 of its employees that they would be laid off at the end of last week.

It must have been one of the saddest days in the history of Cornwall when that took effect last Friday. It certainly had a tremendous impact on the whole of the county and, dare I suggest, even beyond the boundaries of the county, when the final shift came up from Geevor mine last Friday. The miners did not know whether they would ever return to the mine. Of course, whether they will return depends, in large measure, on the response to a submission today from the management of Geevor mine to the Government.

Here, I pay tribute to my hon. Friend the Minister of State, Department of Trade and Industry, who is in the House today, who was very good over the holiday weekend to take repeated telephone calls from me and listen to the urgent pleas I was making. However, the Government will now have to decide the fate of the mine and the fate of the tin industry in Cornwall.

In urging you, Mr. Speaker, to consider this matter as one of supreme urgency, I shall quote from the report of the Select Committee on Trade and Industry, which was published just as the House was going into recess before Easter. On the whole tin crisis the Committee said that if the Government

"waits for the tin price to settle before taking action, there will be no tin industry left in Cornwall".

The concluding paragraph of the report said:

"It is of supreme importance that the Government should begin negotiations with the industry on the possible types and amounts of aid and conclude them without delay. We believe that the Cornish tin industry is worth saving."

That is what the Select Committee said and that sentiment is echoed by everyone in the county of Cornwall and by many beyond it.

I urge you, Mr. Speaker, to consider giving leave to move for an emergency debate so that the House may discuss, without delay, the seriousness of the situation and particularly the plight of the miners.

Mr. Speaker: The hon. Member for St. Ives (Mr. Harris) asks leave to move the Adjournment of the House for the purpose of discussing a specific and important matter that he thinks should have urgent consideration, namely,

"the crisis in the Cornish tin industry following the suspension of mining at Geevor and the lay-off of 270 miners."

[Mr. Speaker]

I fully understand the concern that the hon. Gentleman has expressed, but I regret that I do not consider that the matter he has raised is appropriate for discussion under Standing Order No. 10. I cannot, therefore, submit his application to the House. I hope that the hon. Gentleman will find other ways of raising the matter.

Anglo-Hungarian Conductive Education Project

4.8 pm

Mr. Dave Nellist (Coventry, South-East): I beg to ask leave to move the Adjournment of the House, under Standing Order No. 10, for the purpose of discussing a specific matter of public importance that should have urgent consideration, namely,

"Government financial assistance for the Anglo-Hungarian conductive education project."

—*[Interruption.]* I am sure that Tory Members will find it even more amusing when they find out what the project is.

The matter is urgent and could not have been raised in Parliament before today because the extraordinary and moving documentary entitled "Standing up for Joe" was transmitted by the BBC only last Tuesday, 1 April. The hour-long film showed children with some of the severest physical handicaps — we shall have some more Tory laughter now — which led to extreme problems in controlling their body movements. In this country such children would receive care and compassionate treatment, but would be unlikely to make the breakthroughs shown in that film. The film showed children in Hungary who were wheelchair-bound at the beginning of their treatment at the Budapest clinic, and then showed them ice skating after two or three years of conductive education.

The matter is important because thousands of families watched that programme and within a couple of days of transmission the 1,000 information leaflets prepared for distribution had been used up. Those families were amazed at the improvement that conductive education could bring, because they had always thought that such improvements were beyond the capability of their children.

The tragedy is that the few dozen places available at the Petö clinic in Budapest for children from overseas, including those from my constituency in Coventry, presently receiving or hoping to receive treatment will be vastly oversubscribed as a result of the revelations of that documentary. The position will be exacerbated by agreements and visits agreed between the Hungarian institute, Japan and America, which will stretch the facilities beyond the reach of families in this country.

That brings me to the urgency of my request for a debate. This morning I learnt from the British Council that on 21 March the Government signed a cultural agreement with the Hungarian Government. It states:

"Both sides will encourage the conclusion of an agreement on co-operation between Birmingham University and the Teacher Training and Education Institute for the Motor Disabled."

That paragraph refers to a project to start in Birmingham a teacher training centre to bring the full benefits of conductive education to children and families in Britain — benefits which the Paymaster General and Minister for Employment saw on his visit in late 1984 and which, despite his encouraging words, have received no concrete or specific financial support from the Government. That project can begin in September only if, in the next few days, the Government find £250,000 to assist its establishment.

That sum, which is minute compared with other expenditure which the Government consider worth while, could be added to the £200,000 already promised by

Birmingham city council, the £200,000 given by Dr. Barnardo's and the £75,000 given by the Parkinson's Disease Society. The Parliamentary Under-Secretary of State for Education and Science, who is in the Chamber, said on 29 October 1985 that no funds were available from the Government. It could be done on a pound-for-pound basis, as the Government offered in 1981 in a press release entitled

"£1 for £1 to help mentally handicapped children"

to assist the charities which have already raised £500,000.

The project could bring enormous and extraordinary benefits of conductive education to Britain and to the tens of thousands of families affected here. It is impossible in this short debate——

Mr. Speaker: Order. The hon. Gentleman has had four minutes. Will he bring his remarks to a close?

Mr. Nellist: It is impossible in such a short application to convey the full impact—*[Interruption.]*

Mr. Speaker: Order. The hon. Gentleman asks leave to move the Adjournment of the House for the purpose of discussing a specific and important matter that he believes should have urgent consideration, namely,

"the Government's financial assistance for the Anglo-Hungarian conductive educational project."

Mr. Nellist *rose——*

Mr. Speaker: Order. I am on my feet. The hon. Gentleman knows that the rule is that three minutes are allowed for applications under Standing Order No. 10. I told the hon. Gentleman that he had already had four minutes, and I must now deal with the matter.

I listened with great care to what the hon. Gentleman said, and I hope that he will have further opportunities to raise this matter, but I regret that I do not consider that it is appropriate for discussion under Standing Order No. 10 and I cannot, therefore, submit his application to the House.

Mr. Nellist: On a point of order, Mr. Speaker. Could you or the Clerks tell me how much time the hon. Member for St. Ives (Mr. Harris) had to make his application? I was about 40 seconds away from finishing my application. This is the first time that I have seen you stop an hon. Member during his concluding remarks in an important application under Standing Order No. 10.

Mr. Speaker: This is the first occasion on which the time allowed has been exceeded. The hon. Member for St. Ives (Mr. Harris) spoke for just more than three minutes. I indicated to him that his time was up and he sat down. I warned the hon. Gentleman that he had spoken for four minutes. This is a rule of the House, not my rule.

Airports Bill

4.14 pm

Mr. Alfred Morris (Manchester, Wythenshawe): On a point of order, Mr. Speaker. I shall be grateful for your guidance in relation to the Airports Bill. On the basis of advice from parliamentary counsel I submit that, in view of events during the Easter recess, there is a strong argument for holding that the Bill is hybrid and that, in accordance with the Standing Orders, it should be referred to the Examiners.

Manchester Airport plc is a company which commenced trading on 1 April. It has been set up to control the operation, development and management of Manchester airport. In law, the company is now an entirely independent trading company. It functions independently of the district councils and of local authority financial controls. As a result, Manchester Airport plc, unlike other airports affected by the Bill, can now raise money on the market in the normal way.

Clause 20 of the Airports Bill would apply to public airport companies the expenditure controls in the Local Government, Planning and Land Act 1980. That clause applies to advances and share issues made in respect of public airport companies which, as defined in clause 15(1) of the Airports Bill, includes airport companies whether or not formed under the powers proposed in the Bill. It appears, therefore, that, for the purposes of the Bill, Manchester Airport plc will be a public airport company. As a result it will become subject to local authority expenditure controls.

It is on that basis that I suggest that the Bill is now hybrid. As I understand the position, the effect of earlier decisions as to hybridity has always been that persons or bodies who were on equal terms before the passing of the Bill maintain an equality thereafter.

I have drawn your attention in a letter, Mr. Speaker, to precedents which have some relevance to this case—in particular, the Local Dues on Shipping Bill in 1856 and the Union of Benefices Bill in 1873—and will not detain the House about them this afternoon.

The true effect of the Airports Bill is that, if it is passed, other local authorities will be required to form public airport companies which will be under the same financial control as today while, by contrast, the Manchester company which now trades subject only to the constraints of company law will for the first time be subject to controls. The Bill will accordingly alter the status quo as between the Greater Manchester districts and other local authorities.

Finally, I must refer to the definition of hybridity by Mr. Speaker Hylton-Foster in connection with the London Government Bill in 1963. He defined a hybrid Bill as:

"a public Bill which affects a particular private interest in a manner different from the private interest of other persons or bodies of the same category or class."

It is widely felt that, on that definition alone, the Airports Bill is now hybrid. I do, of course, appreciate that the present case appears to be unprecedented and by definition, therefore, no previous ruling on hybridity may directly apply. That being so, I know that it may thus be difficult for you, Mr. Speaker, to rule on my point of order today.

Mr. Speaker: I thank the right hon. Gentleman for raising the matter, for sending me a letter, and for what he said on the point of order. I shall, of course, look carefully into the matter and rule on it tomorrow.

SCOTTISH AFFAIRS

Ordered,

That the matter of the development of the proposals for Scotland in the Green Paper on "Paying for Local Government", being a matter relating exclusively to Scotland, be referred to the Scottish Grand Committee for its consideration.—*[Mr. Archie Hamilton.]*

STATUTORY INSTRUMENTS, &c.

Ordered,

That the Metropolitan Roads Trunking Order 1986 (S.I., 1986, No. 153) be referred to a Standing Committee on Statutory Instruments, &c.—*[Mr. Archie Hamilton.]*

Right to Interest

4.17 pm

Mr. Richard Ottaway (Nottingham, North): I beg to move,

That leave be given to bring in a Bill to establish a legally enforceable right to interest on late payment of debts.

I repeatedly hear cries from Nottingham business men who say, "We have never had a better year for turnover, but we are still in danger of going broke," or, "If all our bills were paid, we would be millionaires, but we cannot recover the sums due." How many times have we heard those cries in industry today, especially in the smaller companies where cash flow represents one of the biggest problems? In a recent survey carried out by the Nottinghamshire chamber of commerce, firms were asked to name four factors which most limited their business prospects. After interest rates, the second on their list was cash flow.

Getting paid has always been a problem, but as money has got tighter in recent years it has become harder still. Any company which has survived the recession is reporting increased orders and a new wave of confidence, but the problems of getting paid are becoming worse. Long delays in payment are being experienced and the worst offenders seem to be large companies, which are making large sums from their capital reserves and which, because of their industrial muscle, can delay payment to smaller companies, which rely upon them for their business.

A classic example is a photographer who complained about advertising agencies for which he worked and which use excuses such as, "There is no sign of the invoice", or, "We cannot get at that invoice until the end of the month because it is in the computer." When it was in the filing cabinet, they got it within minutes. Loth as I am to tell tales against my party's advertising agency, I must say that he complained that, in his view, the main offender was the advertising agency Saatchi and Saatchi which, at the very earliest, only paid him some four months after the job.

The proposal enshrined in the Bill is that, no matter how long it takes to get paid, the party who has been out of pocket will be entitled to sue for interest. Incredibly there is at present no right to sue for interest on the late payment of a debt. A person can sue for interest if he commences proceedings before he is paid, but that means that the only way to be sure of receiving interest is to issue a writ with every invoice. That is hardly likely to lubricate the wheels of industry.

The Bill would give anyone a legally enforceable right to interest. That means that the right would not be confined just to business men but would apply to anyone who is owed money by, say, a Government Department. However, I am pleased to report that Government Departments and local authorities are, by and large, quite prompt about paying their debts. Critics of the proposal may suggest that it would be hard to define when the right to interest arose—a certain amount of leeway must be given to make a payment. I quite agree, and the proposal is that the right to interest arises 30 days after notice has been given of the intention to enforce the right. Enforcing the right would be easy, utilising the facilities of the county court, which has a jurisdiction of up to £5,000.

It may be said against the Bill that it is impinging upon a relationship between two contracting parties who could make a contractual relationship for interest if they so

wished. As someone who is most concerned about individual rights, and about the rights of the individual rather than the collective, that is a criticism which I have considered carefully and rejected. The object of the Bill is to protect the small man against oppression from the large company. It is interesting to note that in a CBI survey only 19 per cent. said that they included a provision for interest in their contractual terms.

Why has there not been such a right to date? As long ago as 1978, the Law Commission, in its report on interest, concluded that the existing law did not provide adequate means of redress for the creditor who is kept out of his money by his debtor, and recommended that

"the introduction of statutory interest is appropriate and necessary".

We are very much the odd man out in Europe. Only Ireland and the United Kingdom, with the exception of Scotland, do not have laws entitling creditors to interest on the withholding of a debt. In certain instances even Scottish law provides a right. There is even a precedent in English law in that the little used Uniform Laws on International Sales Act 1967 gives an entitlement to interest where the buyer delays payment in breach of contract. But that is not a general right.

It has been argued that a voluntary code is sufficient, but, although I would welcome a voluntary code, I cannot accept that it alone would be sufficient. Payment of interest, on a voluntary basis, has not worked during the past few hundred years, and I see no reason why it should work now. It is vital to put some statutory teeth into combating this problem.

It is said that industry does not want the measure, but that simply is not true. Since starting my campaign to introduce a right of interest I have received substantial support. I have the support of the Nottinghamshire chamber of commerce, the Institute of Directors and the small firms council of the CBI. The full council of the CBI is actively considering the proposal and I hope that it will shortly be giving its support to it. The CBI recently carried out a survey on the late payment of trade debt among small firms. Among the questions asked was

"If there was a right to interest do you think you would ever use it?"

Of those asked, 44 per cent. said yes, which included a yes answer from 67 per cent. of the construction industry. But more interesting still is the fact that when asked

"If you were automatically entitled, by law, to interest on any debts paid late, do you think your customers would pay more promptly?"

a staggering 85 per cent. answered yes.

To me, that shows that the mere existence of a right to interest would result in the faster payment of bills without the need to refer to the courts. That must be an utterly desirable objective, and I commend the Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. Richard Ottaway, Mr. Patrick Nicholls, Mr. Andrew Rowe, Mr. Michael Grylls, Mr. Michael Fallon, Mr. Michael Forsyth and Mr. Michael Knowles.

RIGHT TO INTEREST

Mr. Richard Ottaway accordingly presented a Bill to establish a legally enforceable right to interest on late payment of debts: And the same was read the First time; and ordered to be read a Second time upon 9 May and to be printed. [Bill 127.]

Orders of the Day

Dockyard Services Bill

As amended (in the Standing Committee), considered.

4.25 pm

Mr. D. N. Campbell-Savours (Workington): On a point of order, Mr. Speaker. You may recall that before the Easter recess I raised a point of order about the Bill being read today, prior to the Public Accounts Committee being able to produce its report on the control of dockyards, their operation and manpower. On Monday 10 March 1986, the PAC took evidence in relation to such matters, and in both public and private sessions matters were raised—certainly in private session—that would affect the tabling of amendments and their potential selection.

Is it not unreasonable of the Government to insist on the Report stage and Third Reading of the Bill today in the knowledge that the PAC report has not been published? Does that not represent an interference with our proceedings, and is there not an argument for suggesting that proceedings on the Bill should be suspended pending the report's publication, so as to ensure the widest and most informed debate possible?

Mr. Speaker: The hon. Gentleman knows that I am not responsible for Bills that are brought forward by the Government. I had no difficulty in selecting amendments which were submitted and which appear on the Amendment Paper.

Mr. Martin J. O'Neill (Clackmannan): Further to that point of order, Mr. Speaker. On 11 February Standing Committee D discussed the Bill and the Minister of State said:

"We have made it clear that a draft of the contract with the private contractor will be made available to the House. Many of the draft contract conditions, the 73 annexes for example, will be set out in the invitation to tender documents, of which we will make as much as possible available." — [*Official Report, Standing Committee D*, 11 February 1986; c. 489.]

The documents were placed in the Library at 3 pm today. They are extensive, and it could be suggested that the three and a half hours that it took for them to be delivered from the Ministry of Defence was due to the fact that the clerk could not carry them more quickly. The information would have been extremely helpful to those participating in the debate. Although the Minister has been as good as his word, he has not carried out the spirit of his remarks. Will you consider that point, Mr. Speaker?

Dr. David Owen (Plymouth, Devonport): Further to that point of order, Mr. Speaker. I have just been to the Library and have examined the documents. As has been said, they are compendious. There are three volumes, which are seven or eight inches thick. There is also an extraordinarily interesting document which is relevant to this debate. I refer to the report of Fuller Peiser, on the scheduling and valuation of assets; the stage one report on Devonport dockyard, and volume two.

We are dealing with this whole question today. Are you prepared, Mr. Speaker, to urge the Government to postpone the Report stage and Third Reading? It is intolerable that we should suddenly receive such

[Dr. David Owen]

information at this late hour. Will you do your best to change the business of the House to allow these important documents to be studied and examined?

Mr. Speaker: Those are matters for the Leader of the House. I think that we must now proceed.

New Clause 1

REPORT ON COSTS AND SAVINGS ARISING FROM PROVISION OF DOCKYARD SERVICES

'The Secretary of State shall set out and itemise in a report to be laid before each House of Parliament all the costs and savings in excess of £100 incurred by and owing to the Exchequer from any arrangements made in consequence thereof for the provision of designated dockyard services by any company or companies'.—*[Mr. Denzil Davies.]*

Brought up, and read the First Time.

Mr. Denzil Davies (Llanelli): I beg to move, That the clause be read a Second time.

My hon. Friend the Member for Workington (Mr. Campbell-Savours) raised an important point of order and rightly said that the Bill's Third Reading should not be debated until we have received the report of the Public Accounts Committee, which inquired into costs. We quite understand why the Government are concerned not to have to say too much about the costs and possible savings that will result from the Bill.

4.30 pm

In the 24th sitting of Standing Committee D on 13 March the Under-Secretary made an extraordinary statement which is germane to the point of order raised by my hon. Friend the Member for Workington:

"The Government's plans are about more than profit and loss. I shall not follow the right hon. Member for Llanelli (Mr. Davies) down the path that he took on costings. It is not relevant to the Bill."

I should have thought that costings were germane and basic to the Bill. The cost to taxpayers should be part of the whole investigatory function of the House. The Under-Secretary also said:

"the House will be able to debate on Third Reading the policy issues, including questions of costings on which the Public Accounts Committee may by then have reported."—[*Official Report, Standing Committee D*, 13 March 1986; c. 777.]

Of course the Public Accounts Committee has not reported. As my hon. Friend said, we would have been in a much better position to debate the Bill if we had had the report of the Public Accounts Committee.

I understand why the Minister of State and the Government Whips want the Bill to proceed. Costings are very embarrassing for the Government. The Minister of State may deny this, but it seems to be clear that there will be no savings to the Ministry of Defence. As we have said from Second Reading onwards, this ill-considered and highly speculative Bill will cost the Ministry of Defence and the defence budget money. Therefore, I can understand why the Government are happy that the Bill should be debated today before the publication of the Public Accounts Committee's detailed report.

Mr. Campbell-Savours: Having seen all the documents, may I point out to my right hon. Friend that it is impossible for the House to consider the Bill unless hon. Members see the figures that were presented to the Public Accounts Committee?

Mr. Davies: My hon. Friend has seen the figures and I have not. We shall have to do the best we can with the various statements from Ministers. Indeed, last week a civil servant in the Ministry of Defence held a fairly late press conference, no doubt hoping that the press would not pick up some of the things he said. That civil servant made it clear that there would not be any saving and that the budget of the Ministry of Defence would suffer because of the Bill.

Mr. Dick Douglas (Dunfermline, West): On a point of order, Mr. Deputy Speaker. I apologise for raising the matter in the House but I have just been to the Library and I have here the only documents that are available to the House. These are the articles of association of the companies which the Government propose to set up under the Bill. I have here the only copies that are available to the Library. I have also got copies of the document which was referred to by the right hon. Member for Plymouth, Devonport (Dr. Owen). These, too, are the only copies that are available to the Library.

While I respect the difficulty you are in, Mr. Deputy Speaker, I do not think it was right that the documents should have been presented at the end of a recess. If they had been available at the beginning of the recess hon. Members would have had the opportunity to discuss them and to put down amendments. Opposition Members pressed time and time again in Committee for the articles of association and other documents to be made available. For the documents to be placed in the Library at this late hour is an abuse of the Government's position and shows arrogance on their part. They had plenty of time to make the documents available sooner.

I am in training for the London marathon but not for lifting these documents. I can hardly carry them. As I have said, these are the only copies available. I urge you, Mr. Deputy Speaker, to consider the matter with the Clerks and perhaps to ask for a business statement from the Leader of the House on the suspension of the sitting so that hon. Members may have an opportunity to examine these documents.

Mr. Deputy Speaker (Mr. Ernest Armstrong): I can only reiterate what Mr. Speaker has said. That is a matter of complaint against the Government; it is not a matter for me in the Chair.

Mr. Davies: The points made by my hon. Friend are again indicative of how ill-thought out, how ill-considered and how ill-prepared the Bill is.

Mr. Michael Foot (Blaenau Gwent): Further to the point of order, Mr. Deputy Speaker. A most serious point has been made by my hon. Friend the Member for Workington (Mr. Campbell-Savours) and others. Can we not have a statement from the Government? I fully understand that it is not in your power to change the proceedings that have been put down, but it is certainly within the power of the Minister who is supposedly in charge of the Bill to get up and make a statement. He could be asked to make a statement and to give some explanation. If he cannot give an explanation to the House, it is utterly intolerable that the Bill should proceed in these circumstances. I urge that an opportunity be given to a spokesman for the Government to make a statement about the complaints.

Mr. Campbell-Savours: Further to that point of order, Mr. Deputy Speaker. I am sorry to press the matter but my

right hon. Friend the Member for Blaenau Gwent (Mr. Foot) has raised a point in addition to the points that were raised earlier by my hon. Friends. My hon. Friend the Member for Dunfermline, West (Mr. Douglas) brought documents to the Chamber after Mr. Speaker had given his former ruling. This was new evidence in support of the case for the suspension of the sitting. In the light of the new information, Mr. Deputy Speaker, I wonder whether you would suspend the sitting for 15 minutes to examine whether there has been an abuse of our proceedings in so far as it is unreasonable and unfair to place a responsibility on hon. Members to consume all the information that is available in those documents prior to being able to debate the Bill responsibly.

Mr. Deputy Speaker: I have listened carefully and understand the concern of hon. Members, but this is not a matter for me. The complaint is against the Government. I have no doubt that the Minister has heard it and will reply in due course.

Mr. Denzil Davies: Further to that point of order, Mr. Deputy Speaker. The Minister of State owes the House at least an explanation why these important tender documents — I understand that we have not got the articles of association — arrived in the Library only a short time ago. It is extremely difficult for hon. Members to consider them. As well, we have not got the report of the Public Accounts Committee. I appreciate that Ministers did not give an assurance on that, but it is difficult for us to debate the new clauses without the PAC report, without having had time to consider the documents that are now available and without the articles of association which are germane to new clause 2. In view of the time the Government had to prepare the Bill, the time it was in Committee and the fact that there was the Easter Adjournment, we should expect a statement from the Minister of State at least as to why it has taken so long to make the documents available in the Library.

The Minister of State for Defence Procurement (Mr. Norman Lamont): If I may intervene, I must point out that documents were made available on 3 April only to the companies interested in tendering. This has been the first opportunity since then when the documents could be made available to the House. The choice of business for the first day was discussed through the usual channels. The documents could not have been made available to the House before today. Of course, I accept that the right hon. Gentleman is making a serious point, but we are discussing the principles of the Bill. I appreciate that he would have liked to have had the documents earlier but there is no way in which they could have been made available to the House sooner.

Mr. Davies: That really will not do. It is all very well for the Minister of State to say that the companies had the documents only on 3 April and so this was the first opportunity on which they could be made available to the House. The Government could have postponed today's consideration of the Bill. It is no good saying that the Government's business managers brought the Bill on today. The Ministry of Defence is in charge of the Bill. The Minister of State could have said to the Government's business managers, "We cannot have this Bill on Tuesday because on Tuesday I shall be delivering in a pantechnicon or whatever these enormous documents to the Library of the House and I want to make sure that hon. Members have time to read the documents before the debate takes place." The primary responsibility for putting the Bill through the House lies with the hon. Gentleman. It is no good the hon. Gentleman trying to hide behind the Government's business managers. He should have said, "Postpone the Bill for a week," and that would have happened.

Dr. Owen: Further to the point of order, Mr. Deputy Speaker. There may be some misunderstanding because the documents which I have relate only to Devonport, and there is only one copy. The copies that the right hon. Member for Llanelli (Mr. Davies) referred to relate to Rosyth. We are discussing both dockyards, in which we have a considerable interest, and the only documents available are the contractual tenders. When the Minister of State and, more important, the Secretary of State reflect on this, they must realise that we are in an intolerable position because new clause 1 relates to financial assets and costs and the Government's judgments about the effects and consequences for the defence budget.

We could help the Minister out. We are reasonable people. If we could have a suspension of an hour or two, the business of the House would be expedited. The danger in the Government not giving way is that we may have to resort to the traditional weapon available to all Oppositions. We have been most reluctant to use that weapon as none of us wishes to filibuster.

Mr. Gordon Brown (Dunfermline, East): Further to that point of order, Mr. Deputy Speaker. Are you aware that the Minister of State's statement does not fully accord with the facts available to me? He has given us the impression that these documents were put in the Library on the earliest possible occasion. When I telephoned the Ministry of Defence this morning to ask that these documents be made available immediately, I was told that it was under instructions not to place them in the Library until 2.30 this afternoon. When I went to the Library at 2.30 pm, the documents had not arrived and I had to remind the Ministry about them. The documents arrived at 3 pm, so the Minister of State's statement that he did everything possible to make them available at the earliest opportunity does not accord with the timetable of events that has led to this sorry state of affairs this afternoon.

The Minister of State was asked specifically in a written question before Easter to delineate the costs involved in the Government's dockyards privatisation scheme. He replied that he would write to me as soon as possible. We are now debating new clause 1, but there has been no reply. The Leader of the House should come to the House to make a statement about why official business has been affected by the Ministry of Defence's reluctance to bring vital documents to the House.

Mr. Douglas: Further to the point of order, Mr. Deputy Speaker. I must apologise to the House because, in my eagerness, I brought not the articles of association, but the tender documents. To the best of my knowledge, we do not have the articles of association of these companies. Nevertheless, it is very clear to all who have eyes to see and ears to hear that we are most disturbed at the method and approach adopted by the Government.

4.45 pm

I suggest, Mr. Deputy Speaker, that you consider whether it is in order to suspend the sitting until the Leader

[Mr. Douglas]

of the House is available to make a statement on the business of the House and to decide whether we should proceed, in view of the difficulties in which we have been placed by the Government's mismanagement.

Mr. Tam Dalyell (Linlithgow): Further to that point of order, Mr. Deputy Speaker. You may recollect that this is not the first occasion in this Session when Ministers have engaged in such parliamentary hanky-panky. You will recall that, during the debates on the Westland affair, the text of the Solicitor-General's letter was promised by the Leader of the House. When we went to the Library, we found that it was there, but under embargo on the orders of a higher authority—which later turned out to be 10 Downing street—that it should not be released.

Some of us believe that the heart of the Leader of the House is often in the right place. He said that the full text of the Solicitor-General's letter, and not the selective text leaked for political purposes, should be made available before the debate on Westland. Should we not wait, Mr. Deputy Speaker, until the arrival of the Leader of the House, who has previously proved himself to be relatively enlightened and has put the House of Commons before party political interests?

Mr. Foot: Further to that point of order, Mr. Deputy Speaker. The Secretary of State for Defence has now arrived and he will have heard the strong sense of dismay that has been expressed in many parts of the House on this matter. He must recognise that he has a responsibility. It is open to him to move that the sitting be suspended for 10 minutes, or to get agreement to that. I am not suggesting that that would solve the problem, as the House has a right to study the documents.

The Government's statement has only made matters worse. It would be intolerable if the House were asked to discuss the Bill when there is confusion about the availability of documents and the form in which they have been presented. I urge the Minister to communicate with the Leader of the House. The proceedings here are his responsibility. The Secretary of State for Defence also has a responsibility, and he should announce that he will send at once for the Leader of the House to come to the House's aid to get our business in proper order.

Mr. Deputy Speaker: Perhaps I can help the House. I have listened carefully to the strong representations that have been made on the point of order, but the complaint is against the Government and not a matter for the Chair. I see no reason why we should not pursue our discussion of new clause 1. The Secretary of State and others have heard the point of order. It is for the House to decide how it will get the information that it requires. It is not a matter for me.

Mr. O'Neill: Further to the point of order, Mr. Deputy Speaker. I think that, with respect, you are not in full possession of the facts. The volumes are the Ministry of Defence royal dockyards invitation to tender for the operation and management of Her Majesty's dockyards at Devonport and Rosyth. We have so far skated around the nature of the documents. If we are to be in any position to consider the Bill, we have to have an opportunity to reflect on those documents.

The two substantial documents beside me relate only to Rosyth dockyard. I think that the right hon. Member for Plymouth, Devonport (Dr. Owen) would not regard it as disrespectful of me to say that he filched the documents relating to Devonport from the Library without the permission of the Librarian. The dockyard is in his constituency, but we were not allowed to take the documents out of the Library. My hon. Friend the Member for Dunfermline, West (Mr. Douglas) requested and was subsequently granted the loan of the Rosyth documents.

We are discussing three substantial volumes, one of which is complex, to say the least. Its contents are set out in indexes which run to some four pages. The information might seem somewhat arcane to the hon. Member for Wells (Mr. Heathcoat-Amory) who participated virtually not at all in Committee, but some of us became students of the publications of Touche Ross, albeit only those which were made freely available. Some were not made available in Committee as there was a cloak of secrecy masquerading as commercial confidentiality which prevented our seeing the documents.

We could get through this pile of memorandums fairly quickly, as most of us know our way around the dockyards, having spent some 70 hours debating them in Committee. That is all the more reason to be given a reasonable amount of time to consider the documents.

This is not an attempt at filibustering. We are anxious to make progress. However, the Government's managers should appreciate the difficulties under which not only Opposition Members but Conservative Back Benchers will labour today unless there is an adjournment during which we can look at these documents. I admit that that will be very difficult, because there is only one copy. However, if we could have a 30-minute adjournment it could be split up between those Opposition Members who served on the Standing Committee and looked at very carefully.

Surely there is a mechanism whereby the Leader of the House, the Government's business manager, can be summoned to the Chamber to explain why the Government have allowed the Ministry to deal with hon. Members in such a disrespectful manner. There ought to be a mechanism whereby the rights and responsibilities of the Government can be questioned in this Chamber. You as our protector, Mr. Deputy Speaker, should be able to bring the Leader of the House to the Chamber and ask him to provide an explanation for an action that is leaving an extremely sour taste in the mouths of, I think, all hon. Members, certainly in those of Opposition Members.

Mr. Deputy Speaker: Let me remind the House that all that is happening at the moment is that new clause 1, which was tabled by the Opposition, is being proposed. I see no reason at all why we should not continue to discuss new clause 1. If the usual channels, or any other hon. Members, want to make representations to each other, that is another matter, but it is not a matter for me. I see no reason why we should not continue to discuss new clause 1.

Mr. Dalyell: Further to that point of order, Mr. Deputy Speaker. I am wondering whether this is symptomatic of the difficulties that the Leader of the House may have with the Ministry of Defence. It will be within your recollection that on 25 March, at column 865, I raised in detail and at some length the case of Mr. Jim Smith, a whistle blower at the Ministry of Defence——

Mr. Deputy Speaker: Order——

Mr. Dalyell: —on which my hon. Friend the Member for (Workington) (Mr. Campbell-Savours) has done so much work.

Mr. Deputy Speaker: Order. I am on my feet. I do not see the relevance of that point of order.

Mr. Dalyell: The relevance of that point of order is to be found in column 879 when the Leader of the House said:

"I shall look at the points made by the hon. Member for Linlithgow about Jim Smith and shall get in touch with my right hon. Friend the Secretary of State for Defence. I understand the analogy the hon. Gentleman drew with the pit prop case in the 1960s and 1970s."

I then asked him:

"Will the right hon. Gentleman raise James Smith's case with the Treasury?"

The Leader of the House said:

"Yes, certainly."—[*Official Report*, 25 March 1986; Vol. 94, c. 879.]

Since then I have heard nothing. I am wondering whether the Leader of the House stands in too much awe of the Ministry of Defence. These are matters on which he ought to be in a position to tell the Ministry, whatever the pecking order may be, what it ought to be doing.

Mr. Deputy Speaker: Order. I am even more convinced now that the hon. Gentleman's contribution is not relevant to the discussion of new clause 1.

Mr. John McWilliam (Blaydon): Further to that point of order, Mr. Deputy Speaker. As you rightly said, the fixing of the business of this House is a matter for the Leader of the House, but that is not what we are discussing. We are discussing documents that have been laid in the Library of this House. The assumption is that those documents are available to all hon. Members. Since the only copy is lying down there at the Dispatch Box, it is patently not the case that all hon. Members had an opportunity to see the documents before this debate began. Ministers have seen those documents and copies have been laid in the Library, but my hon. Friends and I have not yet had an opportunity to see them. The contents of those documents are germane to the debate.

My hon. Friend the Member for Clackmannan (Mr. O'Neill) raised a point that is germane to new clause 1. We are asking that the House should be adjourned for 15 minutes so that the advice of the Leader of the House can be sought about how to proceed. I do not know how we can continue with this debate since we have been unable to consider properly the information that is contained in those documents. It will be impossible to consider the amendments without having had an opportunity to study them. The Minister chose to lay those documents in the Library. It was his choice. If he had chosen not to do so it might have been possible to continue with this debate. However, as he chose to lay those documents in the Library he will undoubtedly say that the information is there, although we have had no opportunity to study it. Therefore, both sides of the House are being put in an unfair position.

I agree that it is the duty of the Leader of the House to fix the business of the House but it is for the Chair to determine whether a debate can properly and fairly take place. Information has been made available and placed in the Library of the House and all hon. Members must, in justice, be given an opportunity to study it, otherwise the matter cannot properly be debated.

Mr. Deputy Speaker: I have listened carefully to that lengthy point of order. It merely reiterates what has already been said. The complaint is against the Government. I have said already on four or five occasions that it is not a matter for me.

Mr. Douglas: Further to that point of order, Mr. Speaker. I have great respect for your views and constitutional knowledge and for the guidance that we receive but, with great respect, you keep reiterating that the complaint is against the Government and that it is not a matter for you. However, I ask you to reflect upon the need to defend the rights of hon. Members. We are discussing the Report stage, and we will presumably also debate the Third Reading of a four clause Bill. It is an enabling Bill. In order to put flesh upon it, the Government, in their wisdom, or otherwise, have provided information to the House regarding their intentions.

During the Committee stage, the Government produced a large number of documents, to some of which hon. Members have access, including volume 1 of the Touche Ross report. There was also access, on a restricted basis, to volumes 2 and 3. The documents that were placed in the Library today are either important or unimportant. The Government thought that they were so important that they placed them in the Library. In order to protect the interests of the House, hon. Members are entitled to ask for your support, Mr. Deputy Speaker, in seeking an opportunity to examine the documents.

The Bill was amended in Standing Committee D. It says:

"*Ordered*, by the House of Commons, *to be Printed*, 18 March 1986."

It also says:

"Presented by Mr. Secretary Heseltine . . . Mr. Secretary Brittan."

Neither of them now holds office. This point ought, perhaps, to have caught my eye earlier, but I ask you now to pronounce on the authenticity of the document and to say whether it is in order that the names of the right hon. Member for Henley (Mr. Heseltine) and the right hon. and learned Member for Richmond, Yorks (Mr. Brittan) should appear on the face of the Bill as presenting it for Report and Third Reading since they no longer hold the positions set out on the face of the Bill. Therefore, the Bill that is now before the House is not in my view accurate.

5 pm

Mr. Deputy Speaker: As far as the presentation is concerned, as the hon. Member knows, the names mentioned were those of the Ministers who presented the Bill in the first place. I understand the concern but, if we are talking about protecting Members, and so on, it is in their best interests to allow the right hon. Member for Llanelli (Mr. Davies) to propose the new clause. The exchanges have been heared and I have no doubt that, according to custom, all sorts of other exchanges will take place. I see no reason at all why we should not get on with new clause 1, which has been tabled by the Opposition and which the hon. Member wants to propose.

Mr. Campbell-Savours: On a point of order, Mr. Deputy Speaker. You say that you "can see no reason at all". Perhaps I could give you the reason why, in my view, the Bill cannot possibly proceed.

My hon. Friend the Member for Dunfermline, West (Mr. Douglas) made an important point. He said that he

[Mr. Campbell-Savours]

had contacted the Ministry of Defence this morning about documents which were to be placed in the Library and had been informed that those documents would not be available, to use his words, until early this afternoon. The Minister states that he had them made available at the earliest possible opportunity. There is a contradiction there, unless the Minister can explain to the House that there was a reason why those documents, which were published and which we can see here, were not made available this morning when my hon. Friend sought them.

Mr. Deputy Speaker: Order. I may join in deploring conduct, and so on, but what the Minister said or did not say is not for me. It is not a matter for me as far as the proceedings this afternoon are concerned.

Mr. Campbell-Savours: Further to my point of order, I would say that indeed it is a matter for the Chair in so far as the Minister has indicated to the House what his intention was because his actions do not fit his intentions. Yet his actions have a direct bearing on the ability of Members to debate this matter.

Further to that, Mr. Deputy Speaker, may I refer you to the undertaking given by the Minister in Standing Committee D on 13 March. He said:

"The Government's plans are about more than profit and loss. I shall not follow the right hon. Member for Llanelli (Mr. Davies) down the path that he took on costings."

The crucial word is "costings", because we have a whole series of amendments which deal, as I understand it, with that matter. The Minister went on:

"It is not relevant to the Bill. But, as I said last Tuesday, the House will be able to debate on Third Reading the policy issues, including questions of costings".

Then he said, as an addendum to his statement,

"on which the Public Accounts Committee may by then have reported." — [*Official Report, Standing Committee D*, 13 March 1986; c. 777.]

It was clear at that stage during the course of the Committee's proceedings that the Minister's way of dealing with the amendments was to draw attention to the fact that when those matters were to be debated on the Floor of the House there would be information available to Members of the House. That information is not available. In other words, the Minister effectively misled the Committee into believing that information would be made available. He may shake his head, but the record is there in *Hansard*. It is very clear from what he said that he intended that information on the question of costings to be made available to the House. It is not available, and it is on that basis——

Mr. Deputy Speaker: The hon. Member may feel that the Minister has not honoured certain undertakings, but that is a matter for debate; it is not a matter for me. I really think that we ought to get on and proceed with new clause 1.

Mr. Denzil Davies: Further to that point of order, Mr. Deputy Speaker. My hon. Friend the Member for Dunfermline, West (Mr. Douglas) made a very important point when he said that he was told by an official at the Ministry of Defence that he could not see the documents until 2.30 this afternoon. In view of that statement, we need to be told by the Minister of State whether that was indeed the case.

Mr. Deputy Speaker: That is a matter for the Minister of State; it is not a matter for me.

Mr. Davies: But it does affect the conduct of this debate because we are raising points of order that relate to documents that really should have been made available to the House before now. This is a four-clause Bill. It is a piece of enabling legislation. Most of the legislation—if I can use that word—takes place outside the Bill. It takes place in contracts, articles of association, invitations to tender, reports made by management consultants such as Touche Ross. It takes place in reports that we were not allowed to see in the Committee, that even hon. Members for constituencies where the dockyards are located, Rosyth and Plymouth, Devonport, were not allowed to see. This is an unusual Bill in that it does not contain much of the information that is needed to debate the Bill.

New clause 1 deals with costings, new clause 2 deals with foreign ownership, new clause 3 deals with redundancy payments. Many of these matters are dealt with in these very documents. The document about the scheduling and valuation of assets is crucial to new clause 1. It is not possible to determine whether there will eventually be profit or loss until we know what the value of the assets is. New clause 1 calls for a balance sheet, a report before the House of Commons. Without some kind of indication from the Government this is not possible.

The business of the House was determined in respect of this Bill before the Easter vacation. The agreements were made then. There was plenty of time from the beginning of the vacation to last week for these documents to be placed in the Library of the House. So I think that the Minister should tell us whether there was a policy decision that these documents were commercially confidential and could not be allowed into the Library of the House before the last minute, that they must be treated like quasi-secret budget documents. That is the issue at stake.

This Bill is open-ended. There is no guillotine on it. There was no guillotine in Committee. Therefore, it is quite possible for this debate to continue for most of today and, indeed, into tomorrow. There is no pressure of time.

What we are asking is that consideration be given to allowing an adjournment to enable us to look at these documents—documents which appeared in the Library of the House only 30 minutes before this debate was scheduled to take place. This would give us an opportunity to study them and see how germane they are to the new clauses we are debating. Then perhaps we could come back and start debating those clauses. We are merely asking for time to enable us to debate these new clauses properly.

Mr. Foot: Further to the points of order that have been put to you, Mr. Deputy Speaker. I certainly appreciate, as I think every Member of the House appreciates, the difficulty in which you are placed because you are asked to deal with a matter that is primarily a question for the Government.

This is an extraordinary state of affairs. We have had one short intervention from the Government when these points of order were being raised on matters concerning the proper conduct of this debate. We now have an unprecedented state of affairs. The Secretary of State in charge of the Bill looked in for a few minutes, but then he skedaddled; he seems to have gone off. He is not taking

any responsibility although his name is certainly on the back of the Bill, whatever names have been removed. For the Secretary of State for Defence to look in for a few minutes, see that there is some trouble over a Bill for which he is primarily responsible and then run away is, I think, appalling.

We also had for a minute or so the presence of the Patronage Secretary. He should know what the situation is.

It is intolerable that the Government should think that they can continue with this Bill without the Leader of the House being brought here to say how we are to proceed upon it. For the very reason that you have underlined, Mr. Deputy Speaker, that you are put in such difficulties in the matter, I think it behoves the Minister himself to make a fresh statement. Surely he must understand that the Bill cannot properly be discussed in the circumstances in which he has presented it to the House of Commons. It is to him and to the Government that our main demands are made. We believe that the Government should take the procedural step of asking for an adjournment of the House. If that happened, matters could proceed in an orderly fashion.

Dr. Owen: Further to that point of order, Mr. Deputy Speaker. In the time that has elapsed during this discussion, it has become clear that the draft memorandum and articles of association of the dockyard company have been submitted to the House through annexe 4.1 to this document. Therefore, the third crucial document is available, although only in draft form, in an annexe to the tendering documents. That is a further argument on which the Government should reflect.

It is extraordinarily difficult to discuss the Bill and the corporate structure of the dockyards without having considered the articles of association which in Committee the Minister made clear he hoped to publish. The draft documents are now available, although I have not yet been able to get hold of the annexe in the time available to me. I assure the House that they were not filched, but given with the full authorisation of the lady librarian to me in my capacity as a constituency Member in order to carry out what we hope will be a serious examination of the legislation.

As the right hon. Member for Blaenau Gwent (Mr. Foot) said, you are in an extremely difficult position, Mr. Deputy Speaker. Everyone is aware that this is not a decision for you, and that we are having to use this procedural device to draw attention to the Government's problem. It would help us greatly if the Minister or the Parliamentary Under-Secretary of State would come to the Dispatch Box and explain how we should proceed.

The right hon. Member for Llanelli (Mr. Davies) made it clear that he conducted the business in Committee, ably assisted by my hon. Friend the Member for Portsmouth, South (Mr. Hancock), through consent. There were no problems and there was no timetabling. We are not in a mood to create difficulties for the Government. If they wish to reintroduce the matter on another day, the business of the House can be proceeded with on an arranged basis. I am a little sceptical about a short adjournment because the more we look at the documents, the longer we shall need to consider them. Business could be arranged through the usual channels. I understand that there is an order on general practice expenses to be debated after this matter, and the House could well examine it. It is not as if all the Government's business would fall if this business were withdrawn.

In that spirit, we should like the Minister to answer. You, Mr. Deputy Speaker, have valiantly sought to direct the attention to the Government, but, as yet, the Minister has not felt able to come to the Dispatch Box, apart from his rather short interjection. If the Minister will explain how he intends to proceed, I am sure that we would all be grateful. We should like to hear how he anticipates proceeding. Otherwise, this will take rather a long time.

Mr. Deputy Speaker: I am sure that an adjournment of 15 or 20 minutes would satisfy nobody. I have listened carefully and we have had a long time for substantial representations to be made. They have been made strongly, and a period of reflection has undoubtedly been made available to Government Members. I do not wish to take any further points of order on this matter. I have heard all that I want to hear. I am sure that we should proceed with new clause 1, and then we shall hear the Minister's reply.

Mr. Campbell-Savours: I beg to move, That strangers do withdraw.

Notice being taken that strangers were present, MR. DEPUTY SPEAKER, *pursuant to Standing Order No. 136 (Withdrawal of strangers from House), put forthwith the Question,* That strangers do withdraw:—

The House divided: Ayes 110, Noes 259.

Division No. 118] **[5.14 pm**

AYES

Adams, Allen *(Paisley N)*	Fields, T. *(L'pool Broad Gn)*
Archer, Rt Hon Peter	Fisher, Mark
Ashley, Rt Hon Jack	Foot, Rt Hon Michael
Banks, Tony *(Newham NW)*	Forrester, John
Barnett, Guy	Foster, Derek
Barron, Kevin	Foulkes, George
Beckett, Mrs Margaret	Fraser, J. *(Norwood)*
Bennett, A. *(Dent'n & Red'sh)*	Gilbert, Rt Hon Dr John
Bidwell, Sydney	Gourlay, Harry
Blair, Anthony	Hamilton, James *(M'well N)*
Boothroyd, Miss Betty	Hamilton, W. W. *(Fife Central)*
Boyes, Roland	Harman, Ms Harriet
Brown, Gordon *(D'f'mline E)*	Hattersley, Rt Hon Roy
Brown, Hugh D. *(Provan)*	Haynes, Frank
Brown, N. *(N'c'tle-u-Tyne E)*	Home Robertson, John
Brown, Ron *(E'burgh, Leith)*	Hughes, Dr Mark *(Durham)*
Buchan, Norman	Hughes, Robert *(Aberdeen N)*
Caborn, Richard	Hughes, Roy *(Newport East)*
Callaghan, Jim *(Heyw'd & M)*	Hughes, Sean *(Knowsley S)*
Campbell-Savours, Dale	John, Brynmor
Clark, Dr David *(S Shields)*	Kaufman, Rt Hon Gerald
Clarke, Thomas	Lambie, David
Clay, Robert	Leighton, Ronald
Clelland, David Gordon	Litherland, Robert
Cocks, Rt Hon M. *(Bristol S)*	McKay, Allen *(Penistone)*
Cook, Frank *(Stockton North)*	McTaggart, Robert
Corbett, Robin	McWilliam, John
Craigen, J. M.	Madden, Max
Cunliffe, Lawrence	Marek, Dr John
Dalyell, Tam	Martin, Michael
Davies, Rt Hon Denzil *(L'lli)*	Mason, Rt Hon Roy
Davies, Ronald *(Caerphilly)*	Maxton, John
Deakins, Eric	Maynard, Miss Joan
Dixon, Donald	Michie, William
Eadie, Alex	Mikardo, Ian
Eastham, Ken	Miller, Dr M. S. *(E Kilbride)*
Edwards, Bob *(W'h'mpt'n SE)*	Morris, Rt Hon A. *(W'shawe)*
Ewing, Harry	O'Neill, Martin
Fatchett, Derek	Orme, Rt Hon Stanley
Faulds, Andrew	Park, George
Field, Frank *(Birkenhead)*	Patchett, Terry

Pavitt, Laurie
Pendry, Tom
Pike, Peter
Powell, Raymond *(Ogmore)*
Redmond, Martin
Rees, Rt Hon M. *(Leeds S)*
Rogers, Allan
Sheerman, Barry
Sheldon, Rt Hon R.
Shore, Rt Hon Peter
Short, Mrs R.*(W'hampt'n NE)*
Skinner, Dennis
Smith, C.*(Isl'ton S & F'bury)*
Smith, Rt Hon J. *(M'ds E)*
Soley, Clive
Stott, Roger
Strang, Gavin
Thomas, Dr R. *(Carmarthen)*
Thompson, J. *(Wansbeck)*
Thorne, Stan *(Preston)*
Torney, Tom
Wardell, Gareth *(Gower)*
Wareing, Robert
Weetch, Ken
Wigley, Dafydd
Wilson, Gordon
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Dick Douglas and
Mr. Bruce George.

NOES

Adley, Robert
Alison, Rt Hon Michael
Alton, David
Ancram, Michael
Ashby, David
Ashdown, Paddy
Aspinwall, Jack
Atkins, Rt Hon Sir H.
Atkins, Robert *(South Ribble)*
Baker, Nicholas *(Dorset N)*
Beaumont-Dark, Anthony
Beith, A. J.
Best, Keith
Biffen, Rt Hon John
Biggs-Davison, Sir John
Body, Sir Richard
Boscawen, Hon Robert
Bowden, Gerald *(Dulwich)*
Brandon-Bravo, Martin
Brinton, Tim
Browne, John
Bruce, Malcolm
Bryan, Sir Paul
Buchanan-Smith, Rt Hon A.
Buck, Sir Antony
Burt, Alistair
Carlile, Alexander *(Montg'y)*
Carlisle, John *(Luton N)*
Carlisle, Kenneth *(Lincoln)*
Carlisle, Rt Hon M. *(W'ton S)*
Cartwright, John
Chapman, Sydney
Clark, Sir W. *(Croydon S)*
Cockeram, Eric
Colvin, Michael
Coombs, Simon
Cope, John
Couchman, James
Cranborne, Viscount
Currie, Mrs Edwina
Dickens, Geoffrey
Dorrell, Stephen
Douglas-Hamilton, Lord J.
Dover, Den
Durant, Tony
Dykes, Hugh
Emery, Sir Peter
Eyre, Sir Reginald
Fairbairn, Nicholas
Fallon, Michael
Farr, Sir John
Favell, Anthony
Fenner, Mrs Peggy
Finsberg, Sir Geoffrey
Fookes, Miss Janet
Forth, Eric
Fox, Marcus
Franks, Cecil
Fraser, Peter *(Angus East)*
Freeman, Roger
Fry, Peter
Galley, Roy
Gardiner, George *(Reigate)*
Gardner, Sir Edward *(Fylde)*
Garel-Jones, Tristan
Gilmour, Rt Hon Sir Ian
Goodlad, Alastair
Gorst, John
Gower, Sir Raymond
Grant, Sir Anthony
Greenway, Harry
Gregory, Conal
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Grist, Ian
Ground, Patrick
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hancock, Michael
Hanley, Jeremy
Hannam, John
Hargreaves, Kenneth
Harris, David
Harvey, Robert
Haselhurst, Alan
Hawksley, Warren
Hayes, J.
Heathcoat-Amory, David
Hill, James
Hirst, Michael
Holland, Sir Philip *(Gedling)*
Holt, Richard
Hordern, Sir Peter
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Howell, Rt Hon D. *(G'ldford)*
Howell, Ralph *(Norfolk, N)*
Howells, Geraint
Hubbard-Miles, Peter
Hunter, Andrew
Jackson, Robert
Jenkin, Rt Hon Patrick
Jessel, Toby
Jones, Robert *(Herts W)*
Jopling, Rt Hon Michael
Joseph, Rt Hon Sir Keith
Kellett-Bowman, Mrs Elaine
Key, Robert
Kilroy-Silk, Robert
King, Roger *(B'ham N'field)*
Kirkwood, Archy
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Lamont, Norman
Lang, Ian
Latham, Michael
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lewis, Sir Kenneth *(Stamf'd)*
Lilley, Peter
Livsey, Richard
Lloyd, Peter *(Fareham)*
Lloyd, Tony *(Stretford)*
Lord, Michael
Luce, Rt Hon Richard
Lyell, Nicholas
McCrindle, Robert
McCurley, Mrs Anna
MacKay, Andrew *(Berkshire)*
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
McNair-Wilson, P. *(New F'st)*
Major, John
Malins, Humfrey
Malone, Gerald
Maples, John
Marlow, Antony
Mates, Michael
Mather, Carol
Maxwell-Hyslop, Robin
Mayhew, Sir Patrick
Meadowcroft, Michael
Mellor, David
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Mills, Sir Peter *(West Devon)*
Miscampbell, Norman
Mitchell, David *(Hants NW)*
Moate, Roger
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morrison, Hon C. *(Devizes)*
Moynihan, Hon C.
Mudd, David
Neale, Gerrard
Nelson, Anthony
Neubert, Michael
Newton, Tony
Nicholls, Patrick
Norris, Steven
Onslow, Cranley
Ottaway, Richard
Owen, Rt Hon Dr David
Page, Richard *(Herts SW)*
Parris, Matthew
Patten, J. *(Oxf W & Abgdn)*
Pawsey, James
Penhaligon, David
Percival, Rt Hon Sir Ian
Pollock, Alexander
Porter, Barry
Powell, William *(Corby)*
Prentice, Rt Hon Reg
Proctor, K. Harvey
Rathbone, Tim
Rees, Rt Hon Peter *(Dover)*
Rhodes James, Robert
Rhys Williams, Sir Brandon
Richardson, Ms Jo
Ridley, Rt Hon Nicholas
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rooker, J. W.
Rowe, Andrew
Rumbold, Mrs Angela
Ryder, Richard
Sackville, Hon Thomas
St. John-Stevas, Rt Hon N.
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Shersby, Michael
Short, Ms Clare *(Ladywood)*
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Smith, Tim *(Beaconsfield)*
Soames, Hon Nicholas
Speed, Keith
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Squire, Robin
Stanbrook, Ivor
Stanley, Rt Hon John
Steel, Rt Hon David
Steen, Anthony
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Allan *(Eastwood)*
Stewart, Andrew *(Sherwood)*
Stewart, Ian *(Hertf'dshire N)*
Stokes, John
Stradling Thomas, Sir John
Sumberg, David
Tapsell, Sir Peter
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Tebbit, Rt Hon Norman
Temple-Morris, Peter
Terlezki, Stefan
Thatcher, Rt Hon Mrs M.
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thurnham, Peter
Townsend, Cyril D. *(B'heath)*
Tracey, Richard
Trippier, David
van Straubenzee, Sir W.
Viggers, Peter
Waddington, David
Wainwright, R.
Wakeham, Rt Hon John
Walden, George
Walker, Bill *(T'side N)*
Wall, Sir Patrick
Wallace, James
Waller, Gary
Ward, John
Wardle, C. *(Bexhill)*
Warren, Kenneth
Watts, John
Wells, Bowen *(Hertford)*
Wheeler, John
Whitney, Raymond
Wiggin, Jerry
Wilkinson, John
Winterton, Nicholas
Wolfson, Mark
Wood, Timothy
Woodcock, Michael
Yeo, Tim

Tellers for the Noes:
Mr. Donald Thompson and
Mr. Francis Maude.

Question accordingly negatived.

Mr. Denzil Davies: On a point of order, Mr. Deputy Speaker. The House has voted, and I understand that the Leader of the House is fairly close to the Division Lobbies. I now seek a statement from him about why the Government placed these important documents in the Library of the House less than one hour before the debate

was due to take place. I remind the House that we are discussing a four-clause Bill; indeed, three of those clauses are little longer than two or three lines. We are debating enabling legislation, and this House has traditionally been suspicious and most concerned about such legislation.

The background to this is that, until numerous documents are studied, it is extremely difficult for the House to debate fully the difficult questions involved. As one example, I refer to the cost of privatising the royal dockyards. One document placed in the Library but half an hour before the debate was due to start sets out a schedule of the assets which will still be held by the Ministry of Defence but the use of which will be given to the private contractor to enable that contractor to operate the dockyards. The valuation placed on those assets and the cost of their use is absolutely crucial in determining questions of profit and loss.

The first new clause is concerned with striking a balance sheet and determining for the benefit of this House and the taxpayer whether the whole operation will result in a loss or gain of money to the taxpayer. Without studying that document, without being able to see what assets will be allowed to be used, leased or granted by licence to the private contractor, and without seeing what price will be put on these obligations, it is impossible for this House to consider new clause 1.

New clause 2 is concerned with foreign ownership of the dockyards and with the share structure of the different companies. I am told that two, three or four consortia of companies are involved. Again, the share structure of these companies is involved, and the key issue is whether the Government have been able to obtain for themselves the "golden share" control, as used in previous privatisation Bills, because this Bill contains nothing about it. It is also crucial to be able to study the articles of association, because it is impossible to debate new clause 2 fully until we have seen the articles to discover how the Government intend to ensure—if they want to ensure—that these dockyards do not finally fall under foreign control.

5.30 pm

There is a pile of documents called "Invitations to Tender". They will go out to the various companies which will then be allowed to tender for the contract to run the royal dockyards. The documents contain provisions which will be set in those contracts and those provisions must bear upon the three new clauses we shall debate. They must bear upon profit and loss, upon costs to the taxpayer and upon the share structure of the different companies.

New clause 3 is concerned with redundancy payments and pensions. I should have thought that the contracts must refer to the provisions regarding redundancies and pensions. We were told in Committee that, apparently, the Ministry of Defence would pay the pensions of the employees who had been transferred from the public to the private sector. We were told that, apparently, the contracts would contain provisions whereby the private contractor would have to add to the sum he would charge the Ministry of Defence to provide a proper pension comparable to the pensions provided in the public sector.

We are not asking for the contracts—we are asking to be allowed to see the invitations to tender. Many of the details are contained in these documents. A large number of the documents to which reference was made in Committee were considered to be secret or in confidence commercially and Committee members were not allowed to see them. The House will not be allowed to see them until the Bill becomes law.

It is not just a matter of documents not being available until within the last few hours. We are concerned with enabling legislation, which depends for its understanding and debate on a vast number of documents which have not been available to the House. When we debated the matters in Committee, we accepted Ministers' assurances in good faith. They told us, "These documents will be available for debate on the Floor of the House." We did not think that they would be made available only half an hour before the House was due to debate them. That is the burden of our complaint.

The documents could have been made available long before today. We have had the Easter recess. The documents could have been made available two or three weeks ago. It is no good the Under-Secretary of State for Defence Procurement shaking his head. He should tell the House why it was not possible to make the documents available. The Minister of State said that he could not do so because he gave them to the companies on 3 April. Time and time again, in the interests of the companies, their directors and outside parties, that is what happened with documents of paramount importance to Committee members. That is why we accepted the assurances that the documents would be provided. All the documents have still not been provided, but I think that most of those we were promised are here by now. They were available only half an hour ago and we have not, therefore, had an opportunity to study them before debating this important legislation.

This is not just another privatisation Bill. It transfers the operations of the royal dockyards from the public domain into the private sector. The Bill affects the livelihoods, pensions, redundancy payments and working practices of thousands of employees in Rosyth and Plymouth, Devonport. Because of the importance of these documents to this enabling legislation, which comprises four clauses —a skeletal piece of legislation—the Leader of the House should come to the Dispatch Box and tell us that the Bill will be withdrawn today, and will be brought back in a few days time. The Bill comprises only four clauses. It could certainly be dealt with next week without too much difficulty. If we had the documents, we could deal more rapidly with the Bill. If we do not have them, it will be much more difficult for us to deal with the clauses.

The Leader of the House should explain why we did not get the documents until half an hour before the debate was due to start. He should tell us that there is no urgency and that it will be possible to bring the Bill back next week. When we have had a chance to study the documents and to table amendments, the matter can be properly debated.

Mr. Deputy Speaker: Ministers have heard that request and submission. This is a matter not for me but for the Ministers concerned.

Mr. Douglas: On a point of order, Mr. Deputy Speaker.

Mr. Campbell-Savours: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Order. I shall not take any more points of order on the lack of documents. We must continue with the business.

Mr. Douglas: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Is it a different point of order?

Mr. Douglas: I ask you to reflect on your own words, Mr. Deputy Speaker. You said that you were not willing to take further points of order on the lack of documents. My point of order concerns not the lack but the superfluity of documents. With respect——

Mr. Deputy Speaker: Order. The hon. Member knows very well that we are talking about the lack of documents, whether they are the right documents, and so on. I am not prepared to take any more points of order on that matter. We must get on to the debate.

Mr. Campbell-Savours: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: Order. Is it a different point of order?

Mr. Campbell-Savours: Yes, I want to raise a point of order about the position in which you find yourself when the Government take a particular approach to our procedures. In the past hour and a half, you have had to sit through a series of points of order. You have suggested repeatedly that those matters can be dealt with only by Ministers, especially the Leader of the House. It is clear that you believe that in your role as the protector of Members' rights you must, to some extent, rely upon Ministers fulfilling their responsibilities in the exercise of our procedures. Not once in the past one and a half hours——

Mr. Deputy Speaker: Order. The hon. Member is pursuing the issue which has been before the House for an hour and a half. I am not prepared to take any further points of order on that subject.

Mr. Campbell-Savours: It is a completely different matter.

Mr. Deputy Speaker: Order. The business will proceed better if hon. Members take note of the Chair.

Mr. McWilliam: I beg to move, That further consideration of the Bill, as amended, be now adjourned.

Mr. Deputy Speaker: I am prepared to accept the motion. Because the arguments have been raised over a considerable period, I shall use my powers to put the Question forthwith.

Question put:—

The House divided: Ayes 169, Noes 239.

Division No. 119] **[5.39 pm**

AYES

Adams, Allen *(Paisley N)*
Alton, David
Archer, Rt Hon Peter
Ashdown, Paddy
Ashley, Rt Hon Jack
Atkinson, N. *(Tottenham)*
Bagier, Gordon A. T.
Banks, Tony *(Newham NW)*
Barnett, Guy
Barron, Kevin
Beckett, Mrs Margaret
Beith, A. J.
Bell, Stuart
Benn, Rt Hon Tony
Bennett, A. *(Dent'n & Red'sh)*
Bidwell, Sydney
Blair, Anthony
Boothroyd, Miss Betty
Boyes, Roland
Brown, Gordon *(D'f'rmline E)*
Brown, N. *(N'c'tle-u-Tyne E)*
Brown, Ron *(E'burgh, Leith)*
Bruce, Malcolm
Buchan, Norman
Caborn, Richard
Callaghan, Rt Hon J.
Callaghan, Jim *(Heyw'd & M)*
Campbell, Ian
Campbell-Savours, Dale
Canavan, Dennis
Carlile, Alexander *(Montg'y)*
Cartwright, John
Clark, Dr David *(S Shields)*
Clarke, Thomas
Clay, Robert
Clelland, David Gordon
Clwyd, Mrs Ann
Cocks, Rt Hon M. *(Bristol S)*
Cook, Frank *(Stockton North)*
Corbett, Robin
Corbyn, Jeremy
Craigen, J. M.
Crowther, Stan
Dalyell, Tam
Davies, Rt Hon Denzil *(L'lli)*
Davies, Ronald *(Caerphilly)*
Davis, Terry *(B'ham, H'ge H'l)*
Deakins, Eric
Dewar, Donald
Dixon, Donald
Douglas, Dick
Dubs, Alfred
Duffy, A. E. P.
Eadie, Alex
Eastham, Ken
Evans, John *(St. Helens N)*
Ewing, Harry
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Flannery, Martin
Foot, Rt Hon Michael
Forrester, John
Foster, Derek
Foulkes, George
Fraser, J. *(Norwood)*
George, Bruce
Gilbert, Rt Hon Dr John
Godman, Dr Norman
Gould, Bryan
Gourlay, Harry
Hamilton, James *(M'well N)*
Hamilton, W. W. *(Fife Central)*
Hancock, Michael
Harman, Ms Harriet
Hart, Rt Hon Dame Judith
Hattersley, Rt Hon Roy
Haynes, Frank
Healey, Rt Hon Denis
Home Robertson, John
Howell, Rt Hon D. *(S'heath)*
Howells, Geraint
Hoyle, Douglas
Hughes, Dr Mark *(Durham)*
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
Hughes, Sean *(Knowsley S)*
Jenkins, Rt Hon Roy *(Hillh'd)*
John, Brynmor
Kaufman, Rt Hon Gerald
Kennedy, Charles
Kilroy-Silk, Robert
Kirkwood, Archy
Lambie, David
Lamond, James
Leighton, Ronald
Lewis, Terence *(Worsley)*
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
McCartney, Hugh
McKay, Allen *(Penistone)*
McKelvey, William
McTaggart, Robert
McWilliam, John
Madden, Max
Marek, Dr John
Martin, Michael
Mason, Rt Hon Roy
Maxton, John
Maynard, Miss Joan
Meacher, Michael
Meadowcroft, Michael
Michie, William
Mikardo, Ian
Millan, Rt Hon Bruce
Miller, Dr M. S. *(E Kilbride)*
Morris, Rt Hon A. *(W'shawe)*
Morris, Rt Hon J. *(Aberavon)*
Nellist, David
O'Neill, Martin
Orme, Rt Hon Stanley
Owen, Rt Hon Dr David
Park, George
Parry, Robert
Patchett, Terry
Pavitt, Laurie
Pendry, Tom
Penhaligon, David
Pike, Peter
Powell, Raymond *(Ogmore)*
Radice, Giles
Randall, Stuart
Redmond, Martin
Rees, Rt Hon M. *(Leeds S)*
Richardson, Ms Jo
Roberts, Allan *(Bootle)*
Robertson, George
Rogers, Allan
Rooker, J. W.
Ross, Stephen *(Isle of Wight)*
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon R.
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Short, Mrs R. *(W'hampt'n NE)*
Silkin, Rt Hon J.
Skinner, Dennis
Smith, C. *(Isl'ton S & F'bury)*
Smith, Rt Hon J. *(M'ds E)*
Soley, Clive
Steel, Rt Hon David
Stott, Roger
Strang, Gavin
Thomas, Dr R. *(Carmarthen)*
Thompson, J. *(Wansbeck)*
Tinn, James
Torney, Tom
Wainwright, R.
Wallace, James
Wardell, Gareth *(Gower)*
Wareing, Robert
Weetch, Ken
White, James
Wigley, Dafydd
Wilson, Gordon
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Lawrence Cunliffe and
Mr. Mark Fisher.

NOES

Alison, Rt Hon Michael
Ancram, Michael
Ashby, David
Aspinwall, Jack
Atkins, Rt Hon Sir H.
Atkins, Robert *(South Ribble)*
Baker, Nicholas *(Dorset N)*
Beaumont-Dark, Anthony
Best, Keith
Biffen, Rt Hon John
Biggs-Davison, Sir John
Body, Sir Richard
Boscawen, Hon Robert
Bowden, Gerald *(Dulwich)*

Brandon-Bravo, Martin
Brinton, Tim
Browne, John
Bryan, Sir Paul
Buchanan-Smith, Rt Hon A.
Buck, Sir Antony
Burt, Alistair
Carlisle, John *(Luton N)*
Carlisle, Kenneth *(Lincoln)*
Carlisle, Rt Hon M. *(W'ton S)*
Chapman, Sydney
Chope, Christopher
Clark, Sir W. *(Croydon S)*
Cockeram, Eric
Colvin, Michael
Coombs, Simon
Cope, John
Couchman, James
Cranborne, Viscount
Currie, Mrs Edwina
Dickens, Geoffrey
Dorrell, Stephen
Douglas-Hamilton, Lord J.
Durant, Tony
Dykes, Hugh
Emery, Sir Peter
Eyre, Sir Reginald
Fairbairn, Nicholas
Fallon, Michael
Farr, Sir John
Favell, Anthony
Fenner, Mrs Peggy
Finsberg, Sir Geoffrey
Fletcher, Alexander
Fookes, Miss Janet
Forth, Eric
Fox, Marcus
Franks, Cecil
Fraser, Peter *(Angus East)*
Freeman, Roger
Fry, Peter
Galley, Roy
Gardiner, George *(Reigate)*
Gardner, Sir Edward *(Fylde)*
Garel-Jones, Tristan
Goodlad, Alastair
Gorst, John
Gow, Ian
Gower, Sir Raymond
Grant, Sir Anthony
Greenway, Harry
Gregory, Conal
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Grist, Ian
Ground, Patrick
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Jeremy
Hannam, John
Hargreaves, Kenneth
Harris, David
Harvey, Robert
Haselhurst, Alan
Hawkins, C. *(High Peak)*
Hawksley, Warren
Hayes, J.
Heathcoat-Amory, David
Henderson, Barry
Hill, James
Hind, Kenneth
Hirst, Michael
Holland, Sir Philip *(Gedling)*
Holt, Richard
Hordern, Sir Peter
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Howell, Rt Hon D. *(G'ldford)*
Howell, Ralph *(Norfolk, N)*
Hubbard-Miles, Peter
Hunter, Andrew
Jackson, Robert
Jenkin, Rt Hon Patrick
Jessel, Toby
Jones, Robert *(Herts W)*
Jopling, Rt Hon Michael
Joseph, Rt Hon Sir Keith
Kellett-Bowman, Mrs Elaine
Key, Robert
King, Roger *(B'ham N'field)*
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Lamont, Norman
Lang, Ian
Latham, Michael
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lester, Jim
Lewis, Sir Kenneth *(Stamf'd)*
Lilley, Peter
Lloyd, Peter *(Fareham)*
Lord, Michael
Luce, Rt Hon Richard
Lyell, Nicholas
McCrindle, Robert
McCurley, Mrs Anna
MacKay, Andrew *(Berkshire)*
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
McNair-Wilson, P. *(New F'st)*
Major, John
Malins, Humfrey
Malone, Gerald
Maples, John
Marlow, Antony
Mates, Michael
Mather, Carol
Maxwell-Hyslop, Robin
Mayhew, Sir Patrick
Mellor, David
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Mills, Sir Peter *(West Devon)*
Miscampbell, Norman
Moate, Roger
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morrison, Hon C. *(Devizes)*
Moynihan, Hon C.
Mudd, David
Neale, Gerrard
Nelson, Anthony
Neubert, Michael
Newton, Tony
Nicholls, Patrick
Norris, Steven
Onslow, Cranley
Oppenheim, Phillip
Ottaway, Richard
Page, Richard *(Herts SW)*
Parkinson, Rt Hon Cecil
Parris, Matthew
Patten, J. *(Oxf W & Abgdn)*
Pawsey, James
Percival, Rt Hon Sir Ian
Pollock, Alexander
Porter, Barry
Powell, William *(Corby)*
Prentice, Rt Hon Reg
Proctor, K. Harvey
Rathbone, Tim
Rees, Rt Hon Peter *(Dover)*
Rhodes James, Robert
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rowe, Andrew
Rumbold, Mrs Angela
Ryder, Richard
Sackville, Hon Thomas
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Shersby, Michael
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Smith, Tim *(Beaconsfield)*
Soames, Hon Nicholas
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Squire, Robin
Stanbrook, Ivor
Stanley, Rt Hon John
Steen, Anthony
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Allan *(Eastwood)*
Stewart, Andrew *(Sherwood)*
Stokes, John
Stradling Thomas, Sir John
Sumberg, David
Tapsell, Sir Peter
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Tebbit, Rt Hon Norman
Temple-Morris, Peter
Terlezki, Stefan
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thurnham, Peter
Townend, John *(Bridlington)*
Townsend, Cyril D. *(B'heath)*
Tracey, Richard
Trippier, David
van Straubenzee, Sir W.
Viggers, Peter
Waddington, David
Wakeham, Rt Hon John
Walden, George
Walker, Bill *(T'side N)*
Wall, Sir Patrick
Waller, Gary
Ward, John
Wardle, C. *(Bexhill)*
Warren, Kenneth
Watts, John
Wells, Bowen *(Hertford)*
Wheeler, John
Whitney, Raymond
Wiggin, Jerry
Wilkinson, John
Winterton, Nicholas
Wolfson, Mark
Wood, Timothy
Woodcock, Michael
Yeo, Tim

Tellers for the Noes:
Mr. Francis Maude and
Mr. Donald Thompson.

Question accordingly negatived.

Mr. Denzil Davies: Despite the lateness of the documents coming to the Library, I shall endeavour again to argue for the new clause which I moved some time ago. In effect, the new clause proposes that a report be placed before the House of Commons itemising all the costs and savings, if any, which we doubt, which will arise as a result of what has been an ill-conceived and speculative exercise in attempting to turn the royal dockyards into a private venture.

Ministers have been reluctant to talk much about costs. Information was dragged out of them towards the end of the Committee stage of the Bill. The Under-Secretary became a bit tetchy and did not want to talk about that, although he said that there might be a report from the Property Services Agency on these matters which could be debated. But we have not yet had that report, although there have been surmises in the press on its contents.

First, what savings or costs will fall on the budget of the Ministry of Defence as a result of this operation and, secondly, what costs or savings will fall upon the Exchequer in general? First, let me deal with the Ministry of Defence's budget. On the Government's figures we have calculated that over a 10-year period from the start of privatisation—I accept that 10 years is a highly speculative period, during which time anything could happen, but that is the period that the Government have used for amortising costs—there will be a loss to the Ministry of Defence's budget of about £20 million a year. If we are wrong, no doubt the Minister will tell us when he replies. That comes to £200 million. That is a conservative estimate and I shall return to the way in which it has been arrived at. I need not remind the Minister that £200 million would almost buy two type 23 frigates or

[Mr. Denzil Davies]

eight, nine or perhaps even 10 Tornadoes. That is the nature of the loss that will fall upon the Ministry of Defence over that period.

We know that right at the beginning large payments will have to be made. We have been told that at the beginning there will be a cost of £70 million. Part of that cost will be the cost of redundancy and of setting up the scheme —the accountancy and financial measures that have to be taken. I understand that part of that cost is to some extent the refurbishment of fixed assets. The initial cost of setting up this privatisation is an extraordinary figure. The turnover of the dockyards ranges between £400 million and £500 million. The £70 million that will have to be found almost immediately is almost 20 per cent. of the dockyards' turnover. That is an extraordinary position for the Government to be in. I have not checked, but I should be surprised if any of the other privatisation measures involving far more money attracted an initial cost of £70 million. That money has to be found. I do not think that it will all come from the Ministry of Defence's budget. I understand that some will come from the Civil Service pension and redundancy fund. But £70 million will have to be found almost immediately.

On top of that, £200 million will have to be found for the transfer of the pension scheme to the private employer. I accept that that money relates to liabilities that would in any case have accrued and would have to be paid for in future. In that £200 million figure we have not included the cost of any future redundancies. It is a conservative figure. We shall debate a redundancy fund when we come to new clause 3.

It was not clear in Committee what Ministers intended, but they said that the private employer, the management company, was hoping that the redundancy payment would be more or less similar to what would be paid by the Civil Service. If that is the case, where will the money come from? Will money for redundancies come from the Ministry of Defence in the same way as the money for pensions? In other words, will the contractor charge a bit more? The contractor does not have the money; he has only the contract with the Ministry of Defence and his only income is from progress payments from the Ministry of Defence. If the contractor wants to declare another 2,500 employees redundant in the two or three weeks or month after privatisation, where will he find the money for the redundancy payments to replicate—that was the word used in Committee—the kind of payments that would be paid by the Civil Service?

6 pm

We have not included redundancy payments in the cost of £200 million over 10 years. Nor have we considered the question of emergency work. We did not debate that question very fully in Committee, but we debated it on Second Reading. No calculation seems to have been made of the cost to the Ministry of Defence of emergency work carried out by the private contractor. There was an example last week. HMS Illustrious had sailed little further than the Isle of Wight before it needed emergency work. I understand that that work will be done at the fleet maintenance base at Portsmouth. The costings for work at the maintenance base will be no different from what they are now, and they will not change in future. However, if the work on Illustrious could not have been done at Portsmouth, presumably the ship would have had to go back to Plymouth. The work must be done in a rush because Illustrious has to proceed to wherever it is going.

If the work was to be done at Plymouth, there would presumably be negotiations between the Ministry of Defence—the new outfit that is to be set up in Bath or somewhere — and private industry. What kind of negotiations would there be? Would the Ministry of Defence be in any position to tell the private contractor that it was charging too much, and in consequence to keep Illustrious anchored for a year off the Isle of Wight instead of sending it to join all the other fine ships of the American fleet in the south Pacific? Of course not. The Ministry of Defence would have to pay for the repairs, and pay through the nose. In our very conservative figure of the loss of £200 million to the Ministry of Defence budget over 10 years, we do not take into account the cost of doing such work.

Thirdly, we have not taken into account the recommendations of the 19 working parties. Where are those recommendations? Perhaps we will see them before these matters are debated in the House of Lords. Working parties are bound to make recommendations, and I am sure that the recommendations will cost money. Those costs, too, will have to be found from the budget of the Ministry of Defence. I doubt whether the Minister of State can give us an undertaking that the Treasury will foot the bill. There will be the cost, for instance, of carrying out the recommendations of the working party on nuclear safety. Costs may well result from the splitting of responsibility between the Ministry of Defence and the private contractor. That and other recommendations of the 19 working parties may result in a cost of £X million and that money will have to be found from the budget of the Ministry of Defence.

Our figure of £200 million is a conservative estimate which takes no account of emergency work, redundancy payments—which may at the end of the day fall upon the Ministry of Defence—or of the extra cost arising from the recommendations of the working parties.

The Government have made some assertions about the effect on the Exchequer as a whole. The Minister of State gave us some figures on Second Reading, although he himself admitted that they were more like guesses. We know that nothing will be saved for the budget of the Ministry of Defence and that, in fact, there will be costs to that budget. I hope that the Minister will confirm that. However, there is apparently a magic wand to be waved. Apparently, at the end of the day, when the profits and losses have been calculated and the Parliamentary Under-Secretary of State has worked on the balance sheet as he used to in that back street accountancy practice in Manchester, there will be a profit figure of some kind. It will be a profit to the Exchequer for the greater good. The Defence Ministers will have subjugated their departmental duties to the greater good of the fisc. They were not operating in the Committee as departmental Ministers. They were operating for the Exchequer. No doubt the Treasury Ministers are very grateful to them.

How much will be saved for the Exchequer? The difficulty is that the figure keeps changing. The original figure was £26 million. That was the speculative figure suggested last June. That figure rapidly fell to £23 million in November. As we have not had the report of the Public Accounts Committee, we have to rely on what we can glean from statements. The figure for the amount by which

the taxpayer will benefit fell again in February by the wondrously precise figure of £2 million, leaving a figure of £21 million. What is the figure now? We should be told. We have moved on since February and no doubt there are other costings to be taken into account. Has there been any further change in the figure?

Apparently, there is to be a saving of £21 million over the period of 10 years over which initial costs are to be amortised, although the initial costs are only part of the total exercise. Apparently, over that period about £21 million is to be saved every year. Let us consider how that figure was arrived at. No doubt the Minister of State will correct me—he has all the papers—but I understand that the figure was worked out as follows. First, there are the actual savings. There will be a reduction in personnel, or the sacking of people.

There will be a further saving because the Treasury will not pay the pensions any more. Curiously, although the Exchequer will not pay the pensions, the Ministry of Defence will do so. Pension payments will amount to £8 million or £9 million a year. Under the present arrangement they are paid out of the Civil Service pension fund. After privatisation they can no longer be paid out of that fund. They cannot be paid out of the pension fund of the consortium company or main company that is to run the dockyards because the employees are employed not by that company but by the management company, and the management company has only one contract — the contract with the Ministry of Defence. The effect will be the same as in the case of the redundancy payments. How will the company pay the pensions except by adding to the price which it charges to the Ministry of Defence?

That is what is envisaged. That is why the Under-Secretary has been able to give an assurance that the pensions will not be that different from the pensions paid out of the Civil Service pension scheme. The Exchequer will save about £9 million a year because it will not have to meet the pension payments. However, the Ministry of Defence will have to meet those payments so that the £9 million, or perhaps a little less, will come out of the defence budget. It will not come out of the Exchequer. Therefore, that will be a saving in terms of the grand balance sheet the Government are constructing.

Costs have to be deducted out of savings. As I have said previously, the figure for savings was £26 million, it then came down to £23 million and it is now £21 million. We have seen what the savings will be. Let us consider the costs of the operation to see how we arrive at the figure of £21 million. As I understand it, one figure of costs is for something called a customer organisation. Apparently, new jobs are being created; the Government are actually creating new jobs. The original costs for that customer organisation were envisaged to be £2 million. The Minister of State will correct me if I am wrong. The costs went up and up and are now estimated at £11 million a year.

What is the customer organisation? It will create new jobs, new bureaucrats and more paper to shuffle around. What will the people who will cost the Ministry of Defence £11 million be doing? They are there to negotiate and work out the arrangement between the supplier and the buyer, the private company and the Ministry of Defence, between the monopoly seller and buyer. We need some organisation within the Ministry of Defence to do that work. We do not need it at the moment. There is no need to spend £11 million for people to do that work because it is done within the same organisation. However, once a commercial organisation has been set up it will be necessary to negotiate with Trafalgar House about the costs of repairing warships, refitting or emergency work on HMS Illustrious or any other ship that has to come into Portsmouth or Rosyth.

Can the Minister of State tell us why, within a year, there has been a 500 per cent. increase in the cost of the so-called customer organisation? I do not know exactly where the organisation will be, but I think that the Under-Secretary will agree that it will probably be in Bath.

It is obscene that the Government have put 2,500 dockyard workers out of work in Rosyth and Devonport in the interests of so-called efficiency. Many of them, if not all of them, work on ships, do things with their hands and have technical skills. They will be put out of work and £11 million a year will be spent on some kind of customer organisation in somewhere like Bath where they will just shuffle paper around because of the operation the Government are setting up. It is obscene that the Government are taking money away from people who work at the dockyards and putting it into the hands of a bureaucratic body, which would not be necessary if the Government did not go ahead with their hare-brained scheme. Therefore, £11 million will be in respect of a new bureaucracy set up as a result of the Government's plans.

6.15 pm

The Ministry of Defence has to make some assessment of the profit that the contractors will make because the profit to the contractor must be a cost to the Ministry of Defence. No doubt those figures are commercially in confidence and, even if I knew them, I would not wish to breach that confidence on the Floor of the House because the Government have to negotiate with the companies. However, my understanding is that the original profit figure was much higher than it is now. The Ministry of Defence or the Government accountancy service, or whoever, have tried, I would not say to fiddle the figures, but to make them look a little better. They have done that by reducing by 35 per cent. the Government's assessment of the profits of contractors for Rosyth and Devonport. That is not a small reduction. We started with one figure in June 1985 and over a period the Government have become more optimistic in terms of the Ministry of Defence because they have scaled down the profit figure by 35 per cent. I do not know what that figure is, but my impression is that it is a fairly low profit figure on a turnover of £400 million or £500 million.

The Minister of State would obviously not wish to tell us what the figures are, but perhaps he could tell us how on earth the Government can scale down the profit figure by 35 per cent. It is very convenient to do so because it reduces the costs. By reducing the costs, it increases the savings and, as I have said, the savings are now £21 million a year. If the figure of profit had not been scaled down, there would have been a substantial cut in those savings. That is why the figure for savings is not worth the paper it is written on. It is a purely speculative statement. The Minister of State knows that, as does the Under-Secretary.

I am sorry to mention Manchester again, but the Manchester accountants had a high reputation within the Labour party at one time. I am sure that the Under-Secretary also had a high reputation. If somebody had brought in the balance sheet which is being presented, he would have thrown it in the waste paper basket in his office

[Mr. Denzil Davies]

in Manchester. The figures of £21 million, £23 million or £26 million are not worth the calculation. The Government have thought of a figure, put it in a table and found some justification for it. Perhaps the Minister could tell us how he justifies the figure of £21 million.

Frankly, we do not believe that there will be any savings to the Exchequer, or anybody else, as a result of this exercise. There will be costs. Most of them, not all, will fall directly on the Ministry of Defence. Those costs will come out of the defence budget. Money will come out of equipment and items needed for defence and will be spent on bureaucracy and private contractors. Nothing that has been shown to us has dispelled that belief.

We believe that at the end of the day the Navy will get an inferior service and at a higher cost. It is no good the Minister of State shaking his head. He has not produced one figure to dispel that belief. There was a long statement on Second Reading about improved efficiency and improved working methods. Can the Minister of State put one figure on what will be saved from improved efficiency? All he can put a figure on is how much will be saved by sacking 2,500 people. He cannot put a figure on improved efficiency or so-called better working practices. The figures that are being produced have nothing to do with that. They are concerned solely with actual savings and actual costs. No money will be saved. There is no case for privatisation on the ground of saving money. Indeed, money will be lost to the Ministry of Defence. Perhaps the Minister of State will tell us that our figures are wrong and that there will be savings. From what we have seen and heard, there will be no savings. This is purely an ideological kick by the Government. It has nothing to do with saving money. It will cost the country and the armed forces money.

Dr. Owen: This is a probing new clause, but it goes to the root of this miserable Bill. There is no question, and the Government do not deny this now, but that in the first three and a half years of implementation there will be extra costs to the Royal Navy. The only question is whether, during the next six and a half years, there will be sufficient savings to compensate fully for the extra costs incurred in the first three and a half years. Nothing that has been presented to the House, to the Select Committee on Defence or to the Public Accounts Committee gives any confidence that this will do anything other than cost the Navy dear. It will certainly cost the Navy in money terms, but it will be an even greater cost in terms of the inability to turn round the capital ships of the Navy at the speed which the Navy requires.

We constantly forget that the task of the dockyards is to act effectively as a garage for the Royal Navy, to be available for instant use in cases of emergency and to have the capacity to ensure the full value of these capital ships.

I shall not refer to the lamentable delay in producing the information, but one advantage of the period that we managed to extract from the Government for analysis of the Bill is that we now have some figures for the costs and assets that we are discussing. The replacement value of the assets of Devonport dockyard has been estimated, taking 1985 as the base year, at £772,740,970. That is a vast sum of money. The existing use value of Devonport dockyard has been estimated at £227,727,830. The annual value is £23,911,090. We are dealing with a massive industrial enterprise. The Government have not been prepared to privatise those assets because they know that no one could possibly find the money to buy them. So there is an agency arrangement.

We had great difficulty in pinning down the extra costs. I gather that there is an estimated £30 million in consultancy fees and so far unquantified costs in Ministry of Defence staff time. That money has been spent before the exercise has started. There is the £46 million to ensure the continuation of the supply service to the Ministry of Defence, and between £150 million and £200 million to set up pension funds for transferred service. In addition, VAT must be paid on dockyard contracts.

A licence fee will be payable quarterly in advance when assets are described in the schedules. It is proposed that the licence fee will be equal to the annual value to which I have already referred. It will need to be adjusted periodically during the term of the contract to take account of changes in the composition of the assets as a result of new investment or the removal of assets to take account of inflation, depreciation and other factors. There is a continuing cost in dealing with the estimation of the assets.

Under these arrangements, we are told that the contractor will be fully responsible for the maintenance and repair of the assets at his expense. In some circumstances, the Ministry will bear the cost of replacing the assets and the contractor will normally be invited to tender for the supply and/or the installation of replacement assets. In other circumstances, the cost of replacement will be borne by the contractor. All of these carry heavy estimating costs, continuing consultancy arrangements and, indeed, bureaucracy.

On bureaucracy, it appears that the Ministry's organisation to monitor and oversee the contracts will employ as many as 900 people. I should be grateful if the Minister of State would let us know the exact size of the monitoring organisation, which will be set up in Bath or perhaps spread through the dockyards. How much will it cost? It may cost tens of millions of pounds.

I am told by the Shipbuilding Trades Joint Council that an internal Ministry of Defence report has identified future requirements for 11 officers in nuclear and radiological safety, five officers in nuclear qualified secondment, an unquantified extra requirement for naval base commanders for personnel work at Devonport and Rosyth, 18 naval personnel for local emergency monitoring organisations and 25 officers on ships acceptance trials. The biggest extra investment is expected in the proposed enhancement of the Navy's fleet maintenance bases as a direct consequence of agency management. We do not have real estimates of those, although the first estimate for the Ministry of Defence is £3·5 million in capital expenditure and 80 extra naval personnel. This is at a time when there is some difficulty in manning the Navy fully.

The dockyards will be supplied by the Ministry of Defence with the management financial ledger, an accounting package for the use of the contractors; the cost of that is estimated at £95 million. The story will be unravelled month by month. There will be probing and investigation and we shall calculate the costs of this enterprise. My view is that the Minister of State's heart is not in it. Certainly we cannot blame him as he was not in at the start of the exercise. This hare-brained scheme was initiated by the right hon. Member for Henley (Mr.

Heseltine). There is no reason why the Minister of State or the Secretary of State should continue with this beyond the satisfaction of getting the legislation passed.

There will be increased costs in the commercial world. We are told that before entering into contracts for non-defence work that required deployment of significant resources or prolonged use of facilities, especially docks, or which are likely to result in consequential time or cost penalties to Ministry of Defence work, prior consultation with the DGSR — this new bureaucracy — will be required. So far from setting them free, they will have to look back over their shoulders to get permission from Bath.

We are told that on refits and repairs it should be clearly understood that this core programme is based on the current fleet requirements and that changes will be unavoidable as tasks and operational needs alter. The DGSR will review the core programme with the contractor on a quarterly basis and will also discuss changes as they arise at the earliest possible date. There is a constant Ministry of Defence involvement with this agency management at every stage, and at every stage there is duplication and cost.

We are also told in relation to operational defects and other unprogrammed works on Royal Navy vessels and auxiliaries that the contractor may, however, be required from time to time to carry out such work on a non-competitive basis. The contractor will be required to comply with requests to undertake this work, which may be crucial to fleet availability. There will be contractual obligations over and above the core work imposed on the contractor, and the Ministry of Defence will demand that this work be done. What control will there be on the price? No one else is involved and there will be a monopoly.

HMS Illustrious is a perfect example. We are told that the work on that ship could be handled by the fleet maintenance base in the constituency of my hon. Friend the Member for Portsmouth, South (Mr. Hancock). But what happens if it cannot be done by that base? It comes into work unprogrammed to the fleet contractor. Big vessels, such as HMS Illustrious, can go only to Devonport. But the dockyard work programme is full, so the private agency management turns round to the dockyard and demands almost what it wants. There is no one else to go to.

We are also told about the company structure. We are told that this two-tier company structure is preferred by the Ministry for several reasons. The next bit is worth quoting. It says that one reason is that

"it will enable the Ministry more easily to detach the dockyard workforce from the contractor when the term contract ends for whatever reason."

We are talking about people who have given a lifetime of service to the dockyards.

6.30 pm

We then try to find out what all this means. The document says:

"In the event that the term contract is terminated for whatever reason the original contractor will be required on termination to transfer all his shares in the dockyard company either to the new contractor or to the Ministry. This will in effect transfer the employment of the dockyard workforce to the new contractor or the Ministry."

I assume that that means that when the contract is terminated the whole dockyard labour force is automatically transferred. But what would happen if the core programme for the new contract was substantially less than was given for the first 10-year contract? Will the whole work force be taken on? As the Ministry knows, there is a real difficulty. Someone must be responsible for those men before the redundancy payments are made. Effectively, the Government are saying that the new contractor will take on the work force even though, as a result of the new core programme for a further seven-year contract, the first task may be to make the men redundant.

We then find that there are no safeguards covering the second contract period. I believe that the only contractual arrangement is that guarantees have been given as to how to deal with this situation in the case of the initial redundancy. But there is no safeguard for the redundancies that we fear will follow the second seven-year contractual period. Thus, there would be no safeguards for a second agency management, which would never even be expected to employ the men. I believe that I am right in saying that.

Mr. Gordon Brown: Does the right hon. Gentleman accept that the Ministry's provision for redundancy payments is just on the first letting of the contract and that there is no provision for redundancy payments made during the first seven years?

Dr. Owen: Yes, but it is even more worrying that for the second term, when the contract starts again—since it requires a new core programme to be negotiated—those responsible for redundancies would not even be the people who employed those men for the first seven years. Those responsible would come in suddenly and would have no relationship with the work force. In those circumstances, it does not require much imagination to realise what poor redundancy terms would be offered. The more one looks at the programme, the more one sees that a lot of feeling will be aroused, that the parallel organisation built up in Bath will expand and that the cost will also increase.

The 10-year programme will obviously envelop one period when the term contract is likely to be changed and so the costs will be far higher than has been outlined by the Minister. We shall discuss later how something can be rescued from this mess, but I shall not anticipate that now. In the meantime, will the Minister give us all the information at the very least that has already been given to the PAC, and will he try to answer some of the questions put to him about the growth in costs? Indeed, senior naval officers are now anxious, and are saying that if it had been made clear to them that this extraordinary miasma of interlocking committees overseeing parallel organisations had been envisaged, they would not have dreamt of embarking upon such a course.

The Minister owes it to himself completely to rethink the situation. The Bill will no doubt be forced through tonight with the votes of Conservative Members, but before the final moment when no changes can be made, perhaps he will reconsider this whole issue. The point is that the cost to the Royal Navy, the taxpayer and the country is unquantified but is already quite imaginable, and is far greater than the Government have acknowledged.

Mr. Douglas: I shall be brief. We know that certain evidence was given to the Defence Committee and to the PAC last year. To coin a phrase, we shall deal not with a snippet from Tippet but with the information given by Sir Clive Whitmore to the PAC. In response to question No. 257, Sir Clive said:

[Mr. Douglas]

> "We have got to say that we have to make a lot of assumptions in doing these costings about a situation we have not faced before. We have had to make assumptions about the rate of profit that the contractor would want to see. We have had to make assumptions about redundancies which in the end might not actually be fulfilled if the contractor came in and decided after he had some experience of running the dockyard that he wanted to adopt an expansionist approach by seeking non-defence work to add to the defence work. The redundancies might turn out to be fewer than we assume. We have tried to approach the costings on a worst case or near worst case basis, but we do not think that in the event the savings could turn out to be larger than those that Vice-Admiral Tippet had been mentioning."

We know that the PAC has examined those so-called savings. However, in the interim, a Standing Committee has consistently probed the Government's estimates. The Government have not been very forthcoming about the nature of those savings. We have seen a change in attitude from the original proposals about a managing company and an employing company to the Government wishing to have a managing company and a dockyard company as the repository of the labour force.

There is no sign of any savings from the costing exercise. Indeed, there are no savings, but only costs and heartache. I could take up the time of the House by reading all of the Fuller Peiser report, but I shall not do so. Incidentally, I do not cast any aspersions on the chartered surveyors, as I recognise the difficulties. However, the Government propose to hand over plant and buildings. The report says:

> "Most buildings have been visited and some have been inspected in detail with reliance being placed upon the drawings of the PSA plan library for dimensions. This has enabled us to estimate valuations which we consider to be reliable on the whole but it will be necessary to check the details of the scheduling and allocation of values during the course of stage 2.
>
> *Plant & Machinery*
>
> Whilst buildings have been briefly visited no plant has been inspected in any detail, reliance being placed on existing records obtained from the Finance Department and Yard Services Department and a list provided by the Cost Centre."

There is no way any responsible Government Minister can say to the House, "This scheme to change the ownership of the dockyards to a contractual relationship will produce savings." We assert that it will be costly. Why? First, because of disruptions. The Government have undermined the morale of the labour force at Rosyth and at Devonport. When the morale of a highly skilled labour force is undermined, productivity may tail off. That will be a cost. Currently management has to spend time holding the hands of contractors who are going through the yards, indicating what functions they might have to perform. That is a cost—not one which we will see immediately in the accounts but a cost in terms of satisfying the Navy.

Additional costs were mentioned by the right hon. Member for Plymouth, Devonport (Dr. Owen) such as the cost of redundancy, the cost of pensions and the cost of indicating to contractors what security functions they might have to perform. I have scanned the documents quickly and some of the details are frightening. At the beginning the Ministry of Defence police will have certain functions but in later years the so-called contractors may bring in security personnel. This is a tangential remark; in Committee I recall that the Under-Secretary could not assure us that such security personnel would not be employed where there were nuclear facilities. I hope that he can assure the House and the country that his further reflections will lead him to insist that no private security personnel will be employed on nuclear functions in Devonport or Rosyth.

This is an exercise in dogma. It is significant, as I mentioned earlier, that neither of two right hon. Members whose names appear on the back of the Bill is present in the House. Where is the right hon. Member for Henley (Mr. Heseltine), who was the arch-promoter of the Bill? Neither of the two hon. Gentlemen who are on the Front Bench has his heart in the Bill. It is the product of the right hon. Member for Henley and of the person whom he brought into the Ministry of Defence, Mr. Peter Levene. There is no evidence that any savings will accrue to the Exchequer or to the Ministry of Defence from the promotion of the scheme.

Although I may be out of order on the new clause, I suggest that the Government should reconsider their objectives. If they have the interest of the Navy at heart, they will cease this costly exercise and stop asking people to examine the dockyard facilities. That will not increase the value of anything. They should stop the nonsense of bringing in contractors and holding them by the hand. They should retain a wholly owned public corporation. All the other things that they want to do can be done just as easily by retaining all the assets, including the labour force, within the public sector. To continue producing huge documents and inviting Touche Ross and other consultants to go through the dockyards is a costly waste of time and will be of no benefit to anyone in the Navy or in the dockyard. It is costly to the country as a whole.

Mr. Gordon Brown: The purpose of the new clause is to ensure that information not available to us before the implementation of the scheme will be available to the House after its implementation. I emphasise what my hon. Friend the Member for Dunfermline, West (Mr. Douglas) has just said. We are worried about the absence not only of the right hon. Member for Henley (Mr. Heseltine), who was not just the author of the scheme, but who made such extravagant claims for it, but of the Secretary of State for Defence, who is a newcomer to the privatisation of dockyards. We are concerned, too, about the absence of almost all Conservative Members with constituencies in the south-west, who have said to local trade unionists at Devonport that, while they could not be present in Committee, they were examining the scheme with interest.

6.45 pm

I should have thought that the Government would be anxious to accept the new clause, because it will allow them to prove to the House that there will be savings and to test the philosophy of value for money and open competition. The new clause is very much in line with the recommendation of the all-party Public Accounts Committee, which asked that there should be proper monitoring of the scheme. The new clause would get over the problem which the Public Accounts Committee foresaw early on, when it said that the evidence presented to it by the Ministry of Defence about savings was about the worst evidence that it had ever received.

I can understand the embarrassment of Ministers if they were to accept the amendment, because they would have to show to the House and to another place, year in, year

out, that an exercise whose sole purpose was to save money would end up costing money, not just in one year or two years, but for the rest of the decade, and almost certainly for the rest of the century. The evidence would show that the Ministry of Defence, the Admiralty Board, and the managing directors of Devonport and Rosyth dockyards had been duped by Mr. Peter Levene and by the right hon. Member for Henley into believing that it was possible, by this shabby scheme, to make savings. We tabled the new clause because effectively the Bill offers a blank cheque to two private contractors who will be in a monopoly position to dictate the terms of refits for vessels and submarines for the Royal Navy.

What we know already is alarming enough. The Ministry of Defence will have to ask the Treasury to set up a private pension fund, which will cost £150 million, or perhaps £200 million. The initial bill for redundancy payments will be about £40 million, and private consultants are to be paid £30 million, making a total of £70 million for transitional costs. Other costs associated with starting up the scheme will be involved in the creation of a new stores and supply organisation if the contractor decides that he wants to contract out, and we are reliably told that that could cost as much as £46 million. It has been conceded by the Minister's working party that the expansion of the fleet maintenance base will cost several million pounds.

The Minister of State has a duty to tell the House today what he will cancel to pay all the start-up costs, which I estimate to be about £300 million even in the first year of the scheme. Will he cancel the type 23s? Will he not proceed with the auxiliary oil replenishment vessels, for which there is such fierce competition between two shipyards? Are savings to come only from the Navy, or from the Navy, the Army and the Air Force? He should tell us how his Department proposes to pay an initial bill which could run beyond £300 million in the first year after the implementation of the scheme.

Those are only the known costs associated with the start-up of the privatisation project. The Minister ought to tell us his estimate for the profits of a private operator. My assumption is that on a turnover of £415 million for the dockyards they would not be less than 10 per cent., making an additional cost of £40 million, which must be recouped.

The Minister ought to tell us what exactly the cost of the new monitoring organisation which he is proposing to set up will be. Our estimate is that it will take about £11 million a year to pay for the additional hundreds of staff who will be involved only in supervisory operations. The Minister ought to tell us what the additional costs associated with value added tax will be, and the costs of setting up an additional and new form of accountancy organisation to which his Ministry is committed. We ought to be told what the known costs that the Ministry of Defence has to recoup by savings in other areas will be for each year that the scheme is in operation. Again, these are only the known costs associated with the year-to-year operation of the dockyards under private control.

There are also the unknown costs and the uncalculable costs because, no matter what it says in the tender documents, the Ministry of Defence, in its advice to contractors, is effectively enabling two companies to dictate the price at which they will do work.

The problem of emergency work during the period of refits has not been properly addressed by the Ministry of Defence in its proposals for this scheme. The problem of unprogrammed work, when the contractor will have to change his basic timetable to accommodate the Ministry of Defence, has not been dealt with either. The problem of emergency work is dealt with in only one paragraph of one of the working party reports, where the Ministry readily concedes that it will have to reimburse the contractor for taking on emergency work demanded by the fleet which would interfere with the private contractor's programme. This is unique. The Ministry of Defence will pay extra money to use a facility that it owns.

I do not understand why the Ministry of Defence has not been prepared to accept the advice of the Treasury, which in its privatisation guidelines make it clear that

"When work is transferred to the private sector it is important to consider the problems that might arise if a department becomes tied to a monopoly supplier"

We know that the record of the private sector in naval refits is inferior to that of the public sector. The Minister cannot produce any evidence, either from the experience of the 1960s and 1970s or from recent refits such as HMS Redpole, that the private sector is better for quality, efficiency, delivery time or cost. All previous reports on dockyard work, whether the Speed report, the Hudson report or the Mallabar report, have concluded that the public sector is more dependable, more efficient and cheaper.

The Ministry of Defence admits that transitional costs will be very high, that the year-to-year costs to the defence budget will be greater than if the dockyards were run under the present public sector arrangements, and that there is a price to be paid for demanding emergency unprogrammed work under private control. Having heard all the evidence that the public sector is better for time, efficiency, delivery and cost, the Ministry is prepared to hand the dockyards over to private contractors.

The purpose of the Levene document, which initiated this sorry tale of events about the dockyards, was to save money. When the Gracious Speech announced that the dockyards were to be moved to commercial management, the stated objective was to secure value for money. When the right hon. Member for Henley defended his programme before the House, he said that he would secure that value for money. The evidence is now overwhelming and clear that there is not a hope of the Ministry of Defence saving money. Indeed, it will have to spend money. Far from diminishing the costs of naval support, the scheme will increase them.

The Minister should accept the new clause, tell us that there will be further consultation on the scheme, and withdraw the Bill.

Mr. Michael Hancock (Portsmouth, South): The hon. Member for Dunfermline, East (Mr. Brown) has got to the crux of the matter. The absence of Conservative Members is a clear sign of widespread support for new clause 1. No doubt the Minister is hoping that their absence will mean that he has an easier task convincing his one hon. Friend who is present that the Bill should be accepted.

New clause 1 asks the questions that the Minister promised to answer time and again in Committee to justify the Bill and what gains there will be for the national purse, the Royal Navy and for the people who work in the dockyards. There has been no attempt to answer those questions. As my right hon. Friend the Member for Plymouth, Devonport (Dr. Owen) said, £750 million is

[Mr. Michael Hancock]

invested in the Devonport dockyard alone. These are huge sums of money, so we should know what benefits will accrue from the transfer of responsibilities.

The Ministry's notes on clauses beg more questions. Many of us have been denied access to documents that might have provided the answers. The notes state the Ministry's objectives. The first is full value for money from the defence budget. How will such value be achieved? Where will savings be made? The second objective is maximum competition. The third is freedom for local management from public sector constraints, enabling them to operate effectively in a competitive environment. The fourth is improved efficiency. If efficiency is improved, there must be savings. Why are Ministers reluctant to elaborate on what efficiency and savings will mean? The fifth objective is a clear separation between the dockyard as the supplier and the Royal Navy as the customer.

HMS Illustrious returned to Portsmouth recently because of gearbox trouble. Both of the other Invincible class carriers were tied alongside the fleet maintenance depot in Portsmouth. What would have happened, as might happen in two years' time, if the fleet maintenance operation had been dealing with one of the other carriers? There would have been protracted negotiations between the Navy, the organisation in Bath and the contractor about shifting the ship from Portsmouth to Devonport and about the cost of the job. It is unfortunate and dangerous that we are putting the future role of the Navy at risk because we are allowing a contractor to name his price. The Government should ensure that there is no doubt about the financial justification for this Bill. The Minister surely cannot fail to answer the question that this new clause asks. Failure to do so must convince everybody, including the Minister's colleagues, that the Bill has no future, and must go into the wastepaper bin.

7 pm

Mr. Bruce George (Walsall, South): When I look at the Government Benches, I am reminded of an Adjournment debate. It is a profoundly disillusioning experience for many hon. Members. I suppose that there are people who still naively assume that the Conservative party is the party of defence. That cannot be justified by the attendance of Conservative Members in the Chamber or by the Government's decisions. We know that Conservative Members are in the building because they all poured into the Chamber an hour and a half ago. However, it is clear that they have no stomach for what is being decided in their name. Apart from it being profoundly disillusioning, it is also unusual to find, perhaps for the first time, that those on the Opposition Benches this evening greatly outnumber those on the Government Benches; and those who are sitting in the Civil Service box outnumber both Opposition and Government supporters. It has been worth coming into the Chamber for just that experience.

My right hon. Friend the Member for Llanelli (Mr. Davies) said that the Government team is acting at the behest of the Treasury. That is wrong. It is acting at the behest of Tory Central Office and of those who drafted the last Conservative manifesto which eulogised privatisation. That was to be the solution and the cure for many of the ills in our economy. When that principle was applied to the Ministry of Defence, it was obliged to implement lunacies that had been decided upon years ago in the smoke filled rooms of Tory Central Office, or wherever the manifesto was drafted.

The result of the Government's policies provides an inane solution. It will exacerbate this country's already considerable defence problems. The Government are hopelessly over-committed. The resources available to them to meet their growing commitments are inadequate. As the Government are unable, for one reason or another — public opinion is one factor — to increase defence expenditure in order to meet their growing commitments, they have thrown the principles of the market place at these complex problems. However, when one looks rationally at how efficiency is to be gained and at how our fighting forces are adequately to be equipped and led, one winces at what one sees. By their dogmatic solutions the Government are trying to save money. However, the contracting out that has taken place has been something of an illusion. Those who have suffered most have been cleaners or those who are engaged in security. The Government have not gained, therefore, from contracting out.

The Government have also tried to reorganise the Ministry of Defence because they believe that that is a means by which efficiency can be achieved. However, the amount that has been saved by greater efficiency in the Ministry of Defence is marginal. The Government have tried the privatisation solution. I served on the Standing Committee that dealt with the privatisation of the royal ordnance factories. I do not think that the public has gained very much from that process. Political dogma and the desire for efficiency have resulted in the Bill that we have been considering for the past few months.

If the Government believe that the public will gain from the privatisation of the dockyards, they are making a great mistake. It has already been pointed out that when the ledger is finally drawn the public will be the net losers —and very heavy losers. The gainers will be those who are lucky enough to pick up the contracts. Further losers will be our armed forces. The Ministry of Defence will have to bear the additional cost of consultancy fees. This is a growth industry. Hundreds of consultancies and so-called public relations experts will be involved. There will also be the cost of setting up pension funds for the staff who have to be transferred. I agree that that has to be done, but it will be costly.

In accordance with Mr. Speaker's wisdom, I am sure that the Ministers are disappointed that they will be unable to listen to and comment upon points relating to security. Instead of just the Ministry of Defence police, there are to be two security systems in the dockyards. There will be the Ministry of Defence police — although Ministers might have liked to get rid of them, they were unable to do so, for all sorts of reasons — and alongside them there will be the gradual extension of private security. That, too, will have to be paid for. When one looks at the additional staff who will have to be employed by the Ministry of Defence, the cost of redundancies and the value added tax that will have to be paid, one begins to construct a ledger and to realise that the public will be the losers.

The clause is important because it points out to the House and to the public, if it needs to be pointed out, that

this privatisation lark will be yet another disaster. The clause therefore seeks to establish a modicum of parliamentary accountability and scrutiny.

Before the debate began, I was in the Library. I was not looking through the documents to which reference has been made. They were being bandied about in the Chamber, probably to greater effect. I was looking at the legislative role of Congress. Congress is very much involved in the legislative process. Hon. Members discuss each year one or two defence Bills. This Bill was introduced in such a way as to make constructive criticism and constructive comment exceedingly difficult.

If one believes in efficiency, the Government ought to consider that they have been provided with a great opportunity to justify how clever they have been by being obliged to place before the House the savings that they intend to make. The new clause ought to be regarded by the Government and their supporters as providing an opportunity to justify those savings. However, none of the Government Back Benchers who served on the Standing Committee is in the Chamber. It has brought a new dimension to the term "Trappist". At least they were physically present in Committee, but they are not physically present, or even possibly spiritually or intellectually present, for these proceedings. Government Back Benchers fulfilled their obligations to the Whips and then cleared off. It is a pity that they are not here at least to justify to their constituents why they wasted space being on that Committee. At least two members of our Committee had the excuse of being simultaneously engaged in the inquiry into Westland.

This clause is an attempt to establish some form of accountability. In view of the proceedings in Committee and the charade that we are going through at the moment, being denied the information essential to us as legislators in achieving our objective of scrutinising Government policy and legislation, it is clear that the Government are seeking to bypass Parliament, or to use merely the shell of Parliament, in order to go through the process with as little inconvenience as possible to themselves.

If the vast numbers of Conservatives who are at present in their offices rush out when the call comes and, with superb efficiency, vote down new clause 1, the Government will lose an opportunity, even within their own warped ideological perspective, to show the House and the world how effective they have been in making savings for the public Exchequer.

I believe that this clause deserves, but will not get, proper attention from the Government and Government Back Benchers. It seeks to achieve a small degree of parliamentary accountability, which I believe that this Government will seek to deny. I believe that the reason that it will not be approved is that the Government realise, if they look very carefully at what they have decided and what they have put into this legislation, that the savings will prove an illusion. The people who gain from this process will be, not the services or the British taxpayer, but the dogmatists and those who may be able to pick up the contract and profit financially.

My name is appended to the list of those who tabled new clause 1, and I very much hope that those people who are not listening to this debate will have some pangs of conscience and will support it. If the clause is approved, the many hours that we spent in Committee and the hours that we are spending here may not prove to be such a waste of time.

Mr. Norman Lamont: A large number of points have been raised in this debate and I shall do my best to reply to them and to give the House some of the information that it has been seeking. First, however, I wish to direct my remarks to what new clause 1 does, because I do not believe that it is sensible.

The new clause would have my right hon. Friend the Secretary of State set out all the costs and savings of £100 or more resulting from the decision that the dockyards services should be provided by a company under commercial management. The new clause does not say when such a report is to be made. Clearly, since it talks of savings resulting from arrangements made, it does not mean that such a report is to be made before the Government's policy is implemented. It does not say whether the report should be made after the scheme has been in operation for a month, a year, five years or the full term of the original contract, which is seven years. The House should also consider what, even were the clause worded properly, it would achieve in terms of legislation. It does not say what should happen if the savings are large, small or non-existent. For those reasons, I do not think that the clause would achieve anything.

I appreciate that one of the reasons for tabling the new clause was to raise questions about the costs and the savings, and I should like now to try to reply to some of the points that have been raised.

It is open knowledge that our latest costings, which were made in February of this year, showed an annual surplus to the Exchequer of £21 million over each of the first 10 years of commercial management, during which time the setting-up costs would be amortised, and thereafter savings were estimated at some £28 million a year. On our latest estimates, therefore, there should be savings of £210 million in the first 10 years, and greater savings thereafter.

Hon. Gentlemen have referred to the amortisation of costs over the 10-year period and have criticised what they see as the heavy setting-up costs involved. One point that is ignored by hon. Gentlemen when they make these criticisms is that whatever system is evolved to try to improve the performance of the dockyards — hon. Gentlemen have been urging upon us another solution, that of having a trading fund, some other middle way, as they see it—many of these initial setting-up costs will have to be incurred.

It seemed to be common ground in Committee that we need to tackle the problem of inefficiency in the dockyards. Report after report has said that performance is not all that it might be, and that such things as the setting up of accountancy systems, which involve software programmes and the purchase of hardware, are necessary for the modernisation of the dockyards and the setting up of a proper commercial framework. That would have to happen whichever solution we adopted for the dockyards.

7.15 pm

Mr. O'Neill: Given that the Government undertook a wide-ranging survey of the various options beforehand, perhaps the Minister of State could tell us how much the start-up costs of a PLC would have been, so that we have some realistic basis of comparison. As far as we can see, none of the alternatives would have cost the £70 million or so which has been mentioned by various hon. Members.

Mr. Lamont: I shall go further into the question of the £70 million, and I hope that when I do that it will become

[Mr. Lamont]

apparent that many of the measures to improve efficiency would be necessary whichever vehicle was chosen, and many of them are the manifestations of increased efficiency.

Mr. Denzil Davies *rose——*

Mr. Lamont: I shall give way to the right hon. Gentleman, but then I want to take my argument further, because it meets exactly the point raised by the hon. Member for Clackmannan (Mr. O'Neill).

Mr. Davies: The Minister said that the annual surplus to the Exchequer over the 10-year period would be £21 million. Can he tell us what the annual deficit to the Ministry of Defence would be in each of those 10 years?

Mr. Lamont: I am coming on to the impact on defence as well.

Mr. Gordon Brown *rose——*

Mr. Lamont: No, I shall proceed just a bit further.

As the new clause refers to a report to Parliament, the House might like to know that it is our intention that the customer organisation—or, to give it its proper title, the Directorate General of Ship Refitting—will produce an annual report of the previous year's dealings with the dockyard company at each yard and with others involved in the refitting and repair of naval vessels. As, unlike now, there will have been a separation of the Navy as customers from dockyard to supplier, and there will be in existence commercially accepted accounting procedures, the annual report which the DGSR presents will have to be full and informative. Additionally, the books of the two dockyard companies will be open to my Department to the same extent as are any other defence contractors' books when we have negotiated a non-competitive contract with them.

The right hon. Member for Llanelli (Mr. Davies) outlined the structure of the savings and costs. While in no way retreating from the figures that have been given earlier to the House and to the Public Accounts Committee, I should like to say that the figures are based on worst case assumptions and are not a prediction of what will happen. There are many variables; for example, the savings that can be achieved and the efficiency gains that may be exceeded. The figures are not a prediction, but we have had to answer questions and make certain assumptions.

The right hon. Gentleman asked what changes had been made since the previous estimates. They include alterations to the amount of profit that has been assumed. The profit that is now being assumed is calculated according to the Ministry of Defence profit formula, but there is not one profit formula. Different profit formulae are applicable to different industries; for example, according to their capital intensity. Another example is the setting-up costs and the implementation of commercial accounting systems, which include software and hardware. All those fall within the £70 million initial costs that we have been assuming.

The right hon. Member for Llanelli outlined the structure of costs and savings as he saw it, and basically got the equation right. However, I cannot fill in all the figures under those headings, because it would not be right to do so. We would certainly not wish potential contractors to know certain of them, but I shall reply to some. The right hon. Gentleman is right in saying that the initial costs include the changes in working practices, the preparatory work that is being done, and worst case assumptions about redundancies, which may not happen. Annual costs cover the customer organisation, contractors' profits and amortisation. We estimate the initial costs at £70 million. The figures that we have been analysing are nowhere near the figures mentioned by the hon. Member for Dunfermline, East (Mr. Brown), who talked about £350 million. I noticed that he was at least modest in that he did not go as far as some trade unions have done in mentioning a figure in excess of £400 million.

Mr. Gordon Brown: If the Minister accepts the structure set out by my right hon. Friend the Member for Llanelli (Mr. Davies), obviously he is conceding that the scheme will cost the Ministry more. Will he answer the specific point about the initial start-up cost? If we include the cost, readily admitted in the Bill, of £200 million to set up the private pension scheme, the transitional costs of £70 million, the extension to the fleet maintenance base, the setting up of a new supply organisation, and the possibility of having to establish a new accountancy organisation, we see that the costs in the first year will be more than £300 million.

Mr. Lamont: The costs will be nothing like that.

Mr. Brown: Tell us why not.

Mr. Lamont: If the hon. Gentleman will allow me to answer the questions, he will possibly see the substance of my position, even if he does not agree with it. He is wrong about pensions. The cost is merely the shifting of a liability which the Government would have incurred in any case. It is not additional public expenditure, because those liabilities already exist. Future pension contributions will be an addition to the public purse, and I shall come to that.

The right hon. Member for Plymouth, Devonport (Dr. Owen) asked about the new DGSR organisation. We are now assuming on a worst case basis that as many as 800 people could be involved. Hon. Members asked why that may be necessary. I hope that it will not be necessary. However, new tasks are being done which were not undertaken under the old organisation. There were no contracts before for ship refitting. There is the production of specifications in support of project contracts, the negotiation, placing and monitoring of contracts, and overseeing in the dockyards. Part will be placed in Bath, and part in the dockyards.

Mr. Douglas: Will the Minister confirm this mind-boggling statement, which appeared in the letter from C. M. Edwards, the director of contracts ship refitting:

"The Ministry of Defence has established DGSR as a new organisation to act for the customer and exercise day to day project management responsibility for the Term Contract and for individual project contracts."

Is it realistic to assume that the DGSR based in Bath or elsewhere will exercise day-to-day project management? The Minister shakes his head, but that is what the letter says. Do we already have a misleading document?

Mr. Lamont: The hon. Gentleman knows perfectly well that the customer organisation will not be managing projects as projects are at present managed in the dockyards. I hope that the customer organisation will not involve the sorts of numbers or costs that Opposition

Members have been talking about. We have been open about that, and have been making our arguments about savings on the worst case possibilities.

The hon. Member for Portsmouth, South (Mr. Hancock) and the right hon. Member for Llanelli said that we do not know what the efficiency savings will be, and challenged me to disclose them to the House. The right hon. Gentleman is far too clever for that. He knows perfectly well that I cannot tell the House what efficiency savings we are assuming because we do not want to inform contractors of that at this stage when we are just going out to tender. We do not want to tell them our assumptions for productivity increases and cost reductions. It would make no sense for us to display that to the world at the precise moment when we are asking companies to place competitive tenders and when we want to choose the best one in terms of productivity and efficiency. We have an assumption which is built into the figures and is behind the £21 million and £28 million savings after the overheads have been recovered.

The right hon. Gentlemen the Members for Llanelli and for Devonport made great play of the impact on the Defence Vote. The Ministry of Defence will incur certain costs which are not at present incurred. Obviously, the contributions to pensions will in future be paid for by the Ministry of Defence as an overhead, as is the case with all customers of companies. Customers often pay a company's overheads in the prices charged. No other part of the Government can pay. The Treasury cannot pay the pensions of a private sector company through the prices. Obviously, the Ministry of Defence must do that, and that has an effect on the Defence Vote. The real point is not the effect it will have on the Defence Vote, but rather the effect it will have on the defence programme, and this extra cost will be taken into account in the public expenditure survey and when we decide what the programme will be for the defence budget.

7.30 pm

The hon. Member for Dunfermline, East (Mr. Brown), in another instance of his wild ideas about extra costs, spoke about the extra costs on a supply organisation, and he trotted out a figure of £46 million, saying that he had that sum on very good authority. I think that the hon. Gentleman was thinking of working group one, which was considering a possible need for proportionately higher stockholdings if the contractors decided to supply their own spares, and the possible value of the spares was assessed in the contract as being £46 million. However, that does not mean that an additional purchase must be involved, but simply that there would be a smaller reduction in the overall spare holdings so that operational support remained at an acceptable level. There again, just as elsewhere, the hon. Gentleman has been content to make wild allegations and exaggerations not based on fact. That was made clear to the hon. Gentleman in, I think, the Committee stage.

Mr. Gordon Brown: What is the point of duplicating these supply organisations?

Mr. Lamont: I explained to the hon. Gentleman on many occasions during the Committee stage that sometimes a contractor might wish and think it more efficient to have his own spares organisation and to provide them. However, the extra cost involved would be very small. At some time it could be that there would not be the access to that spares supply that there is at the moment from the naval base to the dockyard. That is the simple administrative point, but it does not involve a huge extra cost.

Hon. Members also asked various questions about consultants. I think that again a sum of £40 million was alleged by one hon. Member. Most of the money that has been spent on consultants has been spent on the setting up of commercial accounting systems. As I have said, that involves the purchase of hardware and software. The setting up of such systems has amounted to about £15 million, and the other support for consultants has amounted to £5 million, but that is all included within the £70 million initial costs. That cost, when it has been amortised, will result in savings to the Exchequer of £28 million, and of £21 million a year even before that.

Mr. Denzil Davies: The hon. Gentleman has said again that there will be an annual surplus to the Exchequer of £21 million a year over a period of 10 years. What will be the annual deficit to the Ministry of Defence budget over that 10 years? Will it not be about £20 million or £21 million every year over 10 years?

Mr. Lamont: I dealt with the point about the defence Vote. I said that there might be adjustments and that obviously certain factors had an impact on the defence Vote. I explained what those factors were, but I said that this matter would be taken into account by my right hon. Friend the Chief Secretary when we determine what the Vote on the defence budget will be. The relevant point is that there will be savings to the Exchequer.

It is also relevant that everyone has agreed that there is a problem in the naval dockyards because of inefficiencies. Report after report has said that. Right hon. and hon. Gentlemen are not facing up to that fact, however much they complain about the costs of the changes that we are implementing. They have said that there are other ways of making the dockyards more efficient, but they should recognise that the costs to which I am now referring in answering questions would be incurred in any alternative solution as well. The only difference is that an alternative system would not work. We are the first Government who have faced the problem. To implement these efficiency measures is not a matter of dogma: it is simply common sense. It is of interest not just to taxpayers but to the armed forces and the Navy in getting a good service out of the naval dockyards. For that reason, I urge my right hon. and hon. Friends to reject the new clause.

Mr. O'Neill: Anyone who had not been on the Committee on the Bill and who was in doubt about why earlier we sought time to examine the information made available to us at such a late stage this afternoon will now understand our reasons, having heard the inadequacy of the Minister's reply. He commenced by talking about the amendment in the time-honoured way, saying that there could be shortcomings, that technical matters were involved, that the timing was not right, that the phraseology was incorrect, and so on. The Minister agrees to one of the later amendments. In that case he seeks to improve it himself by changing it. Therefore, if the Minister has difficulty with amendments, the remedy lies in his own hands.

The inadequacy of the Government's response this evening makes clear, first, that they do not really know how much the savings will be. As a last flourish, in what

[Mr. O'Neill]

one imagined was the peroration of the Minister's speech, he referred to the inadequacy of any alternative solution to the problem, but he could not even tell us how much the commencement costs of a plc would be as against the option selected by the Government.

It has been broadly accepted by the Opposition (and the Minister has not chosen to refute this) that, starting last year, with a saving of £26 million, the figure had been whittled down by this February to £21 million, a figure which, on a turnover of about £400 million, barely makes the whole exercise worth the candle. As my hon. Friend the Member for Dunfermline, East (Mr. Brown) said, it is barely worth the candle when we consider the bitterness caused, the deterioration in industrial relations, and the problems created for management in these yards.

So far, no attempt has been made to calculate how long it has taken for management and staff of the yards to explain to consultants what the changes will involve, nor has the time been calculated that it has taken for the contractors to have introduced to them the workings of the yards. What will be the likely costs in the months and years ahead when the members of middle management who are still there will be working out the essential work to be carried out in the yards? Those people will have to hold the hands of the contractors while they begin to find their way around this complex industrial organisation.

This evening we have heard that there is a possibility that the customer and supplier organisations will be based at perhaps Bath, Devonport or Rosyth. According to my hon. Friend the Member for Dunfermline, East, who has had an opportunity to read some of the material on this matter, some of the customer organisations will in fact be responsible for day to day operations. The Minister says that that is not so because such operations are far too detailed. One can imagine that that is why such an operation would be in Rosyth, Plymouth or Devonport in the first place. People could be in Bath and jump on the train to get quickly to other places if they had to go there as consultants. Frankly, we know that this is merely evidence of the lack of thought by the Minister and his colleagues.

We know that there has been no lack of effort on behalf of the 19 working groups, which have produced report after report. The problem is that these reports have not yet been properly quantified. The suggestion has been made that once a year, following contractorisation, this customer organisation will produce an annual report of such detail that we shall be able to see clearly the extent of the savings. In this connection, the quality of the responses from the Government would suggest that there is no likelihood that the annual report from the director general of ship refitting will allay our fears or clearly indicate to us what will be the costs and savings of the new organisation.

The Opposition have cited different costings. We need not just a report by the DGSR but a report on which the Comptroller and Auditor General can comment. The Public Accounts Committee said that it was not satisfied that there had been a close enough examination of the massive assets to which the right hon. Member for Plymouth, Devonport (Dr. Owen) referred during his brief sojourn in the Chamber, which represent decades of investment by the Exchequer and the Ministry of Defence. A tuppence ha'penny report by the DGSR, perhaps from its headquarters in Bath with a couple of paragraphs produced in Rosyth and another couple in Plymouth, is not sufficient. These figures are not adequate.

The new clause specifically says that any savings of more than £100 must be brought to the attention of the House in an annual report. The Government's assurances are inadequate. I therefore ask hon. Members to join with us in support of the new clause. If the measure does nothing else for industrial relations in the dockyards and for the quality of the workmanship provided by the contractorised yard, it certainly will provide a modicum of protection for the taxpayers' massive investments. I hope that, in the long run, it will give the Navy the service enjoyed for centuries through our dockyards. That service has been jeopardised by the Government's cavalier approach.

Question put, That the clause be read a Second time:—

The House divided: Ayes 170, Noes 224.

Division No. 120] **[7.42pm**

AYES

Alton, David
Archer, Rt Hon Peter
Ashdown, Paddy
Ashley, Rt Hon Jack
Atkinson, N. *(Tottenham)*
Bagier, Gordon A. T.
Banks, Tony *(Newham NW)*
Barnett, Guy
Beckett, Mrs Margaret
Beith, A. J.
Bell, Stuart
Benn, Rt Hon Tony
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Blair, Anthony
Boothroyd, Miss Betty
Boyes, Roland
Bray, Dr Jeremy
Brown, Gordon *(D'f'mline E)*
Brown, Hugh D. *(Provan)*
Brown, N. *(N'c'tle-u-Tyne E)*
Brown, Ron *(E'burgh, Leith)*
Bruce, Malcolm
Buchan, Norman
Caborn, Richard
Callaghan, Jim *(Heyw'd & M)*
Campbell, Ian
Campbell-Savours, Dale
Carlile, Alexander *(Montg'y)*
Cartwright, John
Clark, Dr David *(S Shields)*
Clarke, Thomas
Clay, Robert
Clelland, David Gordon
Clwyd, Mrs Ann
Cocks, Rt Hon M. *(Bristol S)*
Cohen, Harry
Cook, Frank *(Stockton North)*
Corbett, Robin
Corbyn, Jeremy
Craigen, J. M.
Crowther, Stan
Cunliffe, Lawrence
Dalyell, Tam
Davies, Rt Hon Denzil *(L'lli)*
Davies, Ronald *(Caerphilly)*
Davis, Terry *(B'ham, H'ge H'l)*
Deakins, Eric
Dewar, Donald
Dixon, Donald
Douglas, Dick
Duffy, A. E. P.
Eadie, Alex
Eastham, Ken
Edwards, Bob *(W'h'mpt'n SE)*
Evans, John *(St. Helens N)*
Ewing, Harry
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Flannery, Martin
Foot, Rt Hon Michael
Forrester, John
Foulkes, George
Fraser, J. *(Norwood)*
Freeson, Rt Hon Reginald
George, Bruce
Gilbert, Rt Hon Dr John
Godman, Dr Norman
Golding, John
Gould, Bryan
Gourlay, Harry
Hamilton, James *(M'well N)*
Hamilton, W. W. *(Fife Central)*
Hancock, Michael
Harman, Ms Harriet
Hart, Rt Hon Dame Judith
Haynes, Frank
Healey, Rt Hon Denis
Hogg, N. *(C'nauld & Kilsyth)*
Home Robertson, John
Howell, Rt Hon D. *(S'heath)*
Hoyle, Douglas
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
Hughes, Sean *(Knowsley S)*
John, Brynmor
Kaufman, Rt Hon Gerald
Kennedy, Charles
Kilroy-Silk, Robert
Kirkwood, Archy
Lambie, David
Lamond, James
Leighton, Ronald
Lewis, Terence *(Worsley)*
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
McCartney, Hugh
McKay, Allen *(Penistone)*
McKelvey, William
McNamara, Kevin
McTaggart, Robert
Madden, Max
Marek, Dr John
Marshall, David *(Shettleston)*
Martin, Michael
Mason, Rt Hon Roy
Maxton, John

Maynard, Miss Joan
Meacher, Michael
Meadowcroft, Michael
Michie, William
Mikardo, Ian
Millan, Rt Hon Bruce
Miller, Dr M. S. *(E Kilbride)*
Mitchell, Austin *(G't Grimsby)*
Morris, Rt Hon A. *(W'shawe)*
Morris, Rt Hon J. *(Aberavon)*
Nellist, David
O'Neill, Martin
Orme, Rt Hon Stanley
Park, George
Parry, Robert
Patchett, Terry
Pavitt, Laurie
Pike, Peter
Powell, Raymond *(Ogmore)*
Prescott, John
Radice, Giles
Randall, Stuart
Redmond, Martin
Rees, Rt Hon M. *(Leeds S)*
Richardson, Ms Jo
Roberts, Allan *(Bootle)*
Robertson, George
Robinson, G. *(Coventry NW)*
Rogers, Allan
Rooker, J. W.
Ross, Ernest *(Dundee W)*
Ross, Stephen *(Isle of Wight)*
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon R.
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Short, Mrs R.*(W'hampt'n NE)*
Silkin, Rt Hon J.
Skinner, Dennis
Smith, Rt Hon J. *(M'ds E)*
Snape, Peter
Soley, Clive
Stott, Roger
Strang, Gavin
Thomas, Dafydd *(Merioneth)*
Thomas, Dr R. *(Carmarthen)*
Thompson, J. *(Wansbeck)*
Thorne, Stan *(Preston)*
Tinn, James
Torney, Tom
Wallace, James
Wardell, Gareth *(Gower)*
Wareing, Robert
Weetch, Ken
White, James
Wigley, Dafydd
Wilson, Gordon
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Allen Adams and
Mr. John McWilliam.

NOES

Alison, Rt Hon Michael
Ancram, Michael
Ashby, David
Atkins, Robert *(South Ribble)*
Baker, Nicholas *(Dorset N)*
Beaumont-Dark, Anthony
Biggs-Davison, Sir John
Body, Sir Richard
Boscawen, Hon Robert
Bowden, Gerald *(Dulwich)*
Brandon-Bravo, Martin
Brinton, Tim
Brooke, Hon Peter
Buchanan-Smith, Rt Hon A.
Buck, Sir Antony
Burt, Alistair
Carlisle, John *(Luton N)*
Chapman, Sydney
Chope, Christopher
Clark, Sir W. *(Croydon S)*
Cockeram, Eric
Colvin, Michael
Coombs, Simon
Cope, John
Couchman, James
Cranborne, Viscount
Currie, Mrs Edwina
Dorrell, Stephen
Douglas-Hamilton, Lord J.
Durant, Tony
Eyre, Sir Reginald
Fairbairn, Nicholas
Favell, Anthony
Fenner, Mrs Peggy
Fletcher, Alexander
Fookes, Miss Janet
Forth, Eric
Fox, Marcus
Franks, Cecil
Fraser, Peter *(Angus East)*
Freeman, Roger
Fry, Peter
Galley, Roy
Gardiner, George *(Reigate)*
Gardner, Sir Edward *(Fylde)*
Garel-Jones, Tristan
Goodlad, Alastair
Gorst, John
Gow, Ian
Gower, Sir Raymond
Grant, Sir Anthony
Greenway, Harry
Gregory, Conal
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Grist, Ian
Ground, Patrick
Hamilton, Neil *(Tatton)*
Hanley, Jeremy
Hannam, John
Hargreaves, Kenneth
Harris, David
Harvey, Robert
Haselhurst, Alan
Hawkins, C. *(High Peak)*
Hawksley, Warren
Hayes, J.
Hayhoe, Rt Hon Barney
Heathcoat-Amory, David
Heddle, John
Henderson, Barry
Hickmet, Richard
Hill, James
Hind, Kenneth
Hirst, Michael
Hogg, Hon Douglas *(Gr'th'm)*
Holland, Sir Philip *(Gedling)*
Holt, Richard
Hordern, Sir Peter
Howarth, Alan *(Stratf'd-on-A)*
Howell, Ralph *(Norfolk, N)*
Hubbard-Miles, Peter
Jackson, Robert
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
Jones, Robert *(Herts W)*
Jopling, Rt Hon Michael
Joseph, Rt Hon Sir Keith
Kellett-Bowman, Mrs Elaine
Key, Robert
King, Roger *(B'ham N'field)*
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Lamont, Norman
Lang, Ian
Latham, Michael
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lester, Jim
Lewis, Sir Kenneth *(Stamf'd)*
Lilley, Peter
Lloyd, Peter *(Fareham)*
Lord, Michael
Luce, Rt Hon Richard
McCrindle, Robert
McCurley, Mrs Anna
MacKay, Andrew *(Berkshire)*
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
McNair-Wilson, P. *(New F'st)*
Madel, David
Major, John
Malins, Humfrey
Malone, Gerald
Maples, John
Marlow, Antony
Mather, Carol
Maude, Hon Francis
Mawhinney, Dr Brian
Mayhew, Sir Patrick
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Mills, Sir Peter *(West Devon)*
Moate, Roger
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morrison, Hon C. *(Devizes)*
Morrison, Hon P. *(Chester)*
Moynihan, Hon C.
Mudd, David
Neale, Gerrard
Nelson, Anthony
Newton, Tony
Nicholls, Patrick
Norris, Steven
Onslow, Cranley
Oppenheim, Phillip
Oppenheim, Rt Hon Mrs S.
Ottaway, Richard
Page, Richard *(Herts SW)*
Parris, Matthew
Patten, Christopher *(Bath)*
Pawsey, James
Pollock, Alexander
Porter, Barry
Powell, William *(Corby)*
Powley, John
Prentice, Rt Hon Reg
Price, Sir David
Proctor, K. Harvey
Rathbone, Tim
Renton, Tim
Rhodes James, Robert
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Roberts, Wyn *(Conwy)*
Roe, Mrs Marion
Rossi, Sir Hugh
Rowe, Andrew
Rumbold, Mrs Angela
Ryder, Richard
Sackville, Hon Thomas
St. John-Stevas, Rt Hon N.
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Shersby, Michael
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Soames, Hon Nicholas
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Stanbrook, Ivor
Stanley, Rt Hon John
Steen, Anthony
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Allan *(Eastwood)*
Stewart, Andrew *(Sherwood)*
Stewart, Ian *(Hertf'dshire N)*
Stokes, John
Sumberg, David
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Terlezki, Stefan
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thornton, Malcolm
Thurnham, Peter
Townend, John *(Bridlington)*
Townsend, Cyril D. *(B'heath)*
Trippier, David
Twinn, Dr Ian
van Straubenzee, Sir W.
Viggers, Peter
Waddington, David
Walden, George
Walker, Bill *(T'side N)*
Wall, Sir Patrick
Waller, Gary
Ward, John
Wardle, C. *(Bexhill)*
Warren, Kenneth
Watts, John
Wells, Bowen *(Hertford)*
Wells, Sir John *(Maidstone)*
Wheeler, John
Whitfield, John
Whitney, Raymond
Wilkinson, John
Winterton, Nicholas
Wolfson, Mark
Wood, Timothy
Woodcock, Michael
Yeo, Tim

Tellers for the Noes:
Mr. Michael Neubert and
Mr. Archie Hamilton.

Question accordingly negatived.

New Clause 2

TRANSFERS OF SHARES IN COMPANIES PROVIDING DOCKYARD SERVICES

'Any contract made between the Secretary of State and any dockyard contractor shall contain a proviso requiring the transfer to a person or persons not resident in the United Kingdom of any

shares in any company connected directly or indirectly with the provision of dockyard services by the dockyard contractor to be notified to the Secretary of State and where shares subject to such transfer exceed 5 per cent. in number or value of the total share capital of such company or companies, then the Secretary of State shall forthwith terminate the contract'.—*[Mr. Denzil Davies.]*

Brought up, and read the First time.

Mr. Denzil Davies: I beg to move, That the clause be read a Second time.

New clause 2 is concerned with foreign ownership. I accept entirely that it is not easy to draft foolproof clauses, regulations or articles to cover such an area, and the Government will accept that that is not a defensive statement.

Our first criticism of the Government with regard to foreign ownership is that they have put nothing in the Bill to prevent the foreign ownership and control of assets of national strategic importance. That is not surprising because the Government do not care. They are prepared to sell off almost anything to cobble up a bit of money. The dockyards are an important national asset and I believe that there will be widespread support both in the House and in the country for ensuring that the dockyards do not fall into the hands of foreign countries.

In Committee, the Government said that it was not necessary to deal in the Bill with the question of foreign ownership. They said that their lawyers had come up with a complicated scheme to deal with the problem. No doubt the Minister or the Under-Secretary will tell the House — they have already told the Committee — what that scheme is.

As I understand the scheme, if 30 per cent. of the shares in any one of the consortium companies—I suspect at the end of the day there will be a consortium of some kind —become owned by foreigners, however they are to be defined, there will be some mechanism, at the discretion of the Secretary of State, for the contract to be terminated.

That would not happen automatically. The company apparently has a duty to notify the Ministry of Defence when the shareholding by foreigners has risen to 30 per cent. That is all that happens. Presumably the company will, out of the goodness of its heart, send a note to the Ministry to tell it that the company is now 30 per cent. owned by the Moscow Narodny bank nominees, or whoever it might be. At that point the Secretary of State may study the contract and consider whether he should terminate the contract.

Frankly, for all the high drafting and precision that appears on the surface, these provisions are worth little. They are purely cosmetic. They pretend that the Government are concerned about foreign ownership. The Government have not made a real effort. I shall try to show that. The new clause seeks to put that right.

Thirty per cent. is too high. Of course 30 per cent. is more than 25 per cent., but 25 per cent. is a magical figure when it comes to company law. A shareholding of 25 per cent. in effect represents, as the Government well know, control of a company. Such a holding can block a liquidation or it can block special resolutions. It is no coincidence that, some months ago, Sikorsky-Fiat was aiming for a 29 per cent. share of Westland but there were also stock exchange reasons. With a 29 per cent. shareholding, one is in the driving seat, especially if the other shares are spread widely. We are not talking about a company where 75 per cent. or 65 per cent. of the shares are held by one person. In consortiums such as Appledore International, Trafalgar House, the Weir Group and various other public quoted companies, there will be a wide spread of shares. It may well turn out that the foreign national or company owning 30 per cent. of shares would be the largest single shareholder, so 30 per cent. is far too high. It does not give the protection that is necessary. The new clause makes it clear that the figure that we would accept is 5 per cent. We accept that there will be changes in the shareholdings of companies from time to time and 5 per cent., as the lawyers say, is a kind of de minimis. That would be acceptable, but anything above that would not.

8 pm

Secondly, the duty to notify the Ministry of Defence is far too weak. A legal duty to notify may be written into the contract, but I do not know how that can be enforced. Will the Ministry of Defence sue its contractor? What damage will the Ministry of Defence suffer? The duty to notify is not worth the paper it is written on. We have seen nothing in writing—I do not know whether the details are contained in the documents that we were presented with today—but the duty is to notify when the figure becomes 30 per cent. and it will be too late by then because the holding will have been built up. That really is bolting the stable door after the horse has gone.

The new clause reasonably points out that where there is a transfer of shares to a foreign resident or national— it is possible to find that out — there should be immediate notification, and where that transfer and others come to more than 5 per cent. the axe falls on foreign ownership. The 30 per cent. is too high a figure. The duty to notify is ridiculous, and it is too late at that point because the shareholding has been built up.

The third weakness in the Government's scheme is that the Secretary of State merely has a discretion to terminate the contract. A complex legal arrangement has been built up. The contract contains all the provisions. Lawyers have been richly paid to do all the drafting, yet at the end of the day the Secretary of State has a discretion to terminate a contract with his contractor. That is the only contractor that there is to repair the ships and that contractor's shareholding already stands at 30 per cent. If the contract were then terminated, somebody else would have to be found to do the work, with all the hassle that that would entail.

Does anybody believe that a Secretary of State for Defence would terminate such a contract because of the foreign holding? Certainly this Secretary of State would not. No, Mr. Deputy Speaker, that is nonsense. Ministers have worked hard. The Minister of State looked pained when I criticised his scheme and no doubt the Under-Secretary also feels that he has put long hours into this splendid piece of legal complexity. However, they should not take too much pride in it. It may be good in theory, but it makes no sense in practice.

The new clause provides for a termination of the contract at an earlier stage — when the shareholding stands at 5 per cent., not when it has been built up to 30 per cent. Clearly the Government must think about this again. They must take seriously the view that we must not allow any substantial shareholding from abroad in the royal dockyards. If they are not prepared to put a new

clause into the Bill at this stage, such matters can be dealt with in the other place. The clause would be better in the Bill. That is where it should be. We do not accept that a shareholding of 30 per cent. provides the kind of safeguards that we require.

Mr. Hancock: The points on the new clause were well made in Committee and the right hon. Member for Llanelli (Mr. Davies) spelt out the difficulties that could arise. We must consider the sort of situation in which we might find ourselves. What will happen if control of the royal dockyards falls into the hands of a foreign company holding at least 30 per cent. of the shareholdings? If the company refuses to drop a foreign-held shareholding the provisions in the Bill to terminate will then have to be put into practice. As the right hon. Gentleman said, what will happen to the work in progress? The one thing that we do know is that if the Bill is enacted there will be no turning back the clock. There will be no ready-made labour force and management to step in to fill the gap that will be created once one sets about trying to terminate a contract. What chance does that give of looking sensibly at the way in which the dockyards work? It will be an impossible situation. A seven-year contract may have run for three years when it has to be terminated and then other interested parties will have to be found. We know from Committee of the reluctance of many companies to look seriously at such a situation. More than one hon. Member suggested that strong arm tactics were being used to get people to show some interest. That would be par for the course should a contract be terminated.

It would be a grave dereliction of the Government's responsibility if they were not to act sensibly in the protection of the national interest and the defence of the realm and, more importantly, the conscious giving of control of something as important as our dockyards to foreign companies or people with hostile intent, whether politically or militarily, towards the United Kingdom.

I hope that hon. Members will see the sense of supporting new clause 2. It makes sense now and it did so in Committee. I have yet to hear a sustainable argument from the Government against it. I beg the House to support new clause 2.

Mr. Gordon Brown: The question is whether, in their enthusiasm to transfer the dockyards from public to private control, the Government are inadvertently creating conditions which may transfer the dockyards from British control to foreign control. In recent weeks Conservative Members have filled the House to discuss the importance of British control over the British car industry, and the Conservative party has been divided over who controls the British helicopter industry. Yet it is remarkable that not one Conservative Back-Bencher is present this evening, and only three Conservative Members are present on the Front Bench, when we are discussing legislation that contains not one safeguard against the possibility of foreign control of the royal dockyards. There is not one safeguard in the Bill to prevent or avert the possibility that a foreign company may be entrusted with the responsibility of refitting not only our sophisticated nuclear submarines but our nuclear deterrent. Despite hours of Committee debate on some of these matters and the presentation of various formulae and amended formulae by Ministers, none of my hon. Friends can be happy with any assurances that have been given about preventing foreign control when the Government are not prepared to include stipulations in the legislation.

Because there are to be no legal guarantees against foreign control, the Government have been retreating daily from their determination to prevent foreign control of the consortiums running either of the dockyards. The original position was set out by the Minister of State in the Second Reading debate on 2 December in response to a question from my right hon. Friend. He said:

"tenders would be sought from British companies."—[*Official Report*, 2 December 1985; Vol. 88, c. 98.]

The assumption that underlay our initial discussion of the Dockyard Services Bill was that no company other than a British-owned and British-registered one would be in a position to bid for the dockyard franchise.

During Committee stage a revised position was presented by the Parliamentary Under-Secretary. He said that to avoid the possibility of foreign control the Government would introduce a stipulation that no more than 30 per cent. of the shares of the consortium could be in the hands of a foreign firm. When we asked how he would eliminate foreign firms that might be interested in the dockyard franchise, and deal with other problems, he said:

"The answer . . . is that the problem will be picked up at the pre-qualification stage, which we are now moving towards."

That stage has come and gone. On the list of companies being invited to tender for the royal dockyards, exclusively as a single company and not as part of a consortium, is a wholly owned American company. The assurance that the problem would be picked up at pre-qualification stage was a bland one. It was one on which the Minister has not yet been able to deliver, at least in the parliamentary answers that he has given.

The Parliamentary Under-Secretary of State then redefined the position again. In reply to a question in Committee he said:

"It would be theoretically possible for Foster Wheeler,"—

a wholly owned American company—

"or another foreign company, to satisfy the shareholding requirements but come in with financial rather than commercial trading partners."—[*Official Report, Standing Committee D*; 30 January 1986, c. 376.]

In other words, for all operational purposes the controlling interest could be a wholly owned American company, for technical purposes holding only 29 per cent. or 29·5 per cent. of the shares, but being the only company with the technical expertise that would allow it to succeed in winning the contract.

At first, no foreign companies whatsoever were to tender. Now, the Minister is apparently prepared to contemplate a foreign-owned company bidding for the franchise, going beyond the pre-qualification stage, choosing a few banks and financial institutions to back up its application and to satisfy the shareholding requirement, and being effectively in control of the dockyards at Devonport or Rosyth.

8.15 pm

It is a situation unique in the Western world where an American-owned company that is not in a position to bid for the contracts to run the American shipyards and dockyards is somehow placed in an advantaged position to bid for the contract for the British dockyards. Neither America nor any European country would contemplate the

[Mr. Gordon Brown]

refitting of its most sophisticated nuclear weapons already in commission by a consortium with a substantial foreign shareholding.

Some of us have had a chance to look, if only briefly, at the documents issued to companies over the past few days. Annexe 4.2 is of special interest. It is headed:

"Proposed conditions governing foreign shareholdings in the dockyard company."

It contains the Government's definition of a foreign corporation that would be able to hold up to 30 per cent. of the shares in a consortium running the royal dockyards. In the list of possible foreign corporations to hold shares in the dockyard, we find:

"A Government or Governmental Department or Government agency or body other than of the United Kingdom or any part thereof".

In other words, as well as the fact that, under this legislation and the Minister's own regulations, a foreign, private company may be able to hold up to 30 per cent. of the shares in the consortium, it is also possible that a foreign Government could hold up to 30 per cent. of the shares in the royal dockyards. As far as Britain is concerned we are transferring control from public to private hands, but apparently the Government can contemplate the possibility that another state—perhaps Libya, Argentina or South Africa or another of the countries that might be interested in having refit work done at the dockyards—could become part of the consortium running the royal dockyards. That is the effect of the Minister's statement.

Conservative Members seemed to be concerned about the future of Westland. They seemed determined to keep British Leyland under British control for strategic—they said—as well as financial and employment reasons. I cannot understand how they are prepared to contemplate the possibility of a foreign Government being the major party with a controlling operational interest in the running of the dockyards. Yet in one of the last sittings of the Committee the Minister of State told us that the only sensible criticism that might be made of these arrangements was that they were too restrictive. In other words, he seems to think that it would be better to open the floodgates, to allow foreign companies to hold a higher proportion of the shares, to let foreign Governments do what they want with the royal dockyards and to allow a strategic asset to fall into other people's hands. That is the effect of the statement that he made when we were discussing the stipulations governing foreign control of the franchise.

It is small wonder that the hon. Member for Plymouth, Sutton (Mr. Clark), the Minister for Trade, is not here today. I gather that he has stated to the local newspaper that he is not here because he would be too embarrassed at having to vote against the Third Reading of the Bill. As the Minister may already know, the Minister for Trade has written to the trade unions at Plymouth dockyard saying that his real apprehension is that the fate of the dockyards might be decided by people with no interest in or experience of conditions in the city of Plymouth, and that a great asset may be sold into the hands of strangers.

Perhaps the hon. Member for Sutton, who has had to be silent in debates on this matter in the House, will carry some weight with the Prime Minister when the final decision is made on whether to go ahead with the Bill.

I note that the hon. Gentleman also told the trade unions that

"there remains the possibility of a number of detailed changes to the Bill in its passage both in the Commons and in the Lords".

It is precisely such changes that we are proposing today.

Mr. Denzil Davies: The hon. Member for Plymouth, Sutton (Mr. Clark) may not be the only one who has deserted the Government on this issue. There are no Conservative Members on the Back Benches.

Mr. Brown: I do not think that the Government can call on any physical support today outside the Division Lobbies. It is noticeable that some hon. Members from the south-west, whom one might have expected to be here, have absented themselves from the Chamber and also from the Division Lobby. It may be that more hon. Members than the 10 who abstained on Second Reading will abstain on Report and Third Reading. It is a sign of the declining support for the Bill that the Minister who who should be going through the Lobby as a loyal Government supporter has made a public statement to the effect that he could not support the Bill in the Lobby this evening. I mean the Minister for Trade. It is clear that the Minister of State for Defence Procurement is a loyal supporter of the Government and will support them no matter what they say and no matter what wrongs they are doing to our defence forces.

My right hon. Friend the Member for Llanelli (Mr. Davies) mentioned another problem associated with the dangers of foreign control. He mentioned the possibility that during the period of a seven-year contract a greater amount of foreign shares may be put into the consortium. We have to remember that the Ministry of Defence is not committed to re-tendering every seven years. All it wants to retain is the right to re-tender every seven years. The Minister of State was quite clear on 2 December on Second Reading. Where the consortium became subject to foreign influence he said:

"In such conditions it would be written into the contract that the company would lose the contract to manage the yards".—[*Official Report*, 2 December 1985; Vol. 88, c. 98.]

That seemed a clear statement that the contract would contain a clause not that the company might lose the contract to manage the yard but would lose the contract. That statement has been evacuated by the Minister. On 30 January the Under-Secretary told the Committee something totally different. Looking at a number of options open to him in circumstances where a consortium became subject to foreign control, he said:

"The third option would perhaps be to allow the new situation to continue as it was in the overall interests of national security . . . Here, we would obviously take account of the time left for the contract to run, the adequacy of the contractor's performance to date and the nature of the foreign influence involved."—[*Official Report, Standing Committee D*, 30 January 1986; c. 375.]

In other words, what the Minister said on 2 December is meaningless. It is not something that the Government are prepared to hold to. He misled the House on 2 December and I hope that he will apologise to the House for a statement that has not been justified by events in Committee or by the proposed conditions governing foreign shareholding in the dockyard company. That is a five-page statement which has been sent to the contractors. It goes into great detail about what constitutes a foreign consortium and a foreign shareholding and what 30 per cent. means. It defines foreign corporations, foreign

shareholdings and project contracts. It defines what an "interest" is, and what a Government nominee is. It goes into all that detail and then says that if the contractor or the consortium raises its share above the 30 per cent. limit and does not reduce its shares, if there are transfers of shares between parent companies, if directorships change and we have foreign directors in control the answer is that the authority, meaning the Government, may in their entire discretion terminate the agreement. It does not say would or will but may. In other words, what was said to the House on 2 December by the Minister of State is proved not to be what the Government are now saying to the company. Therefore, no matter what the level of foreign control, what sort of consortium emerges during the period of a contract, how many foreign directors there are or how many foreign Governments buy 5 per cent. or 10 per cent. of shares in the consortium, the Government are leaving it open to decide whether they will or will not leave the dockyard consortium in foreign hands.

That emphasises the point that if the conditions governing foreign control are not enshrined in the legislation we will have evasion and retreat even from the bland assurances that Ministers have given during our debate.

This not an academic argument. One foreign company is already expressing interest. There is the possibility that consortia may be made up by other foreign partners. The Government should realise that there is no more important strategic asset for the maintenance, repair and refit of our defence forces than the royal dockyards. If it is inconceivable that any other country would pass the control of its dockyards from its own native control to foreign control, it should be unacceptable to the Government to allow a foreign consortium to be in a position to be the major partner, no matter what shares it holds, in running British dockyards.

As usual, Ministers wear the clothes of patriots but leave those clothes oddly empty. Having got into a situation where our helicopter industry has passed, in the main, into foreign control, along with many of our other assets, it is the last straw for the Opposition to see the dockyards being put in a position where, inadvertently, through Government neglect and negligence they too may pass into foreign control. If the Government are serious about retaining the dockyards as a British asset for the use of the British defence forces, they would include in the legislation a clause preventing foreign control of the consortia or even a substantial share in the consortia.

The dockyard planning team reports still mention the possibility of refits for foreign navies. Argentina and South Africa are still part of the list that the Ministry of Defence seems prepared to contemplate. If the dockyards are to do work for foreign navies, the least we can expect is that they are not under foreign control. I believe that the Minister should take to heart the warnings that have been given by the Minister for Trade and should accept amendments to the Bill here before the other place includes them as part of its deliberations. If the Government were serious about retaining British control, they would accept the amendment moved by my right hon. Friend the Member for Llanelli.

The Parliamentary Under-Secretary of State for Defence Procurement (Mr. John Lee): In essence new clause 2 seeks to provide that the contract between my Department and the successful bidders for the management of the dockyards will provide that if shares in any company directly or indirectly connected with the provision of dockyard services by the dockyard contractor are transferred to someone not resident in the United Kingdom my right hon. Friend the Secretary of State should be notified. Where the transfer exceeds 5 per cent. in number or value, my right hon. Friend should terminate the contract.

I say with the greatest respect to the right hon. Member for Llanelli (Mr. Davies) and his hon. Friends that this is a narrow, unrealistic and unnecessary reaction. On the assumption that the amendment has been drafted to mean what it says, I doubt very much whether it would even achieve what the right hon. Gentleman and his hon. Friends hope. It is by no means certain that the new clause would prevent any number of transfers, providing each was below the magical 5 per cent. figure, which could result in a transfer to foreign ownership in small stages.

Nor is the new clause very specific about which company or companies it is seeking to constrain. The wording refers to

"Any company connected directly or indirectly with the provision of dockyard services by the dockyard contractor".

Again, I say with respect that that is pretty loose wording. I shall explain why I believe it is not only loose but misguided. It certainly has very little to do with preventing foreign control of the dockyards which it is clear from what Opposition Members have said is their concern, and the purpose of the new clause.

The clause is also wholly inflexible and as soon as the very low level limit which it sets of the transfer of more than 5 per cent. of the shareholding of any company to non-UK residents is reached, the contract with the dockyard company must be terminated "forthwith". There is no question here of any discretion. There is no question of determining whether such a shareholding amounted to foreign influence—much less foreign control—in the dockyards. There is no question of considering whether any harm would be done to national security or other interests as a result of such a foreign shareholding. The wording of new clause 2 is simply a knee-jerking reaction, typical of the sort of opinions increasingly emerging from the Opposition that if it is foreign it must be bad. Or worse, it is an example of even more anti-Americanism on the part of the Opposition.

Let me make it quite clear that safeguarding national security interests has always been, and will remain, a vital concern in our policy of introducing commercial management into the dockyards. I can say without any hesitation that the idea that what we are proposing somehow puts national security at risk is absolute nonsense. In a moment I shall outline, for the benefit of those who were not on the Standing Committee, what we propose. I am sure that all those who, unlike some Opposition Members, are prepared to listen will accept that we are taking the sort of steps on foreign shareholding that any prudent Government should take.

8.30 pm

The new clause moved by the right hon. Member for Llanelli is at best unclear which company and to what extent it is seeking to constrain. Taken literally, any purchases of even a minute shareholding by an overseas resident in the parent company of the managing company —for example, just two shares in Trafalgar House plc or Babcock International plc—would have to be notified to my right hon. Friend the Secretary of State.

[Mr. John Lee]

Our proposals require my right hon. Friend the Secretary of State to form a Companies Act company at each dockyard. Each company will have an authorised share capital of £50,001, divided into 50,000 ordinary shares of £1 each and one special share of £1 which my right hon. Friend will retain. The 50,000 shares will be transferred on vesting day to a managing company which will either be whichever company has been successful in tendering to manage that dockyard for the initial period of seven years or, where a consortium has been successful, it will be a company formed and owned by the consortium. All 50,000 shares will be owned for that entire period by the managing company. It is not our intention that anyone other than the managing company should hold those 50,000 shares and that will be in the contract. In the articles of association of the company which my right hon. Friend forms at each dockyard, he will make provision for a special share to be held by or on behalf of himself. The rights attached to that share will ensure that no change is made to the articles of the company or to its memorandum without my right hon. Friend's approval. No change in the ownership of the shares in the dockyard company may be registered without my right hon. Friend's approval. However, I have already said that ownership of the shares in the dockyard company must, under the contract, remain with the managing company for the period of the contract.

On foreign control, therefore, one must consider also the managing companies. I must stress here that we do not propose the privatisation of the dockyards and the transfer to a private company of Government assets. Anyone would think, from the speeches of Opposition Members, that we intend to give away or sell the assets. They will be retained in public hands. To that extent, constraints on foreign shareholdings which were relevant to, for example, British Aerospace are not relevant to the dockyards. In this case, the Ministry of Defence will retain the ownership of the land, buildings, plant and equipment and we shall retain the right to change contractors at the end of the seven-year contract.

As to the protection of information about our naval refitting programme, including — Opposition Members referred especially to this in Committee — information related to nuclear aspects, I can assure the House that the controls which apply to other defence industries—many of which are no less vital to our security than are the dockyards—will apply in full to all companies involved. These controls are those which apply to list X companies, and they have ensured that there has been no threat to national security from, for example, the involvement of companies in our nuclear and other weapons programmes or in the construction of nuclear submarines.

Following the pre-qualification exercise which my Department carried out earlier this year, we published the names of those companies which we would be inviting to tender for the contracts. Last week, the invitation-to-tender documents were issued for Devonport, to a consortium of Trafalgar House, Plessey, A & P Appledore, and to the management-led Devonport Dockyard Limited; and for Rosyth to the Babcock International/Thorn EMI consortium, the Balfour Beatty Weir group consortium, Press Offshore and Northern Engineering Industries.

Of course, the dockyards are of unique strategic importance, and for that reason cannot be regarded in the same way as any other defence contractor. We have made it clear that we could not accept that the dockyards should be run by foreign companies because of the obvious necessity to protect security interests. The relevant concern, with which the contract will deal, is the shareholding and management structure of the managing company which will, for the period of the contract, own and therefore control the dockyard company employing the work force. Annexed to the invitation to tender, a copy of which has been placed in the Library of the House as hon. Members will gather from earlier deliberations — perhaps better late than never — are draft contractual clauses relating to foreign control. Although they are no more than draft clauses, the principles upon which they operate will not significantly change. Those clauses define, for the purposes of the contract, key terms such as "foreign corporation" and "corporation under foreign control".

I accept that one can debate the shareholding which represents "control" of a company. We are really considering influence and the meaningful control which that may give. It is not, however, as simple as Opposition Members suggest. A shareholder who has 20 per cent. of the issued shares in a company may have considerable influence where no one else has more than 5 per cent.; however, a 20 per cent. interest in the shares of the company having four other shareholders each of whom also has 20 per cent. could hardly be described as a controlling influence. In terms of voting powers at a general meeting, the ability to exercise 51 per cent. of the shares voting is regarded as control. As I have said, for British Aerospace, foreign participation in share capital has been limited to 15 per cent. In yet other contexts, 30 per cent. has been considered to be the shareholding giving rise to control—that is the shareholding in a publicly quoted company at which a mandatory bid must be made under City rules.

Our view is that, given the other safeguards to which I referred—the articles of the companies set up by my right hon. Friend, the fact that without his consent significant articles cannot be changed and shares cannot be transferred, the tried and tested protection which list X procedures afford — the shareholding in the managing company at which we consider, in normal circumstances, a risk to security may begin to arise is 30 per cent.

This is the foregn shareholding in the managing company to which we expect we will, in the interests of security, expect tenderers to conform at the initial bid stage. But whatever the tenderer's proposals are, we shall examine them to satisfy ourselves that security interests will not be prejudiced. If we think that is their effect, we shall not agree to them.

Opposition Members may ask how we shall determine whether shareholding in the managing company is foreign. The answer is that we will look at the parent company which holds it. Under the contract, my right hon. Friend will be entitled to assume, unless the parent company establishes otherwise, that any share in it is foreign held. If foreign held shares in the parent company exceed 30 per cent. it will be considered under the contract to be a corporation under foreign control, and the shares which it will hold in the managing company will also be considered foreign owned. If the parent company is foreign registered, or if its principal place of business is abroad, it will be considered to be a foreign corporation, resulting in its shares in the managing company also being

considered foreign held. We are, therefore, not excluding foreign owned or registered companies or their United Kingdom subsidiaries from joining a consortium to bid to manage the dockyards, though their shares in the managing company will be considered foreign for the purposes of the 30 per cent. level.

The final question to consider is what would happen if the proportion of the foreign shareholding were to rise above the 30 per cent. level. My hon. Friend said on Second Reading that if a company which had been awarded the contract came under foreign control, it would be written into the contract that the company would lose the contract to manage the yards. My hon. Friend went on to say that the precise proportion of shareholding had not then been defined. We have, as I have just said, decided to place the "trigger point" in the managing company at 30 per cent. The contract would not automatically be terminated, but the important point is that the parent company or companies could not assume that it would continue.

Mr. Denzil Davies: The Minister referred to the duty on the company to inform the Secretary of State when shares reach the 30 per cent. level. What sanction does the Secretary of State have on a company if it fails to carry out that duty?

Mr. Lee: If the company fails to carry out that duty of notifying the Secretary of State, and if my right hon. Friend believes that there is a real concern about national security, he can, at his discretion, terminate the contract.

Mr. Gordon Brown *rose*——

Mr. Lee: If my right hon. Friend considered that the degree of foreign shareholding was contrary to the interests of security and that action should be taken, he could terminate the contract—and the company would know that. Alternatively, the parent company might be required to reduce the level of foreign shareholding. If, however, my right hon. Friend did not consider that the circumstances were contrary to the interests of security, the management contract would be allowed to continue.

Mr. Brown: Will the Minister explain why, on 2 December, the Minister of State told the House that in conditions of foreign influence and control

"it would be written into the contract that the company would lose the contract to manage the yards."—[*Official Report*, 2 December 1985; Vol. 88, c. 38.]

Mr. Lee: With great respect, I have already covered that point. I explained that the precise percentage for the trigger mechanism had not be defined at that stage.

May I make it clear that in my comments I have dealt with what has been of principal concern in the debate on this new clause, namely, foreign control or influence by virtue of shareholding. The draft foreign control clauses, which are both complex and comprehensive, also address the issue of foreign influence at board level of the managing company. So far as that is concerned, it is our intention that if 30 per cent. or more of the directors of the managing company or the votes they exercise are, to put it very generally, subject to the influence of foreigners or foreign corporations or parent companies under foreign control, my right hon. Friend may act in the same way under the contract as he can if the specified foreign shareholding level has been reached. But, that said, we are not banning foreign directors per se.

I should add that a further contractual safeguard will exist. Whether or not the 30 per cent. limit affecting the shareholding or board of the managing companies has been passed, my right hon. Friend will retain the power to terminate the contract where security interests justify it if, in his opinion,

"any other circumstances whatsoever have arisen which constitute any foreign ownership, control or influence over the managing company".

The potential danger associated with foreign control can and will be avoided by the combined effect of the articles of association of the dockyard companies in which my right hon. Friend will retain a special share, by the standard security procedures covering all defence contracts, and by clauses in the contract giving my Department powers of termination if the degree of foreign control is such as to cause my right hon. Friend to consider that the interests of security are in any way threatened.

I therefore invite the House, with confidence, to reject the new clause.

Mr. O'Neill: Perhaps the Minister can answer one question before he gets too comfortable. He read out a list of companies that had passed the prequalifying stages, but he omitted any reference to Foster Wheeler. Am I right to assume that that wholly owned American company is no longer interested in bidding for the contract for either of the yards?

Mr. Lee: Although I had finished my speech, I am charitable, and am glad to respond as the point has already been raised once. Foster Wheeler is a list X company. It therefore satisfied the prequalification exercise. But it was not sent an invitation to tender because it is a foreign company and it has not formed itself into a consortium that we would find acceptable. Therefore, it is at present a non-runner.

Mr. O'Neill: Although I wish to avoid the charge of being anti-American, the Opposition can at least take some satisfaction from the fact that we exposed a foreign-owned company that was not prepared to change its terms and articles of association, and that as a result it has backed off or been discouraged from applying for the contract.

Due to lack of time, we have been unable to study the provision with the care that the Under-Secretary of State has been able to give it. However, I understand that it contains a catch-all clause to the effect that if the Secretary of State does not, for any reason, like the look of a company, he can terminate the contract in the middle of the seven-year period. It seems unfair and unjust that a company can virtually be subject to the Secretary of State's whim. If it does something that he does not like, there does not seem to be any form of appeal. There is no clear indication of what procedures would be established for examining——

Mr. Norman Lamont: Would the hon. Gentleman care to sort himself out with the hon. Member for Dunfermline, East (Mr. Brown)? The hon. Member for Dunfermline, East has complained that the Government's proposal is far too flexible, and says that we need a catch-all automatic mechanism, but the hon. Member for Clackmannan (Mr. O'Neill) wants the exact opposite.

Mr. O'Neill: I am grateful to the Minister for showing such interest in a debate in which he has not been

[Mr. O'Neill]

participating. However, my hon. Friend the Member for Dunfermline, East (Mr. Brown) did not have the opportunity to hear what the Minister said earlier.

The initial burden of our attack—and it remains the same—was that the figure of 30 per cent. is too high. But, at the end of his speech, the Under-Secretary of State seemed to say that 30 per cent. did not matter, and that the figure could be 1 per cent. If the directors had some sort of brainstorm and started acting in a manner characteristic of foreign nationals, he seemed to say that such a company would be debarred from retaining the contract. But our view is not narrow or unrealistic. We say that a figure of 5 per cent. should be set and that if it is exceeded the Secretary of State should allow termination. We believe that the 5 per cent. figure would provide such a low threshold that the Ministry of Defence would have no difficulty in establishing when it had been breached.

I understand that at present the 30 per cent. level is dependent upon the company letting the Secretary of State know that its shareholding has fallen into foreign hands. The Under-Secretary of State has not disputed the fact that 25 per cent. could give control of a company. As has been pointed out, in such circumstances the figure of 30 per cent. is too high. The recent tangles experienced by the Ministry of Defence and the Department of Trade and Industry with British company law and the ownership of companies suggests that in some circumstances 25 per cent. could easily be recognised as giving control over the company.

We therefore chose what lawyers would call the de minimis figure of 5 per cent. It has a precedent; it affords adequate policing and would enable us to be sure about the companies that we wanted to deal with. There could be no possibility of dawn raids and take-overs of companies unbeknownst even to the directors. The failure of the Department of Trade and Industry adequately to police take-overs and mergers gives us little confidence in the Minister's vague assurances. Given present Government policy, there is no likelihood of the Government exercising any powers that they reserve to themselves under that catch-all provision. This is no more than a bit of sophistry on their part.

We believe that if our defence interests are to be adequately protected, there must be an upper limit of 5 per cent. It would be easily understood by the contracting companies and by the work force. Indeed, workers would be very distressed at the prospect of being employed by those who did not necessarily have the best interests of Britain's defence at heart. Therefore, I ask Conservative Members to join my right hon. and hon. Friends, whom I know will vote in great numbers, in supporting the new clause.

Question put, That the clause be read a Second time:-

The House divided: Ayes 169, Noes 213.

Division No. 121] **[8.48 pm**

AYES

Archer, Rt Hon Peter
Ashdown, Paddy
Ashley, Rt Hon Jack
Atkinson, N. *(Tottenham)*
Bagier, Gordon A. T.
Barnett, Guy
Beckett, Mrs Margaret
Beith, A. J.
Bell, Stuart
Benn, Rt Hon Tony
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Bidwell, Sydney
Blair, Anthony
Boothroyd, Miss Betty
Boyes, Roland
Bray, Dr Jeremy
Brown, Gordon *(D'f'mline E)*
Brown, Hugh D. *(Provan)*
Brown, N. *(N'c'tle-u-Tyne E)*
Brown, Ron *(E'burgh, Leith)*
Bruce, Malcolm
Buchan, Norman
Caborn, Richard
Callaghan, Jim *(Heyw'd & M)*
Campbell, Ian
Campbell-Savours, Dale
Cartwright, John
Clark, Dr David *(S Shields)*
Clarke, Thomas
Clay, Robert
Clelland, David Gordon
Clwyd, Mrs Ann
Cocks, Rt Hon M. *(Bristol S)*
Cohen, Harry
Cook, Frank *(Stockton North)*
Corbett, Robin
Corbyn, Jeremy
Craigen, J. M.
Crowther, Stan
Cunliffe, Lawrence
Dalyell, Tam
Davies, Rt Hon Denzil *(L'lli)*
Davies, Ronald *(Caerphilly)*
Davis, Terry *(B'ham, H'ge H'l)*
Deakins, Eric
Dewar, Donald
Dixon, Donald
Dormand, Jack
Douglas, Dick
Duffy, A. E. P.
Eadie, Alex
Eastham, Ken
Edwards, Bob *(W'h'mpt'n SE)*
Evans, John *(St. Helens N)*
Ewing, Harry
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Foot, Rt Hon Michael
Forrester, John
Foster, Derek
Foulkes, George
Fraser, J. *(Norwood)*
Freeson, Rt Hon Reginald
George, Bruce
Gilbert, Rt Hon Dr John
Godman, Dr Norman
Golding, John
Gould, Bryan
Gourlay, Harry
Hamilton, W. W. *(Fife Central)*
Hancock, Michael
Harman, Ms Harriet
Hart, Rt Hon Dame Judith
Haynes, Frank
Hogg, N. *(C'nauld & Kilsyth)*
Home Robertson, John
Howell, Rt Hon D. *(S'heath)*
Howells, Geraint
Hoyle, Douglas
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
Hughes, Sean *(Knowsley S)*
John, Brynmor
Kaufman, Rt Hon Gerald
Kennedy, Charles
Kilroy-Silk, Robert
Kirkwood, Archy
Lambie, David
Lamond, James
Leighton, Ronald
Lewis, Terence *(Worsley)*
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
McCartney, Hugh
McKay, Allen *(Penistone)*
McKelvey, William
McNamara, Kevin
McTaggart, Robert
McWilliam, John
Madden, Max
Marek, Dr John
Marshall, David *(Shettleston)*
Martin, Michael
Mason, Rt Hon Roy
Maxton, John
Maynard, Miss Joan
Meacher, Michael
Meadowcroft, Michael
Michie, William
Mikardo, Ian
Millan, Rt Hon Bruce
Miller, Dr M. S. *(E Kilbride)*
Mitchell, Austin *(G't Grimsby)*
Morris, Rt Hon A. *(W'shawe)*
Morris, Rt Hon J. *(Aberavon)*
Nellist, David
O'Neill, Martin
Park, George
Parry, Robert
Patchett, Terry
Pavitt, Laurie
Pike, Peter
Powell, Raymond *(Ogmore)*
Prescott, John
Radice, Giles
Randall, Stuart
Redmond, Martin
Rees, Rt Hon M. *(Leeds S)*
Richardson, Ms Jo
Roberts, Allan *(Bootle)*
Robertson, George
Robinson, G. *(Coventry NW)*
Rogers, Allan
Rooker, J. W.
Ross, Ernest *(Dundee W)*
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon R.
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Short, Mrs R.*(W'hampt'n NE)*
Silkin, Rt Hon J.
Skinner, Dennis
Smith, Rt Hon J. *(M'ds E)*
Snape, Peter
Soley, Clive
Stott, Roger
Strang, Gavin
Thomas, Dafydd *(Merioneth)*
Thomas, Dr R. *(Carmarthen)*
Thompson, J. *(Wansbeck)*
Thorne, Stan *(Preston)*
Tinn, James
Torney, Tom
Wallace, James
Wardell, Gareth *(Gower)*
Wareing, Robert
Weetch, Ken
White, James
Wigley, Dafydd
Wilson, Gordon
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Allen Adams and
Mr. James Hamilton.

NOES

Ancram, Michael
Ashby, David
Atkins, Robert *(South Ribble)*
Beaumont-Dark, Anthony
Best, Keith
Biggs-Davison, Sir John
Body, Sir Richard
Boscawen, Hon Robert
Bowden, Gerald *(Dulwich)*
Brinton, Tim
Buchanan-Smith, Rt Hon A.
Burt, Alistair
Carlisle, John *(Luton N)*
Chapman, Sydney
Chope, Christopher
Clark, Sir W. *(Croydon S)*
Cockeram, Eric
Coombs, Simon
Cope, John
Couchman, James
Cranborne, Viscount
Currie, Mrs Edwina
Dorrell, Stephen
Douglas-Hamilton, Lord J.
Durant, Tony
Eyre, Sir Reginald
Fairbairn, Nicholas
Favell, Anthony
Fenner, Mrs Peggy
Fletcher, Alexander
Fookes, Miss Janet
Forth, Eric
Fox, Marcus
Franks, Cecil
Fraser, Peter *(Angus East)*
Freeman, Roger
Fry, Peter
Galley, Roy
Gardiner, George *(Reigate)*
Gardner, Sir Edward *(Fylde)*
Garel-Jones, Tristan
Goodlad, Alastair
Gorst, John
Gow, Ian
Gower, Sir Raymond
Grant, Sir Anthony
Gregory, Conal
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Grist, Ian
Ground, Patrick
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Jeremy
Hannam, John
Hargreaves, Kenneth
Harris, David
Harvey, Robert
Haselhurst, Alan
Hawkins, C. *(High Peak)*
Hawksley, Warren
Hayes, J.
Hayhoe, Rt Hon Barney
Heathcoat-Amory, David
Heddle, John
Henderson, Barry
Hickmet, Richard
Hill, James
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holland, Sir Philip *(Gedling)*
Holt, Richard
Hordern, Sir Peter
Howarth, Alan *(Stratf'd-on-A)*
Howell, Rt Hon D. *(G'ldford)*
Howell, Ralph *(Norfolk, N)*
Hubbard-Miles, Peter
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
Jones, Robert *(Herts W)*
Jopling, Rt Hon Michael
Joseph, Rt Hon Sir Keith
Kellett-Bowman, Mrs Elaine
Key, Robert
King, Roger *(B'ham N'field)*
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Lamont, Norman
Lang, Ian
Latham, Michael
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lester, Jim
Lewis, Sir Kenneth *(Stamf'd)*
Lilley, Peter
Lloyd, Peter *(Fareham)*
Lord, Michael
Luce, Rt Hon Richard
McCrindle, Robert
McCurley, Mrs Anna
MacKay, Andrew *(Berkshire)*
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
McNair-Wilson, P. *(New F'st)*
Madel, David
Major, John
Malins, Humfrey
Malone, Gerald
Marlow, Antony
Maude, Hon Francis
Mawhinney, Dr Brian
Mayhew, Sir Patrick
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Moate, Roger
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morrison, Hon C. *(Devizes)*
Morrison, Hon P. *(Chester)*
Mudd, David
Neale, Gerrard
Nelson, Anthony
Newton, Tony
Nicholls, Patrick
Onslow, Cranley
Oppenheim, Phillip
Oppenheim, Rt Hon Mrs S.
Ottaway, Richard
Page, Richard *(Herts SW)*
Parkinson, Rt Hon Cecil
Parris, Matthew
Patten, Christopher *(Bath)*
Pawsey, James
Pollock, Alexander
Porter, Barry
Powell, William *(Corby)*
Powley, John
Prentice, Rt Hon Reg
Price, Sir David
Proctor, K. Harvey
Rathbone, Tim
Renton, Tim
Rhodes James, Robert
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Roberts, Wyn *(Conwy)*
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rossi, Sir Hugh
Rowe, Andrew
Rumbold, Mrs Angela
Ryder, Richard
Sackville, Hon Thomas
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Shersby, Michael
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Soames, Hon Nicholas
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Stanbrook, Ivor
Stanley, Rt Hon John
Steen, Anthony
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Allan *(Eastwood)*
Stewart, Andrew *(Sherwood)*
Stewart, Ian *(Hertf'dshire N)*
Stokes, John
Sumberg, David
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Terlezki, Stefan
Thompson, Patrick *(N'ich N)*
Thornton, Malcolm
Thurnham, Peter
Townend, John *(Bridlington)*
Townsend, Cyril D. *(B'heath)*
Trippier, David
Twinn, Dr Ian
van Straubenzee, Sir W.
Waddington, David
Walden, George
Walker, Bill *(T'side N)*
Wall, Sir Patrick
Waller, Gary
Ward, John
Wardle, C. *(Bexhill)*
Warren, Kenneth
Watts, John
Wells, Bowen *(Hertford)*
Wells, Sir John *(Maidstone)*
Wheeler, John
Whitfield, John
Whitney, Raymond
Wilkinson, John
Winterton, Nicholas
Wolfson, Mark
Wood, Timothy
Woodcock, Michael
Yeo, Tim

Tellers for the Noes:
Mr. Michael Neubert and
Mr. Donald Thompson.

Question accordingly negatived.

New Clause 3

EQUALITY OF PENSION RIGHTS

'Where in pursuance of the arrangements referred to in section 1(2) hereof a qualified dockyard service employee ceases to be employed in the Civil Service of the Crown and becomes employed by a company all pension arrangements made by such company shall be equivalent in all respects to such pension arrangements as applied in the Civil Service of the Crown.'— *[Mr. O'Neill.]*

Brought up, and read the First time.

Mr. O'Neill: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Mr. Harold Walker): With this we may discuss new clause 4—*Redundancy Fund: payments for dockyard workers*—

'In pursuance of the arrangements made hereunder the Secretary of State shall out of money provided by Parliament set up a redundancy fund for the benefit of all qualified dockyard employees declared redundant after the transfer of the dockyard undertaking and payments made out of such fund shall be no less in amount and value than payments that otherwise would have been made under the Superannuation Act 1972.'.

Mr. O'Neill: New clauses 3 and 4 relate to the pension rights and redundancy arrangements which employees of the new contracting companies are likely to experience. We want to afford such employees the same conditions of employment as prevail in the Civil Service. We would like to think that there would be no diminution in pension rights.

For most working people, pensions are merely deferred wages. They are in many respects the only savings that many working people make. The savings are held in trust by management. It is sometimes suggested that they are provided by the grace and favour of management, but they are sometimes a substitute for pay and better conditions. People are often encouraged to accept the possibility of a pension on retirement in preference to a 1 or 2 per cent. increase in wages.

[Mr. O'Neill]

Pensions are often a barrier to mobility. That argument might be stronger in days of full employment, but pensions are nevertheless a consideration when a worker contemplates moving to other employment. Management are often prepared to pay in future for the advantage of lower wage bills today and a stable work force such as is established when people regard a good pension as a barrier to mobility.

The pension arrangements that have been granted to public service employees have become a right. The result of contractorisation is a denial of a right. The pension arrangements presently enjoyed by the work force in the dockyards are not privileges but rights and they should not be removed at the whim of legislators. It could be said that the removal of such basic employment rights is nothing more or less than expropriation without adequate consultation. Those who are in employment bitterly resent the fact that the terms and conditions of anybody who is recruited after contractorisation will be inferior to the rights enjoyed by those who are already employed.

New clause 4 provides for a redundancy fund for dockyard workers. If there are redundancies after contractorisation, the new clause will provide adequate financial provision for them. Anybody who is made redundant after contractorisation will be provided for at a level which is not inferior to that provided for those dockyard workers who will be made redundant in the next few weeks or months. We know that 3,000 voluntary redundancies are being sought.

When privatisation takes place, there is usually a considerable reduction in the labour force. We have discussed the savings and the costs which could be incurred after contractorisation. There is disagreement about how the savings could be achieved, but it is not disputed that if any savings are to be achieved they will probably be achieved by a reduction in the dockyard work force.

There has been privatisation in other areas of defence, most notably in the case of the royal ordnance factories. The amount of money that has been provided for redundancy payments has been almost exhausted. Additional funds will probably have to be provided from one source or another. Because of the nature of the contracting companies and their relationship with the employing organisations, if there have to be further redundancies, apart from those which have already been announced prior to contractorisation, they will probably be achieved only at the expense of the redundancy payments which are now being offered to the work force. The new clause is being moved to ensure that redundancy payments will continue to be made at the present level.

The Minister did not suggest that more money will be made available for those individuals. A fair number of the redundancies that have been called for will probably be achieved. When large numbers of redundancies are called for, many of the older employees seek what is really early retirement. However, the contracting companies could run out of older men who are prepared to take early retirement. The amount of redundancy money that is provided then becomes a critical factor in the negotiations on labour reductions. Certainly we have not yet been satisfied by the Government's remarks this afternoon. I use the word "remarks" because the Government have been extremely coy about being specific on any figures. They have said that, for reasons of commercial confidentiality and for other reasons, they are not prepared to be specific as to the sums involved.

For the people who are at present employed in the firm, this must be extremely distressing, and new clause 4, in respect of a redundancy fund, is an attempt to allay the fears and anxieties of some members of the work force who believe that they could be told that their jobs no longer existed and that the rates of compensation for the service that they have given to the dockyards would not be on all fours with what is being paid at the moment.

These two new clauses deal with the problems that have occurred with previous privatisation. So far the Government have said that, by and large, they hope that there will be no deterioration in the working conditions enjoyed by workers after the protection of, in this case, the Civil Service is removed. Frankly, we are not reassured by the Government's remarks on these matters. We feel that, if they mean what they say, they ought to be giving effect to their words by having far stiffer provisons in this piece of enabling legislation.

The absence of these provisions and commitments required us to place new clauses 3 and 4 on the Amendment Paper, and we hope that hon. Members on all sides of the House will support them. They have been welcomed by the representatives of the work people, who see them as filling a gap in the present proposals. I believe that they will go some way towards alleviating the difficulties which any contracting company will have to face. As we have said, many costs can be calculated, but one of the major difficulties which a contracting company will face is resentment, and the suspicion that it will be trying to make savings and profits not just out of more effective and efficient work practices but out of the work people themselves.

It is for these reasons that we believe that it would make a substantial contribution to improving industrial relations if there were adequate provision for pensions and redundancy arrangements in any future contractorisation scheme. We are not confident that the existing financial framework within these companies will provide anything like the opportunities for profit which the Government are suggesting. We fear that these opportunities for profit, if they are to be created, will be created at the expense of the wages, conditions, redundancy arrangements and pensions of the work force.

I therefore commend these new clauses to the House in the hope that, in the interest of better industrial relations, they will be accepted.

Mr. Hancock: In Committee, when this part of the Bill was discussed, the Parliamentary Under-Secretary of State said that the Government intended to set up arrangements which mirrored the existing pension and redundancy arrangements. That sounded very good at the time, but we have yet to get clarification of exactly what he intended to do. The new clause gives an opportunity for the House to give the reassurance which is undoubtedly needed by the work force both in Rosyth and in Devonport.

The Minister should accept the new clauses because he has already committed the Government, if we are to believe what he told us in Committee, to maintaining a pension scheme that is the same as the Civil Service scheme that operates at present and that dockyard

employees are now in, so that there should be no detrimental effects upon them. I think that we have to insist that we get clarification of exactly what will happen.

New clause 3 simply guarantees that the pension rights of dockyard employees transferred to a new company will remain the same as they have been in the Civil Service. That is not too much to ask for anybody who has given dedicated service to the Government in the dockyards. I hope that we can consider that, not with sympathy but with realism, and agree that that sort of assurance about protected pension rights is essential. As the hon. Member for Clackmannan (Mr. O'Neill) said, for many people the pension at the end of a working career is critical when considering employment. Many people would like the norm in Government service to continue, and have a right to it.

9.15 pm

As they stand, the conditions of service for dockyard workers transferred to a new company will not be adequately protected. That applies particularly to pension arrangements, and we seek to clarify that today. Time and again the dockyard unions have spouted out to Opposition Members, and, indeed, to every member of the Committee, information about their anxieties over the future pension rights of their members.

New clause 4 follows the same line, and guarantees redundancy payments equivalent to the present arrangements funded by the Government under the Superannuation Act 1972. The Government intend to negotiate with the contracting companies arrangements which are as good as those applicable under the personal Civil Service pension scheme. Again, we seek assurance that that is exactly what will happen, and that the contracting companies will accept that, not as a negotiating right, but as a built-in part of contractual arrangements, and will guarantee the rights and future redundancy payments of the work force.

Earlier, we heard of the problems that could occur if a sizeable percentage of the company was taken over by foreign interests. When we asked the Minister what action the Government would take if that happened, he said clearly that it would mean termination. If termination means redundancy, as I fear it undoubtedly will in some cases, the House has an obligation today to ensure that the redundancy payments due to those people are no different from what they are today.

I hope that the House sees the logic and sense behind that, and the need for fair play in guaranteeing the work force their pension rights and redundancy payments. There can be no alternative. The House must accept the two new clauses and vote for their inclusion in the Bill.

Mr. Douglas: It is difficult for the House to realise what is involved in the passage of the Bill. This is the first time in any form of privatisation that, not the physical assets of the dockyards, but the labour force is being transferred from the Ministry of Defence. The concept involves a managing company with the dockyard companies' only assets, to use the word loosely, the employees. The managing companies will take over the dockyard companies as wholly owned subsidiaries.

When we probed the Minister in Committee about pensions, and particularly redundancies, he gave us the impression that the financial background of any consortium taking over the dockyard companies and its ability to fund any subsequent redundancies would be carefully examined. There is no evidence in the tendering documents or from inquiries that that sort of searching investigation has taken or will take place.

In relation to what the companies are asked to do in terms of redundancies, I quote from the invitation to tender and main annexes:

> "Details of redundancy provisions which were transferred under TUPE '81 and which should be taken into account by tenderers . . . are in annex 6/4."

Annexe 6/4 uses a startling phrase in relation to new entrants:

> "The level of redundancy scheme benefits shall be consistent as far as possible with that applicable to other employees of the contractor and with good practice within related sectors of industry."

What exactly does that mean in terms of the redundancy scheme? The first blow, as it were, can be taken by the public purse. We understand that. We understand in relation to Rosyth and Devonport that the redundancy payments are those expected by Civil Service employees.

The next tranche theoretically would be taken by the public purse because the sums passed on in terms of the Bill would be passed on in one way or another to the dockyard employing companies, although the dockyard employing companies would have a shareholding of only 50,000 plus one golden share. However, assuming that some of these companies employ individuals, there is no obligation to have these redundancy provisions for the new entrants on all fours with the existing employment of the dockyard company. All that is understood by the contractor is that the redundancy provisions for the new entrants would be consistent as far as possible with those in his employment, not with those employed by the dockyard company.

This is an important distinction. There is a possibility under the tender documents of having two classes of employee. We must decide whether to take these documents seriously. We got them only this afternoon and, because we have to read them quickly, we may get the wrong idea. Earlier this evening, I alluded to the DGSR being responsible for day-to-day project management, and the Minister of State, in his wisdom, shook his head and said that that would not happen. Should we take these documents seriously or not?

I put it to the Minister that under the tender documents it is possible to have two classes of employee. Such a situation will certainly produce many effects, but it will not produce harmony in the dockyards. The Minister of State is obligated at this late stage of the Bill to give us some assurances. He must give the employees some assurances about the long-term prospects in relation to pension rights and redundancy payments.

If there are to be two classes of employee, let us hear about it here and now; let us not have any pussy-footing about. Let us hear that this House is passing an enabling Bill to give the Government some authority to say to contractors, "The first time around, be good boys and everyone must be on all fours with the existing Civil Service arrangements but later, even during the period of the seven-year contract, you could have two classes of employee.". The right hon. Member for Plymouth, Devonport (Dr. Owen) raised an important point about the next round. The same contractor might not be fortunate —or unfortunate—enough to bid in terms of continuity. What happens then to the redundancy scheme? Do we then have to accept a redundancy and/or pension scheme that is consistent with the best practices within industry? The

[Mr. Douglas]

Government are trying by sleight of hand to make savings through cheeseparing with pension arrangements or redundancy provisions. We are dubious about those savings.

I support the thrust of the two new clauses. The Minister of State has the opportunity to clear the air now before the Bill goes to the other place.

Mr. Norman Lamont: The criticisms of the hon. Member for Clackmannan (Mr. O'Neill) were essentially the same, although in a slightly lower key, as the criticisms made in Committee. I cannot satisfy hon. Members in every respect, but I believe that the anxieties and fears expressed in Standing Committee were exaggerated. Much of what was said about the possibility of worsening conditions of employment was unfounded. I did not and I do not want to give rise to unnecessary fears.

In providing for the introduction of commercial management in the dockyards, the Bill treats the transfer of employees to the dockyard companies as a transfer to which the Transfer of Undertakings (Protection of Employment) Regulations 1981 apply. Those regulations essentially safeguard employees' rights when a business or undertaking is transferred to a new owner—thus the new owner takes over the contracts of employment of all the employees. There is no picking and choosing. All the collective agreements are in force. It is as though the contracts of employment with the previous employer had from the start been made with the new employer. This means, for individual dockyard employees, that, on their first day of employment with the new dockyard company, with the exception of some aspects deriving directly from Crown service, their terms and conditions of service will be the same as if they were in the Civil Service.

This has led some hon. Members to see TUPE as something of a qualified blessing. It provides protection on the first day but offers no kind of guarantee thereafter. I do not think it should. That would be absurd. *[Interruption.]* I shall spell out in more detail precisely what we are doing. Hon. Members are either interested in these points or they are not. It would be absurd if the effect of the regulations were to continue to apply permanently to a new employer criteria deriving from his predecessor. All employers at some time wish to prepare and negotiate changes to terms and conditions. It is the essence of the Bill that it enables the dockyards to be managed outside the Civil Service in a commercial environment with the commercial manager accepting the full responsibility for managing the terms and conditions of his company.

It was pointed out in Committee that TUPE does not apply to pensions. We intend to set up pension schemes, one at each dockyard, for transferred employees to reproduce — hon. Members objected when my hon. Friend the Under-Secretary of State for Defence Procurement used the word "replicate"—as closely as possible the provisions of the principal Civil Service pension scheme. It is not possible—this was explained in Committee but was not fully taken on board—to reproduce the PCSPS in its entirety.

The PCSPS is statutorily based and certain payments can be made out of it which private sector schemes, set up as they are under trustees and governed by Inland Revenue regulations, cannot parallel. The right hon. Member for Llanelli (Mr. Davies) accepted this with respect to redundancy payments, but it is not just a matter of redundancy payments. There are certain other types of provisions. For example, the way widows are treated is something that could not be mirrored in an Inland Revenue approved scheme. That is why we have used the words, both now and earlier on in Committee, "reproducing as fully as possisble".

Mr. Douglas *rose*——

9.30 pm

Mr. Lamont: With regard to pensions, we intend to see that schemes are set up which embody the same calculations of retirement benefits, reckonable service and pensionable pay as the PCSPS. The scheme would allow, for the same index-linking and retirement age, all the same factors.

Shortly, we will be issuing a consultative document about pensions, which will set out the scheme that we envisage. It will describe the nature of the transfer scheme and the options open to civil servants transferring to the dockyards in regard to their accrued benefits. It will describe the actions that will have to be taken to set up the funds. The question of contributions will be discussed with the trade unions and contractors. The initial contribution rate is likely to be about 16 per cent. of the pensionable pay of the members of the schemes. We will obviously discuss this with the trade unions when we have issued the consultative documents.

Mr. Douglas: I am grateful to the Minister, and I apologise for interrupting him. These are very complicated matters. Am I correct in assuming that the employing company would, at all times, be the dockyard company? That is the company with which, at the end of the seven years, the Secretary of State or whoever would renegotiate terms of contracts. Why are the Government implying that there may be variations in TUPE over the period if the employing company is the permanent employer of the dockyard employees? Why should there be variations over a seven-year period or several seven-year periods?

Mr. Lamont: I am sorry — would the hon. Gentleman repeat his question on variations?

Mr. Douglas: I accept that these are complicated matters. If the employer of the dockyard employees is the dockyard company plc, that is a continuing entity. The contractors are not continuing entities. Why should there be provision for variations in either redundancy payments or pensions throughout the period? Why should there be differences for new entrants? Why can we not have consistency in relation to the TUPE regulations throughout the period?

Mr. Lamont: I think I have explained the philosophy. If a company is in the private sector, it would be inappropriate to embody in law something that is going on in perpetuity. It is as simple as that.

There will be a legal safeguard as regards TUPE. The hon. Member for Dunfermline, West (Mr. Douglas) is quite right in what he says about the distinction between new entrants and existing employees. That is not to say that people will automatically make a distinction between new entrants and existing employees, but it is something that, theoretically, could happen. That is the simple reason why we would not put in the Bill the sort of provision enshrined in the amendment.

The pension schemes will be funded schemes. The Government will pay a transfer payment in respect of the past service of those employees who elect to transfer their past service rights into the scheme. Thereafter, contributions will be made from employer and employees and the assets will be invested. The funds will have trustees who will be independent of the dockyard companies. They will be managed by a trustee body whose board will include persons nominated by the dockyard company, the commercial manager, the Government and the members of the scheme. Those trust funds will be a secure basis for the future of the pensions of the ex-civil servants employed by the dockyard companies.

Given all that, one could argue that the amendment is a worthwhile addition to the Bill. Placing a statutory guarantee over the pension arrangements would be a suitable reinforcement of the intentions inherent in setting up the schemes. But, as I have explained, such an argument would be misguided. The management of the funds will rest with the trustee boards, which will have the same responsibilities, such as investment, as any pensions trustee board in the private sector. Just as it is appropriate to ensure that the commercial manager has responsibility for the terms and conditions of service governed by the TUPE regulations, so it would be inappropriate to superimpose on the trustee boards a requirement in law to maintain benefits which permanently tie the schemes to the PCSPS and would be incompatible with the trust fund arrangements.

The Government are determined that the arrangements for the initial funding, benefits and management of the scheme will be secure, but the ongoing management of the scheme lies properly with the trustees. The object of the Bill is to enable the dockyard to be run in a commercial manner outside the Civil Service. In that sense, the amendment goes against the overall aim.

New clause 4 is not dissimilar in its intentions, in particular on the funding of redundancy compensation. Procedures for declaring and managing redundancies in the Ministry of Defence follow the overall Civil Service pattern and are set out in the Ministry's staff manual. They cover such matters as the order in which staff are made redundant, fields of redundancy, length of notice and so on. Again, under TUPE, those proceedings will transfer to the new employer with such changes as are necessary to reflect the fact that the dockyards will then be two separate and independent commercial companies rather than part of the Civil Service. But overall they will be largely unchanged and the new employer will operate those procedures until change is negotiated. Redundancy compensation in the Civil Service is calculated on a basis related to length of service and levels of pay. The benefits are set out as a chapter of the PCSPS rules.

I have previously referred to the Inland Revenue rules governing private sector pension schemes and to the factor, which the right hon. Member for Llanelli acknowledged, that the rules do not allow for redundancy compensation levels as set out to be paid out of pension funds. That means that compensation for any staff who are made redundant after vesting day will, in the new companies, have to be paid out of company funds. That is the point to which right hon. and hon. Members objected in Committee. It is the standard practice in the private sector. However, just as redundancy procedures will transfer to the new company, so will the need to provide levels of compensation as good as those in the Civil Service.

Here again, there are some areas where precise resolution will have to be discussed with the unions, the contractors and the Inland Revenue. But the overall intention will be to set up a scheme paying redundancy benefits either exactly the same or of equivalent value, and reckonable service accrued under the Crown will not be lost. An ex-civil servant made redundant by the dockyard company after vesting day will be paid compensation calculated on the total length of service with the company and with the Civil Service.

The right hon. Gentleman asked about redundancy having to be borne by the companies. I made the point that that was what normally happened in the private sector. As I am sure right hon. and hon. Members are aware, under the rules for winding up a company, a certain priority is given to redundancy payments. But if the astonishing happened and the contractor, who had been awarded the contract, went bankrupt, the Government would be taking over the assets and the labour force would transfer back. I think that that is an extremely unlikely contingency but that the answer I have given meets it.

Mr. Denzil Davies: I understand the Minister's point. The contingency may well be unlikely. However, our concern is not what happens if the company goes into liquidation but what happens if, after vesting day, the company declares redundancies. I think that the Minister has said that there will be negotiations to try to provide a level of redundancy payment more or less comparable to the present Civil Service scheme. We understand that, but we want to know where the money is to come from. There will be a company with one contract. In the case of pensions, the money will come in the end from the Ministry of Defence, by way of an extra charge. Will the money for future redundancies also be added to the bill and come, in effect, from the Ministry of Defence?

Mr. Lamont: The right hon. Gentleman has quickly summed up the situation. We have never disguised the fact that the cost of any redundancies, if there are any, will have to be funded by the contractor. Prior to vesting day, they would be paid for by the Government; after vesting day, by the company.

The right hon. Gentleman is moving on to a different point of concern. I have answered his previous point. He said in Committee that the real danger was that the company would not be able to meet——

Mr. Davies *rose*——

Mr. Lamont: I will answer the second point too. I am only pointing out that when I answer one point, the right hon. Gentleman dances round to another one. Both points are serious, and there are answers to both.

The right hon. Gentleman's original point was about the viability of the company. As regards the level of benefit after the transfer of the employees, TUPE applies, and the company will have to pay the same levels of redundancy benefit. It may subsequently negotiate with the trade unions again. However, many of the benefits — not necessarily the level of redundancy pay — have been negotiated. They are not all built into statute.

Mr. Davies: Let us suppose that, a year after vesting day, one of the two companies declares 1,000 people

[Mr. Davies]

redundant, and that there has been no renegotiation of redundancy payments. The Minister says the TUPE applies and that the level of redundancy payments made to the 1,000 people will be more or less equal to what they would have received from the Civil Service pension scheme.

My question is simple. Where will the company find the money? The problem is the same as the problem of funding pensions. The company has nothing except a contract. Will that contract contain an extra increment to cover such an eventuality?

Mr. Lamont: I answered that point quite directly. The money comes out of the company's income—its cash flow. I repeated that a few moments ago. I admitted the logic of what the right hon. Gentleman had said. That has been taken account of in the costings. It is taken account of in the global figures that I gave on the first new clause.

I am trying to calm down some of the fears about lack of adequate benefit. Some of the comments made in Committee, which have not been repeated, I am glad to say, on the Floor of the House——

Mr. Hancock *indicated assent.*

Mr. Lamont: I see that the hon. Member for Portsmouth, South (Mr. Hancock) realises that what I say is realistic. The cost will fall on the company. That is entirely in line with the practice in industry. Any employer must assess the economic implications for the company of declaring staff redundant. So will the dockyard company. Companies bidding for the contract will have to estimate the need for, and cost of, any redundancy and include that in their business planning. They will have to meet those costs from their own income and funds. That income will come from the customers, as the right hon. Member for Llanelli pointed out.

The proposed new clause also seeks statutorily to impose the same levels of redundancy compensation on the company. The same amendments have been tabled to this clause as for that on pensions. For the reasons I have outlined, I cannot accept them, but I stress once again that the Government have been mindful of the interests of the employees in the dockyards. We are concerned to see dockyard companies set up which safeguard continuity of employment and employees' interests in respect of conditions of service, redundancies and pensions. I do not believe, despite what was said in Committee, that there is any real ground for anxiety. Therefore, I invite the House to reject the new clauses.

9.45 pm

Mr. O'Neill: The Minister gave the game away in the last couple of minutes when he said that the income to meet the cost of redundancies will have to come from the customers. The customer in this case is the Ministry of Defence. At present, the money comes not from the Ministry of Defence but from the principal Civil Service pension scheme which, as I understand it, is funded by the Exchequer. Therefore, if the Government are telling us that they are making alternative arrangements for post-vesting day, we have to conclude that they have made some calculation of likely redundancy figures in the early years after vesting day. We know that those figures have been surmised and suggested. It is a measure of the Government's lack of confidence in the proposals that they are refusing to let us know those figures today.

It is clear that these two clauses are necessary, because we do not share the confidence of the Government that everything will eventually be all right. We do not share their view that there is some prospect that, after vesting day, the legislation which these two new clauses will provide in perpetuity will be to the disadvantage of the working people who are employed in the dockyards at present.

We have been told repeatedly that the Government do not want the hands of the new employers to be tied. We do not share that view if it means that the wages and conditions of the pension and redundancy arrangemens of the employees of the new organisations will be deleteriously affected by the process of privatisation. It is for those reasons that I call on my right hon. and hon. Friends to support the new clauses.

Question put, That the clause be read a Second time:—

The House divided: Ayes 175, Noes 214.

Division No. 122] **[9.48 pm**

AYES

Adams, Allen *(Paisley N)*	Dixon, Donald
Archer, Rt Hon Peter	Dormand, Jack
Ashdown, Paddy	Douglas, Dick
Ashley, Rt Hon Jack	Duffy, A. E. P.
Atkinson, N. *(Tottenham)*	Eadie, Alex
Bagier, Gordon A. T.	Eastham, Ken
Barnett, Guy	Edwards, Bob *(W'h'mpt'n SE)*
Beckett, Mrs Margaret	Evans, John *(St. Helens N)*
Beith, A. J.	Ewing, Harry
Bell, Stuart	Fatchett, Derek
Benn, Rt Hon Tony	Faulds, Andrew
Bennett, A. *(Dent'n & Red'sh)*	Field, Frank *(Birkenhead)*
Bermingham, Gerald	Fields, T. *(L'pool Broad Gn)*
Bidwell, Sydney	Flannery, Martin
Blair, Anthony	Foot, Rt Hon Michael
Boothroyd, Miss Betty	Forrester, John
Boyes, Roland	Foster, Derek
Bray, Dr Jeremy	Foulkes, George
Brown, Gordon *(D'f'mline E)*	Fraser, J. *(Norwood)*
Brown, Hugh D. *(Provan)*	Freeson, Rt Hon Reginald
Brown, N. *(N'c'tle-u-Tyne E)*	George, Bruce
Brown, R. *(N'c'tle-u-Tyne N)*	Gilbert, Rt Hon Dr John
Brown, Ron *(E'burgh, Leith)*	Godman, Dr Norman
Bruce, Malcolm	Golding, John
Buchan, Norman	Gould, Bryan
Caborn, Richard	Gourlay, Harry
Callaghan, Jim *(Heyw'd & M)*	Hamilton, James *(M'well N)*
Campbell, Ian	Hamilton, W. W. *(Fife Central)*
Campbell-Savours, Dale	Hancock, Michael
Carlile, Alexander *(Montg'y)*	Harman, Ms Harriet
Cartwright, John	Hart, Rt Hon Dame Judith
Clark, Dr David *(S Shields)*	Haynes, Frank
Clarke, Thomas	Healey, Rt Hon Denis
Clay, Robert	Hogg, N. *(C'nauld & Kilsyth)*
Clelland, David Gordon	Home Robertson, John
Clwyd, Mrs Ann	Howell, Rt Hon D. *(S'heath)*
Cocks, Rt Hon M. *(Bristol S)*	Howells, Geraint
Cohen, Harry	Hoyle, Douglas
Cook, Frank *(Stockton North)*	Hughes, Robert *(Aberdeen N)*
Corbett, Robin	Hughes, Roy *(Newport East)*
Corbyn, Jeremy	Hughes, Sean *(Knowsley S)*
Craigen, J. M.	John, Brynmor
Crowther, Stan	Kaufman, Rt Hon Gerald
Cunliffe, Lawrence	Kennedy, Charles
Dalyell, Tam	Kilroy-Silk, Robert
Davies, Rt Hon Denzil *(L'lli)*	Kirkwood, Archy
Davies, Ronald *(Caerphilly)*	Lambie, David
Davis, Terry *(B'ham, H'ge H'l)*	Lamond, James
Deakins, Eric	Leighton, Ronald
Dewar, Donald	Lewis, Terence *(Worsley)*

Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
McCartney, Hugh
McKay, Allen *(Penistone)*
McKelvey, William
McNamara, Kevin
McTaggart, Robert
Madden, Max
Marek, Dr John
Marshall, David *(Shettleston)*
Martin, Michael
Mason, Rt Hon Roy
Maxton, John
Maynard, Miss Joan
Meacher, Michael
Meadowcroft, Michael
Michie, William
Mikardo, Ian
Millan, Rt Hon Bruce
Miller, Dr M. S. *(E Kilbride)*
Mitchell, Austin *(G't Grimsby)*
Morris, Rt Hon A. *(W'shawe)*
Morris, Rt Hon J. *(Aberavon)*
Nellist, David
O'Neill, Martin
Owen, Rt Hon Dr David
Park, George
Parry, Robert
Patchett, Terry
Pavitt, Laurie
Pike, Peter
Powell, Raymond *(Ogmore)*
Prescott, John
Radice, Giles
Randall, Stuart
Redmond, Martin
Rees, Rt Hon M. *(Leeds S)*
Richardson, Ms Jo
Roberts, Allan *(Bootle)*
Robertson, George
Robinson, G. *(Coventry NW)*
Rogers, Allan
Rooker, J. W.
Ross, Ernest *(Dundee W)*
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon R.
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Short, Mrs R. *(W'hampt'n NE)*
Silkin, Rt Hon J.
Skinner, Dennis
Smith, C. *(Isl'ton S & F'bury)*
Smith, Rt Hon J. *(M'ds E)*
Snape, Peter
Soley, Clive
Steel, Rt Hon David
Stott, Roger
Strang, Gavin
Thomas, Dafydd *(Merioneth)*
Thomas, Dr R. *(Carmarthen)*
Thompson, J. *(Wansbeck)*
Thorne, Stan *(Preston)*
Tinn, James
Torney, Tom
Wallace, James
Wardell, Gareth *(Gower)*
Wareing, Robert
Weetch, Ken
White, James
Wigley, Dafydd
Wilson, Gordon
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. John McWilliam and
Mr. Mark Fisher.

NOES

Ancram, Michael
Arnold, Tom
Ashby, David
Atkins, Robert *(South Ribble)*
Beaumont-Dark, Anthony
Best, Keith
Body, Sir Richard
Boscawen, Hon Robert
Bowden, Gerald *(Dulwich)*
Brinton, Tim
Buchanan-Smith, Rt Hon A.
Burt, Alistair
Carlisle, John *(Luton N)*
Chope, Christopher
Clark, Sir W. *(Croydon S)*
Cockeram, Eric
Coombs, Simon
Cope, John
Couchman, James
Cranborne, Viscount
Currie, Mrs Edwina
Dorrell, Stephen
Douglas-Hamilton, Lord J.
Durant, Tony
Eyre, Sir Reginald
Fairbairn, Nicholas
Favell, Anthony
Fenner, Mrs Peggy
Fletcher, Alexander
Fookes, Miss Janet
Forth, Eric
Fox, Marcus
Franks, Cecil
Fraser, Peter *(Angus East)*
Freeman, Roger
Fry, Peter
Galley, Roy
Gardiner, George *(Reigate)*
Gardner, Sir Edward *(Fylde)*
Garel-Jones, Tristan
Goodlad, Alastair
Gorst, John
Gow, Ian
Gower, Sir Raymond
Grant, Sir Anthony
Gregory, Conal
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Grist, Ian
Ground, Patrick
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Jeremy
Hannam, John
Hargreaves, Kenneth
Harris, David
Harvey, Robert
Haselhurst, Alan
Hawkins, C. *(High Peak)*
Hawksley, Warren
Hayes, J.
Hayhoe, Rt Hon Barney
Heathcoat-Amory, David
Heddle, John
Henderson, Barry
Hickmet, Richard
Hill, James
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holland, Sir Philip *(Gedling)*
Holt, Richard
Hordern, Sir Peter
Howarth, Alan *(Stratf'd-on-A)*
Howell, Rt Hon D. *(G'ldford)*
Howell, Ralph *(Norfolk, N)*
Hubbard-Miles, Peter
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
Jones, Robert *(Herts W)*
Jopling, Rt Hon Michael
Joseph, Rt Hon Sir Keith
Kellett-Bowman, Mrs Elaine
Key, Robert
King, Roger *(B'ham N'field)*
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Lamont, Norman
Lang, Ian
Latham, Michael
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lester, Jim
Lewis, Sir Kenneth *(Stamf'd)*
Lilley, Peter
Lloyd, Peter *(Fareham)*
Lord, Michael
Luce, Rt Hon Richard
McCrindle, Robert
McCurley, Mrs Anna
MacKay, Andrew *(Berkshire)*
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
McNair-Wilson, P. *(New F'st)*
Madel, David
Major, John
Malins, Humfrey
Marlow, Antony
Mather, Carol
Maude, Hon Francis
Mawhinney, Dr Brian
Mayhew, Sir Patrick
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Moate, Roger
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morrison, Hon C. *(Devizes)*
Morrison, Hon P. *(Chester)*
Mudd, David
Neale, Gerrard
Nelson, Anthony
Newton, Tony
Nicholls, Patrick
Onslow, Cranley
Oppenheim, Phillip
Oppenheim, Rt Hon Mrs S.
Ottaway, Richard
Page, Richard *(Herts SW)*
Parkinson, Rt Hon Cecil
Parris, Matthew
Patten, Christopher *(Bath)*
Pawsey, James
Peacock, Mrs Elizabeth
Pollock, Alexander
Porter, Barry
Powell, William *(Corby)*
Powley, John
Prentice, Rt Hon Reg
Price, Sir David
Proctor, K. Harvey
Rathbone, Tim
Rhodes James, Robert
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Roberts, Wyn *(Conwy)*
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rossi, Sir Hugh
Rowe, Andrew
Rumbold, Mrs Angela
Ryder, Richard
Sackville, Hon Thomas
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Shersby, Michael
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Soames, Hon Nicholas
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Stanbrook, Ivor
Stanley, Rt Hon John
Steen, Anthony
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Allan *(Eastwood)*
Stewart, Andrew *(Sherwood)*
Stewart, Ian *(Hertf'dshire N)*
Stokes, John
Sumberg, David
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Terlezki, Stefan
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thornton, Malcolm
Thurnham, Peter
Townend, John *(Bridlington)*
Townsend, Cyril D. *(B'heath)*
Trippier, David
Twinn, Dr Ian
van Straubenzee, Sir W.
Viggers, Peter
Waddington, David
Walden, George
Walker, Bill *(T'side N)*
Wall, Sir Patrick
Waller, Gary
Ward, John
Wardle, C. *(Bexhill)*
Warren, Kenneth
Watts, John
Wells, Bowen *(Hertford)*
Wells, Sir John *(Maidstone)*
Wheeler, John
Whitfield, John
Whitney, Raymond
Wilkinson, John
Winterton, Nicholas
Wolfson, Mark
Wood, Timothy
Woodcock, Michael
Yeo, Tim

Tellers for the Noes:
Mr. Michael Neubert and
Mr. Gerald Malone.

Question accordingly negatived.

BUSINESS OF THE HOUSE

Ordered,

That, at this day's sitting, the Dockyard Services Bill may be proceeded with, though opposed, until any hour. — *[Mr. Durant.]*

New Clause 4

REDUNDANCY FUND: PAYMENTS FOR DOCKYARD WORKERS

'In pursuance of the arrangements made hereunder the Secretary of State shall out of money provided by Parliament set up a redundancy fund for the benefit of all qualified dockyard employees declared redundant after the transfer of the dockyard undertaking and payments made out of such fund shall be no less in amount and value then payments that otherwise would have been made under the Superannuation Act 1972.'. — *[Mr. Denzil Davies.]*

Brought up, and read the First time.

Question put, That the clause be read a Second time:—

The House divided: Ayes 179, Noes 214.

Division No. 123] **[10.01 pm**

AYES

Adams, Allen *(Paisley N)*
Archer, Rt Hon Peter
Ashdown, Paddy
Ashley, Rt Hon Jack
Atkinson, N. *(Tottenham)*
Bagier, Gordon A. T.
Barnett, Guy
Beckett, Mrs Margaret
Beith, A. J.
Bell, Stuart
Benn, Rt Hon Tony
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Bidwell, Sydney
Blair, Anthony
Boothroyd, Miss Betty
Boyes, Roland
Bray, Dr Jeremy
Brown, Gordon *(D'f'mline E)*
Brown, Hugh D. *(Provan)*
Brown, N. *(N'c'tle-u-Tyne E)*
Brown, R. *(N'c'tle-u-Tyne N)*
Brown, Ron *(E'burgh, Leith)*
Bruce, Malcolm
Buchan, Norman
Caborn, Richard
Callaghan, Jim *(Heyw'd & M)*
Campbell, Ian
Campbell-Savours, Dale
Carlile, Alexander *(Montg'y)*
Cartwright, John
Clark, Dr David *(S Shields)*
Clarke, Thomas
Clay, Robert
Clelland, David Gordon
Clwyd, Mrs Ann
Cocks, Rt Hon M. *(Bristol S)*
Cohen, Harry
Cook, Frank *(Stockton North)*
Corbett, Robin
Corbyn, Jeremy
Craigen, J. M.
Crowther, Stan
Cunliffe, Lawrence
Dalyell, Tam
Davies, Rt Hon Denzil *(L'lli)*
Davies, Ronald *(Caerphilly)*
Davis, Terry *(B'ham, H'ge H'l)*
Deakins, Eric
Dewar, Donald
Dixon, Donald
Dormand, Jack
Dubs, Alfred
Duffy, A. E. P.
Eadie, Alex
Eastham, Ken
Edwards, Bob *(W'h'mpt'n SE)*
Evans, John *(St. Helens N)*
Ewing, Harry
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Foot, Rt Hon Michael
Forrester, John
Foster, Derek
Foulkes, George
Fraser, J. *(Norwood)*
Freeson, Rt Hon Reginald
George, Bruce
Gilbert, Rt Hon Dr John
Godman, Dr Norman
Golding, John
Gould, Bryan
Gourlay, Harry
Hamilton, James *(M'well N)*
Hamilton, W. W. *(Fife Central)*
Hancock, Michael
Harman, Ms Harriet
Hart, Rt Hon Dame Judith
Haynes, Frank
Healey, Rt Hon Denis
Hogg, N. *(C'nauld & Kilsyth)*
Home Robertson, John
Howell, Rt Hon D. *(S'heath)*
Howells, Geraint
Hoyle, Douglas
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
Hughes, Sean *(Knowsley S)*
John, Brynmor
Kaufman, Rt Hon Gerald
Kennedy, Charles
Kilroy-Silk, Robert
Kirkwood, Archy
Lambie, David
Lamond, James
Leighton, Ronald
Lewis, Terence *(Worsley)*
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
McCartney, Hugh
McKay, Allen *(Penistone)*
McKelvey, William
McNamara, Kevin
McTaggart, Robert
Madden, Max
Marek, Dr John
Marshall, David *(Shettleston)*
Martin, Michael
Mason, Rt Hon Roy
Maxton, John
Maynard, Miss Joan
Meacher, Michael
Meadowcroft, Michael
Michie, William
Mikardo, Ian
Millan, Rt Hon Bruce
Miller, Dr M. S. *(E Kilbride)*
Mitchell, Austin *(G't Grimsby)*
Moore, Rt Hon John
Morris, Rt Hon A. *(W'shawe)*
Nellist, David
O'Neill, Martin
Owen, Rt Hon Dr David
Park, George
Parry, Robert
Patchett, Terry
Pavitt, Laurie
Pendry, Tom
Penhaligon, David
Pike, Peter
Powell, Raymond *(Ogmore)*
Prescott, John
Radice, Giles
Randall, Stuart
Redmond, Martin
Rees, Rt Hon M. *(Leeds S)*
Richardson, Ms Jo
Roberts, Allan *(Bootle)*
Robertson, George
Robinson, G. *(Coventry NW)*
Rogers, Allan
Rooker, J. W.
Ross, Ernest *(Dundee W)*
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon R.
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Short, Mrs R. *(W'hampt'n NE)*
Silkin, Rt Hon J.
Skinner, Dennis
Smith, C. *(Isl'ton S & F'bury)*
Smith, Rt Hon J. *(M'ds E)*
Snape, Peter
Soley, Clive
Steel, Rt Hon David
Stott, Roger
Strang, Gavin
Thomas, Dafydd *(Merioneth)*
Thomas, Dr R. *(Carmarthen)*
Thompson, J. *(Wansbeck)*
Thorne, Stan *(Preston)*
Tinn, James
Torney, Tom
Wainwright, R.
Wallace, James
Wardell, Gareth *(Gower)*
Wareing, Robert
Weetch, Ken
White, James
Wigley, Dafydd
Wilson, Gordon
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. John McWilliam and
Mr. Dick Douglas.

NOES

Ancram, Michael
Arnold, Tom
Ashby, David
Atkins, Robert *(South Ribble)*
Best, Keith
Body, Sir Richard
Boscawen, Hon Robert
Bowden, Gerald *(Dulwich)*
Brinton, Tim
Buchanan-Smith, Rt Hon A.
Burt, Alistair
Carlisle, John *(Luton N)*
Chope, Christopher
Clark, Sir W. *(Croydon S)*
Cockeram, Eric
Coombs, Simon
Cope, John
Couchman, James
Cranborne, Viscount
Currie, Mrs Edwina
Dorrell, Stephen
Douglas-Hamilton, Lord J.
Eyre, Sir Reginald
Fairbairn, Nicholas
Favell, Anthony
Fenner, Mrs Peggy
Fletcher, Alexander
Fookes, Miss Janet
Forth, Eric
Fowler, Rt Hon Norman
Fox, Marcus
Franks, Cecil
Fraser, Peter *(Angus East)*
Freeman, Roger
Fry, Peter
Galley, Roy
Gardiner, George *(Reigate)*
Gardner, Sir Edward *(Fylde)*
Garel-Jones, Tristan
Goodlad, Alastair
Gorst, John
Gow, Ian
Gower, Sir Raymond
Grant, Sir Anthony
Gregory, Conal
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Grist, Ian
Ground, Patrick
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Jeremy
Hannam, John
Hargreaves, Kenneth
Harris, David
Harvey, Robert
Haselhurst, Alan
Hawkins, C. *(High Peak)*
Hawksley, Warren
Hayes, J.
Hayhoe, Rt Hon Barney
Heathcoat-Amory, David
Heddle, John
Henderson, Barry
Hickmet, Richard
Hill, James
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holland, Sir Philip *(Gedling)*
Hordern, Sir Peter
Howarth, Alan *(Stratf'd-on-A)*
Howell, Rt Hon D. *(G'ldford)*
Howell, Ralph *(Norfolk, N)*
Hubbard-Miles, Peter
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
Jones, Robert *(Herts W)*
Jopling, Rt Hon Michael
Joseph, Rt Hon Sir Keith
Kellett-Bowman, Mrs Elaine
King, Roger *(B'ham N'field)*
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Lamont, Norman
Lang, Ian
Latham, Michael
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lester, Jim

Lewis, Sir Kenneth *(Stamf'd)*
Lilley, Peter
Lloyd, Peter *(Fareham)*
Lord, Michael
Luce, Rt Hon Richard
McCrindle, Robert
McCurley, Mrs Anna
MacKay, Andrew *(Berkshire)*
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
McNair-Wilson, P. *(New F'st)*
Madel, David
Major, John
Malins, Humfrey
Marlow, Antony
Mather, Carol
Mawhinney, Dr Brian
Mayhew, Sir Patrick
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Moate, Roger
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morrison, Hon C. *(Devizes)*
Morrison, Hon P. *(Chester)*
Mudd, David
Neale, Gerrard
Nelson, Anthony
Neubert, Michael
Newton, Tony
Nicholls, Patrick
Onslow, Cranley
Oppenheim, Phillip
Oppenheim, Rt Hon Mrs S.
Ottaway, Richard
Page, Richard *(Herts SW)*
Parkinson, Rt Hon Cecil
Parris, Matthew
Patten, Christopher *(Bath)*
Pawsey, James
Peacock, Mrs Elizabeth
Pollock, Alexander
Porter, Barry
Powell, William *(Corby)*
Powley, John
Prentice, Rt Hon Reg
Price, Sir David
Proctor, K. Harvey
Rathbone, Tim
Renton, Tim
Rhodes James, Robert
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Roberts, Wyn *(Conwy)*
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rossi, Sir Hugh
Rowe, Andrew
Rumbold, Mrs Angela
Ryder, Richard
Sackville, Hon Thomas
St. John-Stevas, Rt Hon N.
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Shersby, Michael
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Soames, Hon Nicholas
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Squire, Robin
Stanbrook, Ivor
Stanley, Rt Hon John
Steen, Anthony
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Allan *(Eastwood)*
Stewart, Andrew *(Sherwood)*
Stewart, Ian *(Hertf'dshire N)*
Stokes, John
Sumberg, David
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Terlezki, Stefan
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thornton, Malcolm
Thurnham, Peter
Townend, John *(Bridlington)*
Townsend, Cyril D. *(B'heath)*
Trippier, David
Twinn, Dr Ian
van Straubenzee, Sir W.
Viggers, Peter
Waddington, David
Walden, George
Walker, Bill *(T'side N)*
Wall, Sir Patrick
Waller, Gary
Ward, John
Wardle, C. *(Bexhill)*
Warren, Kenneth
Watts, John
Wells, Bowen *(Hertford)*
Wells, Sir John *(Maidstone)*
Wheeler, John
Whitfield, John
Whitney, Raymond
Wilkinson, John
Winterton, Nicholas
Wolfson, Mark
Wood, Timothy
Woodcock, Michael
Yeo, Tim

Tellers for the Noes:
Mr. Gerald Malone and
Mr. Francis Maude.

Question accordingly negatived.

Clause 1

TRANSFER OF PERSONS ENGAGED IN DOCKYARD SERVICES TRANSFERRED TO PRIVATE SECTOR

Mr. Lee: I beg to move amendment No. 2, in page 2, line 8, leave out
'the whole or any part of'.

Mr. Deputy Speaker (Sir Paul Dean): With this it will be convenient to discuss Government amendments Nos. 3, 4 and 10.

Mr. Lee: The first three amendments have been tabled by the Government following the debates in Committee on clause 1(2)*(b)* and remove any doubt that the dockyards might be split into different parts. Amendments Nos. 2 and 4 make it clear that only one company will be set up by my right hon. Friend the Secretary of State for Defence for each dockyard. Amendment No. 3 does no more than tidy up the clause to remove any doubt which might otherwise have been caused over the transfer of dockyard employees. Amendment No. 10 brings clause 1(8) into line with clause 1(4), thus meeting the concerns expressed in Committee by the right hon. Member for Llanelli (Mr. Davies).

As the House knows, the vast majority of those employed in the dockyards will transfer to the dockyard company, but not all will so transfer. Therefore, I invite the House to agree to amendments Nos. 2, 3, 4 and 10.

Mr. Denzil Davies: As the Under-Secretary of State has said, these amendments reflect the debates in Committee. We are grateful to him for responding to the points that we made. We have no objection to any of the amendments.

Amendment agreed to.

Amendments made: No. 3 in page 2, line 9, after 'undertaking', insert
'(disregarding their services for this purpose)'.

No. 4, in page 2, line 10, leave out 'any of the'.—*[Mr. Lee.]*

Mr. Lamont: I beg to move amendment No. 5, in page 2, line 22, leave out 'transfer of the'.

Mr. Deputy Speaker: With this it will be convenient to take the following: Government amendments Nos. 6, 7 and 9.

Amendment No. 8, in page 2, line 24, after second 'a', insert 'commercial'.

Mr. Lamont: All these amendments are concerned with TUPE, which we discussed earlier and on various aspects of which we had a debate in Standing Committee.

The right hon. Member for Llanelli (Mr. Davies) said that TUPE had good parts and was probably a beneficial addition to our law relating to the transfer of undertakings. The right hon. Gentleman conceded that the regulations protect many rights which perhaps were not protected before. The purpose of one of his amendments was to ensure that TUPE applies not just to the present transfer but to a transfer to any future management. The Government and the Opposition are as one in wanting to ensure that TUPE applies.

In Committee the right hon. Gentleman said that he was broadly satisfied with what we proposed, with one exception, which was that in his view, unless the Bill made it clear that the dockyard undertaking was to be treated as a commercial business, TUPE could not be guaranteed to apply. I undertook to consider further whether an amendment along the lines that he was suggesting was necessary. I have since written to the right hon. Gentleman confirming that in my view such an amendment is not required to ensure, as we both want, that there is no doubt that TUPE applies in this case. The legal advice that I have been given—we have gone into this matter in some detail — is that the dockyard undertaking at each dockyard is an undertaking within the 1981 regulations.

The right hon. Gentleman knows that I was satisfied that the Bill was therefore sound in this respect. None the less, further consideration has been given by the draftsmen

[Mr. Lamont]

to the wording of clause 1(4). I hope that the right hon. Gentleman will accept that amendments 5 to 9 are directed towards the result that we all want. Clause 1(4) remains directed towards the application of TUPE to the transfer of the employees alone.

As we have said before, there was a legal doubt, although not the legal doubt which the right hon. Gentleman raised. I give this explanation because I think that the right hon. Gentleman and his hon. Friends might otherwise think that I am introducing this amendment because of the point which the right hon. Gentleman made. It is, in fact, a different point, despite the wording of the amendment. There was a legal doubt whether the transfer of the employees alone, without more, would be an undertaking within the meaning of TUPE. With the amendments which we are debating now, the subsection removes any doubt, by providing that the services of the employees, without more, shall be treated as part of the undertaking capable of being transferred as a business. As a result, I think it is beyond doubt that TUPE will apply to the transfer of the services to a company formed by my right hon. Friend.

Clause 1(4) in the Bill as printed was sound, but the approach which I have just described avoids any argument and I hope that the House will agree that it makes clear beyond any doubt the application of TUPE. For this reason, I hope that hon. Gentlemen will not press their amendment but will support what we have proposed.

Mr. Denzil Davies: The Minister of State has explained why these amendments have been brought forward. We shall certainly not claim any false victory and I accept entirely that it is through his hard work and that of his officials that these amendments have been brought forward. TUPE does not seem to be too easy for anybody, as far as I can see.

With regard to the points we raised in Committee about the commercial operation of the dockyards, I am grateful to the hon. Gentleman for his letter. His lawyers have managed to find a case, although I do not think it is as good as the case that I found, and I accept that the dockyards, although they are not a commercial venture, are perhaps in the nature of a commercial venture. I am sure that there is a lot of room for debate even there, but, since TUPE is a good thing, we want to see it applied. We shall not be pressing the objections which we pressed in the Standing Committee, and we welcome the amendments that have been made.

Amendment agreed to.

Amendments made: No. 6, in page 2, line 23 leave out 'the transfer of'.

No. 7, in page 2, line 24 after 'undertaking', insert 'capable of being transferred'.

No. 9, in page 2 line 26 leave out 'any'.

No. 10, in page 3, line 16 after second 'of', insert 'any of'.—*[Mr. Norman Lamont.]*

Clause 3

Expenses of Secretary of State

Mr. Denzil Davies: I beg to move amendment No. 11, in page 3, line 44 leave out 'or operation'.

Mr. Deputy Speaker: With this it will be convenient to take the following amendments: No. 12, in page 4, line 2 after 'dockyard', insert

'or the operation of any such company wholly owned and controlled by the Secretary of State'.

Amendment (a) to amendment No. 12, in line 2, leave out 'and controlled'.

Mr. Davies: The object of the amendment is to make clear, which the Bill does not, the expenses incurred in the formation and operation of any company—the crucial word is "operation".

As the Bill is drafted, the Secretary of State could come to the House and assort money for the operation of any company to run the dockyards. In other words, if A and P Appledore International could not do so, under clause 3 the Secretary of State could get money from taxpayers to do so. That might or might not be a good thing, but I do not believe that it was intended. It would have extraordinary effects. The Under-Secretary of State said that that was not intended, and we have tabled the amendments to put the Government's intention in words.

I see from the Government amendment to our amendment No. 12 that there is not the word "resist". At last the Under-Secretary of State and the Minister have got their way, and have been allowed to accept one of our amendments. The Minister shakes his head, and perhaps that remark was premature, but I think that on this occasion we can claim a small victory.

Mr. Lee: As the right hon. Member for Llanelli (Mr. Davies) said, clause 3*(a)*, among other things, allows my right hon. Friend the Secretary of State to pay out of money voted by Parliament expenses incurred in operating any company formed by my right hon. Friend at either of the dockyards. When that was raised in Committee, I said that that provision in clause 3*(a)* would allow my right hon. Friend to incur expenses in the event of his operating the dockyards as a Government-owned public limited company.

The right hon. Gentleman said that the clause does not refer specifically to a Government-owned plc. He is quite right; it does not. But if one looks at the rest of the subsection it is, I believe, clear enough what is intended. The clause refers to expenses of my right hon. Friend incurred in connection with the operation of any company formed with a view to the provision of dockyard services at a designated dockyard. What expenses would my right hon. Friend incur, if the company were not being operated by a Government-owned plc?

I accept, however, that amendments on the lines of those suggested by the right hon. Gentleman would make explicit what I believe is already implicit. Therefore, I would not wish to oppose the right hon. Gentleman's amendment to remove the words "or operation" in page 3, line 44. So it is victory. Obviously, however, as the right hon. Gentleman's further amendment implies, if the words "or operation" are to be removed, they would have to be replaced by others to ensure that my right hon. Friend could operate a government-owned plc at each dockyard if he wished.

I hope that we can leave Report stage on a note of agreement. I cannot, however, agree the wording of the right hon. Gentleman's second amendment to this subsection in its present form. If the words

"wholly owned by the Secretary of State"

are included, no purpose would be served by including the words "controlled by". I have therefore proposed an amendment to the right hon. Gentleman's amendment which is as he has proposed, but without the tautology.

I could not accept the right hon. Gentleman's amendment to leave out the words "or operation" without a substitute. I would not, however, oppose it, if the amendment I have proposed were acceptable to the right hon. Gentleman and his hon. Friends.

Amendment agreed to.

Amendment made: No. 12, as amended, in page 4, line 2, after 'dockyard', insert

'or the operation of any such company wholly owned by the Secretary of State'.—*[Mr. Denzil Davies.]*

10.25 pm

Mr. Norman Lamont: I beg to move, That the Bill be now read the Third time.

We have had a long line of reports on the past performance of the dockyards, and the shortcomings and problems have been extremely well documented. Nobody could do other than agree, and I think that the right hon. Member for Llanelli (Mr. Davies) accepts this, that change is greatly needed in the dockyards. Right hon. and hon. Members may not agree with the particular method we have chosen, but the case for some change is extremely strong, given the record of the dockyards. We would certainly not have put forward this scheme unless we were strongly convinced that substantial improvements in performance and savings to the Exchequer could be achieved.

During the debate on new clause 1, I attempted to indicate some of the calculations behind the overall calculation that we have made of savings of £21 million in the first 10 years and of a higher amount after the initial costs have been amortised. Ever since I have been connected with this Bill I have always emphasised that these costs are, in a sense, illustrative. They are based on certain assumptions. The efficiency savings assumed could be even greater.

I repeat the point I made when we were discussing new clause 1. Many of the costs that people have been so anxious to analyse and investigate in these debates would have to be incurred in any genuine attempt to improve the performance of the dockyards. I refer to proposals such as setting up new management accounting systems. It is a terrible comment on the state of the dockyards that it should actually be necessary to go to such lengths to install proper management control and accounting systems. If Opposition Members were genuine in saying that they wanted to improve the efficiency of the dockyards, they would admit that costs such as te cost of having consultants advising on those systems and the cost of hardware and software would have to be incurred.

The hon. Member for Clackmannan (Mr. O'Neill) said that I did say what would be the cost of setting up a trading fund. That question cannot be answered, because the answer depends precisely on what level of efficiency it was assumed a trading fund would achieve. The cost of buying out restrictive practices is the same either under a trading fund or under commercial management, but there is a crucial difference. Under the trading fund there is not a separation of the customer and the supplier. That is really one of the key reasons why we have gone for the introduction of this method of commercial management rather than simply setting up a trading fund whereby, because the customer and supplier are so closely related, it is possible for the supplier merely to price himself into profit.

Part of the debate that we had in Committee and again today has been about the effect on the work force and what would happen in the cases of pensions and entitlements to redundancy benefits and other negotiated benefits. I believe I managed to demonstrate to the House that there is no reason to think that people would be worse off; there is a considerable safety net. One cannot guarantee security for people for ever in any world, and certainly when people have moved into the private sector there are changes. Naturally, big changes will be brought about, but there will be a core programme. Obviously, we believe that there will be continuing work for the dockyards.

Particularly as regards Rosyth, I am amazed at what Labour Members are prepared to say about the effects of commercial management, when we contemplate even for a moment their proposal to get rid of our independent deterrent, because getting rid of Trident would remove 40 per cent. of the work load at Rosyth. It is absurd for right hon. and hon. Gentlemen to spread scare stories about the cost of redundancy when what they propose in relation to the independent deterrent would leave a gaping hole in the work load at Rosyth. I wish to refer to letters written by the Leader of the Opposition to workers at Devonport and Rosyth. They show the utmost cynicism. The letters were identical except that three sentences in the letter to Devonport workers referred to the need to get rid of Trident and there were no references to Trident in the letter to Rosyth workers. The second paragraph in the Devonport letter states:

> "You know of the plans to cut the workforce by 400 by next April. Behind that comes the threat to a further 4,000 jobs under the proposals of the 'Levine Report' which, fostered by Michael Heseltine, prepares the way for the privatisation of the Royal Dockyard as a 'managing agency'. At the same time, the Government is locked into the Trident programme which will swallow at least £12 billion of defence expenditure and strip the rest of British defence provision."

The Rosyth letter states:

> "You know of the plans to cut the workforce by 400 next April."

and so on, except that the sentences about Trident are omitted. I shall gladly give way to any Labour Member who will tell me why those sentences are left out. Labour Members always want to intervene during my speeches, but they do not want to do so this time. What possible reason, other than the greatest cynicism, can they have? They know that their proposals will have a devastating effect on Rosyth. The number of jobs at risk under our proposals are as nothing compared with the effect of the Labour party's defence policy.

Mr. Gordon Brown: Nonsense.

Mr. Lamont: It is not. It is the absolute truth, as the hon. Gentleman well knows. I make no apology for mentioning those letters, because they should be on the record. They were cynical letters.

By introducing commercial management into the dockyards we seek to achieve full value for money from the defence budget, a climate of maximum competition, freedom for local management from public sector constraints, enabling them to operate effectively in a competitive environment, better levels of efficiency, a clear separation between the dockyards as suppliers and the Navy as customer, financial and accounting arrangements which reflect normal commercial practice and scope for commercial management to expand employment opportunities in the regions concerned by bidding for some of the commercial work available as well.

Mr. O'Neill: Argentina.

Mr. Lamont: Even the hon. Gentleman might think occasionally that it is a long way to come from Argentina for a ship refit. I do not think that that is likely.

Mr. O'Neill: Touche Ross referred to it.

Mr. Lamont: Touche Ross listed all the navies in the world. If the hon. Gentleman cannot do better than that, he should go away and do a little more studying.

There are good, sound reasons why commercial management must be introduced if we are willing to face up to the problems which Governments have so often identified in the dockyards. The difference is that no one has been prepared to do anything about those problems. That is why we have the Bill. I am confident that it will give better value for money and a better service to the Royal Navy.

10.33 pm

Mr. Denzil Davies: The Minister made a knockabout speech, and we understand why. He knows that he has a weak case. It was clear in Committee that his heart was not in the legislation. He had to come back to it, jetlagged from the Khyber pass, or wherever he had been, and was thrown straight into Second Reading. There were many problems in the background when the Bill was in Committee, including the famous Lygo letter and the difficulties at the Department of Trade and Industry, from which the hon. Gentleman had just come. He found it difficult to concentrate in Committee on this little Bill. He had played no part in its preparation—not that that was his fault.

The Minister knows very well that the Bill does not make any sense and that it is part of the frenetic ideology of the former Secretary of State for Defence, the right hon. Member for Henley (Mr. Heseltine). Were it not for the right hon. Member for Henley, I do not think that we would have had this Bill tonight.

The Bill was ill-thought-out and ill-considered. None of the options were considered, and certainly none were costed. This scheme was not costed, and that was clear from our debates in Committee.

The Minister discussed unemployment in Scotland, but under his Government unemployment in Scotland has trebled. Given the Government's record, I do not think that the Minister should say anything about unemployment in Scotland.

The Bill is neither one thing nor the other. It is not privatisation, and it is not public sector. It is an extremely hybrid scheme and it has no basis. I do not think that any other country, including the United States of America, operates, or would operate, its dockyards in the way that the Government propose for Rosyth and Devonport.

The Minister spoke of the great difficulty of introducing other schemes, but there would be no difficulty in doing so. It is possible to run the dockyards under a trading fund. The royal ordnance factories were run very successfully under such a fund. The Minister was extremely insulting when he kept on referring to the ordnance factories as pricing themselves into profit. That was not the case. The ordnance factories operated commercially and profitably. The problems have arisen after privatisation. The ordnance factories are now being run down and are facing redundancies. Their future is insecure. I do not wish to spread alarm, but, frankly, if this proposal goes through I can see the same thing happening to the dockyards.

The ordnance factories operated well under a trading fund. We hear that we had to buy all those computers and all that hardware and software. I counted the number of times that the Minister mentioned hardware and software. He talked about enough hardware and software to sink an aircraft carrier. Apparently all the costs would go on hardware and software—how ridiculous.

The Minister has still not answered the question about costs. He said that according to the Government's figures —pretty ropy figures—£21 million a year over 10 years would accrue to the Exchequer. I asked what the deficit would be to the budget of the Ministry of Defence, but he was afraid, properly from his point of view, to answer.

The deficit, a coincidental figure, will be £21 million a year. The Minister knows that, because it is in the documents. That deficit has gone up since the original calculations in June 1985. The deficit will be £21 million, and multiplied by 10 that is over £200 million deficit to the Ministry of Defence's budget. The Minister knows that, and he should have answered the question.

That deficit comes partly from having to pay £11 million a year for this new organisation. Another 800 new staff will be taken on—that is what the efficiency is about. The staffing level will rise by 800. Other functions and other co-ordinations will have to be carried out. Secretaries will have to be employed, and they in turn will require secretaries. We know what will happen—the bureaucracy will increase. A further 800 new staff are to be employed while 2,500 dockyard workers at Rosyth and Devonport are apparently to be sacked. Is that the sort of efficiency that we can expect from this commercial management?

The Ministry of Defence will also have to pay the pensions, which means another £9 million a year. Altogether, it adds up to £20 million a year out of the Ministry's budget. On top of that, if there are redundancies the cost will be charged to the Ministry. When we discussed new clause 3, the Minister admitted that the only way to replicate the redundancy payments under the Civil Service pension scheme if the contractor did not have the money to make the payments would be to put the cost of such payments on the price of the article and the customer would pay, as the customer always does.

That again will come out of the Ministry of Defence's budget, so the figure of £200 million that I mentioned earlier is a conservative estimate. The Minister of State shakes his head. All he can say is that the Treasury will somehow or other look at the matter, think about it and take it into account. I am sure that he does not believe that the Treasury will hand over £200 million to the Ministry of Defence to pay for the scheme. The money will come from the Ministry of Defence's budget, and the Minister knows that well.

The Bill may be given its Third Reading, although the Government's majority has been going down and down. Perhaps we should have put down a few more amendments. Last time they had a majority of 34 or 35. I can understand why the Minister of State galloped through his speech. He is having difficulty keeping his troops here. The Minister of State, Department of Trade and Industry, has apparently gone abroad rather than vote for this legislation. Nobody believes that the Bill will improve efficiency in the dockyards or that costs will be saved. As I said earlier, the Royal Navy will receive an inferior service, and it will do so at a higher cost. That will be the effect of what the Government are doing.

Even if the Bill receives its Third Reading this evening, may I suggest, gently and kindly, to the Minister that he should put the Bill to one side, forget about it and leave it where it should have been left before the right hon.

[Mr. Denzil Davies]

Member for Henley tried to introduce it. It will be damaging to the Government, to the dockyard workers and to Britain's defence.

Mr. Deputy Speaker: Miss Janet Fookes.

Hon. Members: Oh!

10.43 pm

Miss Janet Fookes (Plymouth, Drake): I hear noises from Labour Members, but I hope that I am entitled to speak, particularly on Third Reading.

I want to put two points to my hon. Friend the Under-Secretary. First, I want from him assurances about the terms and conditions of the employees. I am well aware that that has been discussed at length in Committee, but it is appropriate that on Third Reading the assurance should be given that, so far as possible, the terms and conditions for employees should be no less good than before. Indeed, I am rather more optimistic than Labour Members because I hope that in the fullness of time they will be better. We should now look on this as an opportunity for things to be made better rather than simply assuming, as Labour Members seem to assume, that they will be made worse. It is obviously of importance to individual employees that they have those assurances. I know that many rumours have abounded in the city quite understandably in the period of uncertainty and transition, and it would be helpful to have that assurance tonight.

Looking now at the rather broader issue of commercial management, my hon. Friends on the Front Bench will know my reservations about that. When the management put in its bid I was greatly encouraged because I genuinely believe that that represents the best way forward and the other assurance that I would like from my hon. Friends tonight is that they will be looking at the management's bid seriously. Clearly, I do not expect it to be successful regardless of the management's capacity to perform. It must operate in fair competition with any other company. I believe that only one consortium is in competition. But it is of the greatest importance to me that that assurance should be given. I have the highest regard for the management at the dockyard, particularly for the managing director. If anyone can make a success of this for the employees, the dockyard and the city it is Mr. David Johnston. I have backed his bid strongly right from the beginning—from the time when I first knew about it. However, I do not want window-dressing. I need to know that the Government are serious about the bid. I believe that if the management team can win the competition for the commercial management it will be a very good thing for the city and the employees — especially as I understand that the management would wish to buy locally many of the supplies that now have to come from other parts of the country. That would be very good for the economy of the city.

I hope, too, that the new company will be able to find opportunities to take on other work not related to the Royal Navy. I recall that that was one of the original objectives of the major change that is to be made. I hope very much that it will come to fruition, because it must be for the good of the dockyard and the city if other work can be found apart from the immediate Royal Navy work. The amount of that work has always fluctuated. I remember a newspaper report some 20 years ago making dire predictions of a downturn in the amount of work provided by the Royal Navy for the dockyard. If those fluctuations can be evened out by other work not related to the Royal Navy, that will be to the good of the dockyard.

Mr. Douglas: Such as?

Miss Fookes: I do not pretend to be an expert on what might be done in that dockyard. I believe that there is an enormous residue of skilled labour there because generations of Plymouthians have gone into the dockyard. I do not believe that it is beyond the wit of man—or, specifically, of Mr. Johnston — to find other opportunities for all the skills there. I would not pretend to teach Mr. Johnston his business, but I believe that those opportunities exist.

I conclude with those two points, and ask for those assurances.

10.47 pm

Dr. Owen: Listening to the hon. Member for Plymouth, Drake (Miss Fookes), I am reminded of T. S. Eliot's line:

"Not with a bang but a whimper."

There was a moment when the hon. Lady joined us in opposing the Bill on a cross-party basis. If this is the end of her opposition, she would have done much better never to start it. Whatever one's view on the hon. Member for Plymouth, Sutton (Mr. Clark) and whether or not he should resign from the Government, at least his views on the Bill are so perfectly clear that he has sought neither to be here nor to vote on it. With such support, I certainly think that the city of Plymouth has a right to draw some attention to what has been happening.

I must say that I am angry tonight. This is a bad Bill. It is very bad for the city of Plymouth. It is a poor way of repaying years of loyalty to successive Governments by the people who work in the dockyard. Furthermore, it is my fear and belief that the service to the Royal Navy will be damaged, and that thereby the Navy will be damaged too.

I have no doubt, too, from our earlier discussions on the costs, that all this will be achieved at a heavy price. It is time that hon. Gentlemen on the Government Benches, and the hon. Lady, realised that the defence budget is now being cut by 7 per cent. in real terms over the next three years. The additional extra cost which no one has denied will fall on the dockyard over the next few years will damage the defence of this country.

There is little to be gained by going over old arguments. The Government have got what they wanted, on paper. They will get the Bill. They have been able to take out of the Government service a very large number of people. On paper, the Civil Service will be much reduced. That the Government have achieved. In the process, they have also declared substantial redundancies. Most of the redundancies have been voluntary, and I am pleased about that, but 2,000 jobs have been lost in Plymouth and in my view more will be lost over the next decade. I believe that eventually the dockyard will employ about 7,000 people.

I face the fact that the Government have the power, but I ask them not to use it. There is no doubt that there is a massive body of opinion, much of it in the Tory party, a substantial number of industrialists and an increasing number of people in the Navy who are waking up to what is really happening to them. They say to the Government "Create Devonport plc, but do not fragment the

dockyard". It is nonsensical to cut into the dockyard in the way that has been done, separating the management from the control of the assets. We have heard today and seen in the report what substantial assets there are. If anything can be salvaged out of this mess let it be a rolls royce solution in that the Government have a commercial company. The employees are no longer civil servants, but at least let them all be employed and operate one single industrial enterprise which would be Devonport dockyard and Rosyth dockyard. It is not what we wanted and it is not ideal but if the Secretary of State were to go to the unions and say that he would be prepared to not implement the Bill he would find that there would be a response and, even at this late stage, I hope that the Secretary of State will look at that.

On the matter of employment prospects at Rosyth, I want to make it clear that although we have opposed this Bill with the Labour party we do not hold its view on what should happen to Polaris. We would not decommission Polaris. It would continue for its natural life. Even though we would cancel Trident, I believe that it would be possible, by expanding the SSN build rate, to pick up the slack and retain a substantial dockyard and submarine refitting at Rosyth. I do not believe that the cancellation of Trident, provided it was with the continuation of Polaris to the end of its natural life—which is certainly until 1997—need harm Rosyth dockyard. It also need not harm employment at Vickers because we would be increasing the submarine build rate to take up a good deal of the slack.

That having been said, the substantive issue is the Bill. The Bill deserves to be rejected. My hon. Friend the Member for Portsmouth, South (Mr. Hancock), who was on the Committee for the Social Democratic party and the alliance, and I will vote against this as will many of my right hon. and hon. Friends. We shall do so because we think that it is a damaging Bill. It is bad for the Navy and bad for employment. It is a relic of the right hon. Member for Henley (Mr. Heseltine) that should be dispatched to the wastepaper basket. If the present Secretary of State had any sense he would have nothing to do with the Bill.

10.52 pm

Mr. Henry Bellingham (Norfolk, North-West): I am aware of the fact that I do not have any expert knowledge on this matter and I do not have a constituency interest. However, I was on the Standing Committee along with other right hon. and hon. Members. The right hon. Member for Plymouth, Devonport (Dr. Owen) mentioned that his hon. Friend the Member for Portsmouth, South (Mr. Hancock) was on the Committee. He came and went; as I remember, he did a runner and did not come back, or at least I cannot remember his coming back. However, I understand that he then issued press releases, took on the Government single-handed and did a great deal of good in getting them to change their mind. However, I do recall the hon. Gentleman doing a runner.

One of the characteristics of the Committee was the number of contributions from different hon. Members. It was a good-natured Committee. The Bill has met widespread opposition from many quarters, but it is easy to forget the background. Many local industry groups, local Members of Parliament, trade unions, the City and local authorities agree that change is vital for the long-term future of the dockyards.

The past 15 years have seen many reports, reviews and studies on the performance of the dockyards and many of them make extremely grim reading. Until now, no Government have dared to grip the situation. In 1978 there was a report and the then Labour Government had the opportunity to introduce a trading fund but they ran away from that. They had an ideal opportunity, but nothing was done. I do not feel that doing nothing in this case was a viable option. That is why I congratulate the Government on having the courage to make a brave attempt to tackle head on a situation that was becoming extremely serious.

I have a number of reservations on that matter, as have other Conservative Members, and my preference was for a trading fund. However, I am a realist and it would be churlish of me not to support the Government tonight, as they are making an attempt to do something positive and constructive.

I hope that the Minister will clarify two points which are causing me concern. The first relates to costs. The right hon. Member for Llanelli (Mr. Davies) raised three points which relate to additional costs which will arise as a result of the Bill, but other costs were mentioned in a series of press articles towards the end of last week and I should be grateful if the Minister would comment on them.

The first point relates to the estimated £30 million consultancy fees and to an unquantified cost in Ministry of Defence staff time. There is also the sum of £46 million to ensure the continuation of a supply service to the Ministry of Defence and the matter of VAT which will now have to be paid on dockyard contracts. Another point which the right hon. Member might have mentioned was the fact that the dockyards will be supplied by the Ministry of Defence with a management financial ledger—an accounting package for the use of contractors—and that will lead to an additional cost.

It is surprising that detailed figures have not been given. There is an urgent need for those additional figures and I urge the Minister, if he cannot give them tonight, to provide them in the very near future.

The final point which concerns me is that the Comptroller and Auditor General will no longer have access to the books of the dockyard operators. Therefore, there will not be, as I understand it—I may be wrong and I hope that the Minister can clarify this for me—any accountability to Parliament once the Bill reaches the Statute Book.

I am worried about those points, but I congratulate the Government on tackling this matter, on biting the bullet and on coming forward with a positive and constructive Bill. I wish the Bill every success and I am pleased that I had the chance of serving on the Standing Committee.

10.58 pm

Mr. Gordon Brown: This is a bad Bill, which no amount of amending could have improved. It is very interesting to note that the main argument from the Conservative Back Benchers who have spoken in favour of the Bill tonight is that they have no expertise in the matter of dockyards. They would have done better to adopt the course taken by the hon. Member for Plymouth, Sutton (Mr. Clark), who, knowing that he could not succeed in the amendments that he wanted and that he could not get the guarantees he sought about removing the possibility of foreign control, absented himself from the House and said that, if he had been here, he would have had the guts at least to have voted against the Bill.

[Mr. Gordon Brown]

There are no guarantees in this very short Bill about apprenticeships, conditions of service or preventing foreign control. We have seen in the documents issued today that the possibility of a foreign state holding in the dockyards is being contemplated. There are no guarantees about security and, in the documents, the Ministry of Defence contemplates that the Ministry of Defence police may pass into private hands within a year of the privatisation exercise. There are no guarantees in the Bill about those matters.

The Ministry of Defence civil servant leading the operation was right to tell the Public Accounts Committee and the Select Committee on Defence that the Bill is the high-risk option for the future of the Navy and for the efficiency of the fleet. When risks are involved in the dependability of the service to the Navy, in the reliability of that service and the capability of the dockyards to respond in times of emergency, the only certainty about the Bill is that it will cost the defence budget more.

Nothing that the Minister has said so far today alters the Opposition's view that, in the first years, in the first decade and indeed until the end of this century, the Bill will cost the taxpayer more. At the same time jobs will be lost both at Devonport and at Rosyth. It ill befits the Minister of State to talk about Labour's policies when his Government have been responsible for closing Chatham, for the reorganisation of Portsmouth and in the last year for a cut of 2,000 jobs at Devonport and 400 jobs at Rosyth.

That is not the end of the matter. In the documents which we should have had days ago but which have only been made available to us today, it is made clear to the contractor that the Government expect substantial job cuts at both Rosyth and Devonport as a result of privatisation. Indeed, the contractors are asked

"to list the scope for cost effective subcontracting and how this could affect the size of the work force and facilities."

They are also asked

"to state their intentions for taking work out of the dockyard"—

not bringing work in—

"for completion in other parts of their organisation or through subcontracting".

Mr. Norman Lamont: The hon. Gentleman made that point in Committee and alleged that we never answered it. It is true that contractors were asked whether they would take work out. I am sure the hon. Gentleman will agree with me that it is a good thing that we should know whether they intend to do that. He will know too that the document also asked whether they would bring work in. If the hon. Gentleman quotes one, he should quote the other. We want to know what will happen. The hon. Gentleman is totally misrepresenting the position, not for the first time.

Mr. Brown: The Minister is right to say that the document asks what work will be taken out and what work will be brought in. Of course, the assumption behind the whole manoeuvre and behind the costings, which have not been properly brought to the House, is that jobs will be lost as a result of the scheme. *[Interruption.]* I shall give one illustration of that in the document that was issued today. It says that contractors

"should also indicate how they would minimise the impact on the local community of any future reductions in the dockyard work force."

If that is not the Ministry of Defence expecting job reductions as a result of the scheme, I do not know what evidence the hon. Member for Plymouth, Drake (Miss Fookes) needs.

It is all confirmed in the report to the Public Accounts Committee by the Ministry of Defence last summer, when the Ministry of Defence specifically asked that the figures that it had given about the possibile redundancies resulting from the privatisation scheme should be kept secret by being marked "confidential" and therefore denied to hon. Members and to the public.

The Bill's proposals have found no favour with any organisation or committee that has examined the future of the dockyards since the war. They have been rejected as options by them all. The proposals have been resisted unanimously by every section of the work force in Devonport and Rosyth; they have caused anger among the work force, because this is a change not by consent but by the unilateral imposition of the Minister's own ideas.

The proposals threaten jobs, risk the efficiency of the Navy, risk the dependability of the service to the Navy and involve additional costs. Indeed, now that we have debated them for 70 hours in Committee and for five or six hours today, it is obvious that the proposals are just privatisation for the sake of privatisation. No shares will be issued, so there is no mass capitalism. No savings will come to the public sector borrowing requirement, because the Government will still have to fund all new investment. The Minister has satisfied neither us nor any of the Committees of the House that have examined the matter that savings will come on day-to-day costs. The Minister would do better to drop the proposals by refusing to implement the Bill if it ever gets through both Houses.

11.3 pm

Mr. Hancock: We have had a long debate today and we spent many hours on the Bill in Committee. The hon. Member for Norfolk, North-West (Mr. Bellingham) made an intervention to criticise my performance in Committee. That was a bit rich, when his only two contributions in Committee were, first, to inquire whether or not we should leave the room when the fire alarm went off, and secondly, to congratulate the Minister of State on his considerable leadership and charisma on the issue. Having missed the Report stage, he should not have come in on Third Reading to try to score a cheap point.

We have today explained as best we can that the only winners tonight will be the Government, but that there will be many losers in the future because of the Bill's effect on the Navy, on dockyard workers and on the country's defence.

You have been in the Chair for a substantial part of the debate, Mr. Deputy Speaker, and I am sure that you cannot have failed to accept the valid arguments that have been raised time and again about the problems that the Bill will create. The sadness that fills my heart arises from the fact that I have seen the dockyard in Portsmouth being run down. In my lifetime, the work force has fallen from 30,000 to about 5,000 now in the Navy base. I have seen what such devastation can do to a city, and I have nothing but fears for Rosyth and Devonport. I am sorry that I do not have the enthusiasm of the hon. Member for Plymouth, Drake (Miss Fookes). I do not see the opportunities, but only the enormous problems that the Bill will create for the nation and those who have worked loyally on our behalf.

Many hon. Members have offered Ministers suggestions about what they should do after the Bill receives a Third Reading. Some have suggested that Ministers should sit on the Bill, others have suggested that it be put in the dustbin. Ministers should take a tip from those who have examined the Bill carefully. They should take the advice that my right hon. Friend the Member for Plymouth, Devonport (Dr. Owen) and Labour Members have offered. They should not try to enact the Bill. They should not inflict such damage on people who have been loyal or risk damaging the effective and efficient operation of the Navy. The Bill is a mistake, and although the Government may win tonight, the nation will lose in the long run.

11.6 pm

Mr. Douglas: It is interesting to reflect on the country's response to legislation as it passes through Parliament. When, for example, in the Defence Select Committee and in discussions with responsible local authorities in Fife and elsewhere, we first examined the Government's proposals, the Government claimed that this was a good and necessary measure. They told us that everyone agreed that change was necessary.

One would therefore expect that, since the Bill was published, there would have been a great wave of public support and acclaim for this great new measure designed to improve efficiency and to ensure that the Royal Navy got not the service to which it has been used, but an improved one.

After 70 hours in Committee and on Report, we have heard from only two Conservative Back Benchers. That is a measure of the number of friends that the Bill has acquired in the House and the country. With such friends, the Bill does not need enemies, one might argue. The Government have manifestly failed to enthuse dockyard workers, the Navy or the areas concerned. The more the Bill has been explained and exposed, the more support for it, even from Conservative Back Benchers, has diminished.

The hon. Member for Plymouth, Drake (Miss Fookes), in an engaging revelation, told us that she is not an expert. All the experts who have examined this proposal damn it. It is damned by the Navy, by the locality, by the Select Committee on Defence, upon which the Government have a majority, and by the Public Accounts Committee. The only way in which to get approval for this nasty, paltry little measure is to impose a three-line Whip and drive the Government's majority through the Lobby.

This Bill has no friends. The Minister said that this expenditure will be needed anyway. If it is so essential to set up an organisation in Bath to monitor future project management day by day, why not do it now? If this is a device to make the dockyards more efficient, why not do it now without the Bill? What is the difficulty about employing Peat Marwick Mitchell and Co. or Touche Ross and Co. to examine the dockyards' accountancy system without the passage of this stupid, paltry little measure?

The hon. Member for Drake said that she supports the managing director over the management buy-out of the Plymouth dockyard, but she said not a word about the possibility of a conflict of interest. Is there no conflict of interest for serving naval officers and men who are engaged on the refitting and repair of naval vessels in working hand in hand with private enterprise groups with which they will have to consort to achieve the Government's aims in this Bill? Does not that disturb right hon. and hon. Members on the Government Benches? This is a devilish and stupid little measure that does not provide for efficiency in the fleet. I have sought overwhelmingly to prove that it will be costly both to the Exchequer and to the budget of the Ministry of Defence.

The Minister of State for Defence Procurement referred to the damage which he said Labour party policy would cause to employment in Rosyth. I am willing to go to Rosyth and Dunfermline this weekend and debate the Government's policy for Rosyth compared with the Labour party's policy. I make that open challenge to the Minister. I take the view about patriotism that was expressed the other week by the right hon. and learned Member for Richmond, Yorks (Mr. Brittan). Who are the patriots now? We are witnessing the ending of 500 or 600 years of history. For 500 or 600 years the dockyards have been in the public domain. They have served the navy and the national interest. They have served not just Rosyth, Devonport and Plymouth but the national interest as a whole.

The patriots on the Conservative Benches are putting aside the interests of the nation because of their view about what private enterprise should do. I feel that I speak for the whole of the Labour party when I say that we give notice to contractors that if they spend valuable managerial time going through the proliferation of documents that have been issued today, it will have been wasted. The Labour party believes that the Navy is in the public domain and that therefore the dockyards should also be in the public domain. When Labour is returned to power it will bring back the dockyards into the public domain.

11.14 pm

Mr. O'Neill: It is two years since Mr. Levene visited Rosyth. He spent two hours there and produced the recommendations which have borne fruit in this Bill. The only thing upon which hon. Members on both sides of the House agree is that the status quo is not an option. No hon. Member can be happy with the prevailing conditions at Rosyth, but the Opposition object to the manner in which the initial investigations were conducted. We object to the so-called consideration of the options and the farce of the consultation process. We now object to the implementation of the preferred option. We disagree with the assumptions on the costs and benefits. We disagree with the impact of the new contracts on industrial relations. We have received no assurances tonight that wages, conditions, redundancy arrangements and pensions will be copper-bottomed or guaranteed by the Government or by the legislation. We expect that the redundancies that will ensue after vesting day will be met with bitterness and industrial strife, which will render all the Government's ambitions to improve the efficiency of the yards as naught.

The Opposition disagree with and disapprove of the arrangement in its entirety. It will be bad for those who work in the yards and for the communities surrounding them. It may be acceptable to the hon. Member for Plymouth, Drake (Miss Fookes) that 2,000 jobs should go in Devonport through voluntary redundancy. What about the lost opportunities for apprentices? That statement shows no consideration of what alternative employment can be found in a community which I understand to be in considerable economic difficulties. We hear those arguments from Rosyth and from the trade unions. It might have been better had the hon. Lady drifted into the

[Mr. O'Neill]

Standing Committee now and again and heard those arguments being repeated hour after hour as we considered the Bill.

Miss Fookes: The hon. Gentleman's point is less than fair. I did not drift into the Committee because I was chairing another Committee, which I am required to do as a member of Mr. Speaker's panel of Chairmen.

Mr. O'Neill: I am sorry about the hon. Lady's priorities, and I accept the point that she made—[HON. MEMBERS: "Withdraw".] I am sorry that the priorities of the House intervened in this way. I did not mean it in the other sense. But the hon. Lady told the House that she was not expert in the workings of the dockyards and then proceeded to make those points, ignoring the fact that 2,000 jobs were lost to the community—2,000 jobs that could have been taken by people apart from those who were prepared to give them up.

Miss Fookes: When I said that I was not expert, I was referring to one specific point. I was asked whether I could suggest ways in which the dockyard could be used for outside work. I said that, in that respect, I could not offer expert advice but I knew that people such as Mr. Johnston, the managing director, had ideas in that direction and I was prepared to accept his view that this could be done. Others also suggested it.

Mr. O'Neill: All that I can say is that work which is being carried out on Merseyside, Tyneside and on the Clyde will go to other parts of the country because of the reorganisation, and that the misery that exists in some areas will be compounded by the foolhardiness of the Government's proposals.

The Bill is bad for workers and for the prospects of ship repair and ship-fitting for the Navy. It will damage the Navy incalculably and will be bad for Britain's security. The only prospect for change is a change of Government and direction so that Britain can be properly defended by people who are happy and confident in the knowledge that their work will continue.

11.19 pm

Mr. Lee: I am pleased that the right hon. Member for Plymouth, Devonport (Dr. Owen) has returned, because even at this late hour I want gently to tease him and ask whether he recalls writing an article in October 1983 in the *Economic Affairs* magazine entitled

"Agenda for Competitiveness with Compassion."

In it he said:

"The SDP has not yet developed a strategic view on the role of the commercial public sector. Is it just a staging post between public and private ownership, or can it be the vehicle for the imaginative, practical and enthusiastic development of industrial democracy . . . Franchising could be a very attractive approach for it provides a way of enabling enterprises to act competitively, but within a framework which protects the public interest in a way which entirely unregulated competition would not."

Dr. Owen: Why does the Minister not go on to mention the passage about the dockyards and why that is not appropriate for the dockyards? It is in the same speech.

Mr. Lee: It is a long speech.

Dr. Owen: I think that it would be appropriate.

Mr. Lee: Certainly, the dockyards were referred to, but those quotes stand. As I said in my opening comments, I was half teasing the right hon. Gentleman. Nevertheless, he flirted with franchising at that time.

I have no intention of repeating all the arguments used on Second Reading, in the 25 Committee sittings or today on Report. As my hon. Friend the Minister said earlier, over the years our naval dockyards have had any number of reports and investigations, and have been calling out for radical change. The Bill will introduce commercial management and, for the first time, a real separation between the Royal Navy as customer and the dockyards as supplier. Financial benefits will come to taxpayers, especially in the long term. The Navy will benefit from greater efficiency and the speedy return to operational service of its fleet.

I am grateful for the speech of my hon. Friend the Member for Plymouth, Drake (Miss Fookes), who has taken a deep and continuing interest in the progress of the Bill and in the dockyards. I am sorry about some of the remarks made in criticism of her. Regarding terms and conditions, I am happy to give her the assurance for which she asks. TUPE will apply, and was covered extensively in the earlier speeches of my hon. Friend the Minister.

I am also grateful for the speech of my hon. Friend the Member for Norfolk, North-West (Mr. Bellingham) and for his participation in our lengthy Committee stage. The questions of costs and accountability were fully covered by my hon. Friend the Minister earlier, and I can tell my hon. Friend that VAT is not payable on production work in the dockyards.

Our approach, involving the private sector in management while retaining the physical assets in public ownership, is innovative. It is being studied overseas, and may even have application in other areas of the United Kingdom public sector. I commend it to the House.

Question put, That the Bill be now read the Third time:—

The House divided: Ayes 213, Noes 171.

Division No. 124] **[11.23 pm**

AYES

Ancram, Michael	Fraser, Peter *(Angus East)*
Arnold, Tom	Freeman, Roger
Ashby, David	Fry, Peter
Beaumont-Dark, Anthony	Galley, Roy
Bellingham, Henry	Gardiner, George *(Reigate)*
Best, Keith	Gardner, Sir Edward *(Fylde)*
Body, Sir Richard	Garel-Jones, Tristan
Boscawen, Hon Robert	Goodlad, Alastair
Bowden, Gerald *(Dulwich)*	Gorst, John
Brinton, Tim	Gow, Ian
Burt, Alistair	Gower, Sir Raymond
Carlisle, John *(Luton N)*	Grant, Sir Anthony
Clark, Sir W. *(Croydon S)*	Gregory, Conal
Cope, John	Griffiths, Sir Eldon
Couchman, James	Griffiths, Peter *(Portsm'th N)*
Cranborne, Viscount	Grist, Ian
Currie, Mrs Edwina	Ground, Patrick
Dorrell, Stephen	Hamilton, Hon A. *(Epsom)*
Douglas-Hamilton, Lord J.	Hamilton, Neil *(Tatton)*
Durant, Tony	Hampson, Dr Keith
Eyre, Sir Reginald	Hanley, Jeremy
Fairbairn, Nicholas	Hannam, John
Favell, Anthony	Hargreaves, Kenneth
Fenner, Mrs Peggy	Harris, David
Fletcher, Alexander	Harvey, Robert
Fookes, Miss Janet	Haselhurst, Alan
Forth, Eric	Hawksley, Warren
Fowler, Rt Hon Norman	Hayes, J.
Fox, Marcus	Hayhoe, Rt Hon Barney
Franks, Cecil	Heathcoat-Amory, David

Heddle, John
Henderson, Barry
Hickmet, Richard
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holland, Sir Philip *(Gedling)*
Holt, Richard
Hordern, Sir Peter
Howarth, Alan *(Stratf'd-on-A)*
Howell, Ralph *(Norfolk, N)*
Hubbard-Miles, Peter
Jackson, Robert
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
Jones, Robert *(Herts W)*
Jopling, Rt Hon Michael
Joseph, Rt Hon Sir Keith
Kellett-Bowman, Mrs Elaine
King, Roger *(B'ham N'field)*
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Lamont, Norman
Lang, Ian
Latham, Michael
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lester, Jim
Lilley, Peter
Lloyd, Peter *(Fareham)*
Lord, Michael
Luce, Rt Hon Richard
McCrindle, Robert
McCurley, Mrs Anna
MacKay, Andrew *(Berkshire)*
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
McNair-Wilson, P. *(New F'st)*
Madel, David
Major, John
Malins, Humfrey
Marlow, Antony
Mates, Michael
Mather, Carol
Maude, Hon Francis
Mawhinney, Dr Brian
Mayhew, Sir Patrick
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Moate, Roger
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morrison, Hon C. *(Devizes)*
Morrison, Hon P. *(Chester)*
Moynihan, Hon C.
Mudd, David
Neale, Gerrard
Nelson, Anthony
Newton, Tony
Nicholls, Patrick
Norris, Steven
Onslow, Cranley
Oppenheim, Phillip
Oppenheim, Rt Hon Mrs S.
Ottaway, Richard
Page, Richard *(Herts SW)*
Parkinson, Rt Hon Cecil
Parris, Matthew
Patten, Christopher *(Bath)*
Pawsey, James
Peacock, Mrs Elizabeth
Pollock, Alexander
Porter, Barry
Powell, William *(Corby)*
Powley, John
Prentice, Rt Hon Reg
Price, Sir David
Rathbone, Tim
Renton, Tim
Rhodes James, Robert
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Roberts, Wyn *(Conwy)*
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rossi, Sir Hugh
Rowe, Andrew
Rumbold, Mrs Angela
Ryder, Richard
Sackville, Hon Thomas
Sainsbury, Hon Timothy
St. John-Stevas, Rt Hon N.
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Shersby, Michael
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Smith, Tim *(Beaconsfield)*
Soames, Hon Nicholas
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Squire, Robin
Stanbrook, Ivor
Stanley, Rt Hon John
Steen, Anthony
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Allan *(Eastwood)*
Stewart, Andrew *(Sherwood)*
Stewart, Ian *(Hertf'dshire N)*
Stokes, John
Sumberg, David
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Terlezki, Stefan
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thornton, Malcolm
Thurnham, Peter
Townend, John *(Bridlington)*
Townsend, Cyril D. *(B'heath)*
Trippier, David
Twinn, Dr Ian
van Straubenzee, Sir W.
Viggers, Peter
Waddington, David
Walden, George
Walker, Bill *(T'side N)*
Wall, Sir Patrick
Waller, Gary
Ward, John
Warren, Kenneth
Watts, John
Wells, Bowen *(Hertford)*
Wells, Sir John *(Maidstone)*
Wheeler, John
Whitfield, John
Whitney, Raymond
Wilkinson, John
Winterton, Nicholas
Wolfson, Mark
Wood, Timothy
Woodcock, Michael
Yeo, Tim

Tellers for the Ayes:
Mr. Michael Neubert and
Mr. Gerald Malone.

NOES

Adams, Allen *(Paisley N)*
Alton, David
Archer, Rt Hon Peter
Ashdown, Paddy
Atkinson, N. *(Tottenham)*
Barnett, Guy
Beckett, Mrs Margaret
Beith, A. J.
Bell, Stuart
Benn, Rt Hon Tony
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Bidwell, Sydney
Blair, Anthony
Boothroyd, Miss Betty
Boyes, Roland
Bray, Dr Jeremy
Brown, Gordon *(D'f'rmline E)*
Brown, Hugh D. *(Provan)*
Brown, N. *(N'c'tle-u-Tyne E)*
Brown, R. *(N'c'tle-u-Tyne N)*
Bruce, Malcolm
Buchan, Norman
Caborn, Richard
Callaghan, Jim *(Heyw'd & M)*
Campbell, Ian
Campbell-Savours, Dale
Canavan, Dennis
Carlile, Alexander *(Montg'y)*
Cartwright, John
Clark, Dr David *(S Shields)*
Clarke, Thomas
Clay, Robert
Clelland, David Gordon
Clwyd, Mrs Ann
Cocks, Rt Hon M. *(Bristol S)*
Cohen, Harry
Cook, Frank *(Stockton North)*
Corbett, Robin
Corbyn, Jeremy
Craigen, J. M.
Crowther, Stan
Cunliffe, Lawrence
Dalyell, Tam
Davies, Rt Hon Denzil *(L'lli)*
Davies, Ronald *(Caerphilly)*
Davis, Terry *(B'ham, H'ge H'l)*
Deakins, Eric
Dixon, Donald
Dormand, Jack
Douglas, Dick
Dubs, Alfred
Duffy, A. E. P.
Eadie, Alex
Eastham, Ken
Evans, John *(St. Helens N)*
Ewing, Harry
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Foot, Rt Hon Michael
Forrester, John
Foster, Derek
Foulkes, George
Fraser, J. *(Norwood)*
Freeson, Rt Hon Reginald
George, Bruce
Gilbert, Rt Hon Dr John
Godman, Dr Norman
Golding, John
Gould, Bryan
Hamilton, James *(M'well N)*
Hamilton, W. W. *(Fife Central)*
Hancock, Michael
Harman, Ms Harriet
Hart, Rt Hon Dame Judith
Hattersley, Rt Hon Roy
Haynes, Frank
Healey, Rt Hon Denis
Hicks, Robert
Hogg, N. *(C'nauld & Kilsyth)*
Home Robertson, John
Hoyle, Douglas
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
Hughes, Sean *(Knowsley S)*
John, Brynmor
Kaufman, Rt Hon Gerald
Kennedy, Charles
Kilroy-Silk, Robert
Kirkwood, Archy
Lambie, David
Lamond, James
Leighton, Ronald
Lewis, Terence *(Worsley)*
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
McCartney, Hugh
McKay, Allen *(Penistone)*
McKelvey, William
McNamara, Kevin
McTaggart, Robert
Madden, Max
Marek, Dr John
Marshall, David *(Shettleston)*
Martin, Michael
Maxton, John
Maynard, Miss Joan
Meacher, Michael
Michie, William
Mikardo, Ian
Millan, Rt Hon Bruce
Miller, Dr M. S. *(E Kilbride)*
Mitchell, Austin *(G't Grimsby)*
Morris, Rt Hon A. *(W'shawe)*
Morris, Rt Hon J. *(Aberavon)*
Nellist, David
O'Neill, Martin
Owen, Rt Hon Dr David
Park, George
Parry, Robert
Patchett, Terry
Pavitt, Laurie
Pendry, Tom
Penhaligon, David
Pike, Peter
Powell, Raymond *(Ogmore)*
Prescott, John
Radice, Giles
Randall, Stuart
Redmond, Martin
Rees, Rt Hon Peter *(Dover)*
Richardson, Ms Jo
Roberts, Allan *(Bootle)*
Robertson, George
Robinson, G. *(Coventry NW)*
Rogers, Allan
Rooker, J. W.
Ross, Ernest *(Dundee W)*
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon R.
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Short, Mrs R. *(W'hampt'n NE)*
Silkin, Rt Hon J.
Skinner, Dennis
Smith, Rt Hon J. *(M'ds E)*
Snape, Peter
Soley, Clive
Stott, Roger
Strang, Gavin
Thomas, Dafydd *(Merioneth)*
Thomas, Dr R. *(Carmarthen)*

Thompson, J. *(Wansbeck)*
Thorne, Stan *(Preston)*
Tinn, James
Torney, Tom
Wainwright, R.
Wallace, James
Wardell, Gareth *(Gower)*
Wareing, Robert
White, James
Wigley, Dafydd
Wilson, Gordon
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Noes:
Mr. John McWilliam and
Mr. Chris Smith.

Question accordingly agreed to.
Bill read the Third time, and passed.

EUROPEAN COMMUNITY DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 80(5) (Standing Committees on European Documents.):—

SPECIFIC TRAINING FOR GENERAL MEDICAL PRACTICE

That this House takes note of European Community Document No. 11387/84, a proposal for a directive on making specific training for general medical practice mandatory in all member states of the Community; notes that the United Kingdom already has a mandatory vocational training scheme lasting three years for doctors wishing to establish themselves as principals in general medical practice in the National Health Service; and welcomes the prospect of similar mandatory training schemes lasting a minimum of two years being established throughout the European Community.—*[Mr. Maude.]*

Question agreed to.

OUTER SPACE BILL *[LORDS]*

Order for Second Reading read.

Motion made, and Question put forthwith, pursuant to Standing Order No. 69(6) (Second reading committees.)

That the Bill be now read a Second time.

Question agreed to.

Bill accordingly read a Second time.

Bill committed to a Standing Committee pursuant to Standing Order No. 40 (Committal of Bills.)

SCOTTISH GRAND COMMITTEE

Ordered,

That, in the course of its consideration of the matter of the development of the proposals for Scotland in the Green Paper on "Paying for Local Government", the Scottish Grand Committee may meet in Edinburgh on Monday 28th April at half-past Ten o'clock.—*[Mr. Maude.]*

EDUCATION, SCIENCE AND ARTS

Ordered,

That Mr. Clement Freud be discharged from the Education, Science and Arts Committee and Mr. David Evennett be added. —*[Mr. Fox, on behalf of the Committee of Selection.]*

SOCIAL SERVICES

Ordered,

That Mrs. Edwina Currie be discharged from the Social Services Committee and Mr. John Powley be added.—*[Mr. Fox, on behalf of the Committee of Selection.]*

ENVIRONMENT

Ordered,

That Mr. David Alton be discharged from the Environment Committee. — *[Mr. Fox, on behalf of the Committee of Selection.]*

AGRICULTURE

Ordered,

That Mr. Albert McQuarrie be discharged from the Agriculture Committee and Mr. John Carlisle and Mr. Paul Marland be added.—*[Mr. Fox, on behalf of the Committee of Selection.]*

PETITION

Social Security Reform

11.35 pm

Mr. Archy Kirkwood (Roxburgh and Berwickshire): I seek the permission of the House to present a petition in relation to proposals originally published by the Government in December in the White Paper as a consequence of the social security reviews undertaken by the Secretary of State for Social Services.

The petition has garnered 32,641 signatures since that time, across the length and breadth of the four kingdoms. The petition is addressed to the proposals contained in the White Paper on reform of social security, which will lead to millions of needy people losing benefits. They will seriously affect pensioners, women, young people, the unemployed and those with exceptional needs such as the chronically sick and disabled.

The petition concludes:

"Wherefore your petitioners pray that your honourable House do not proceed with legislation arising from the proposals set out in the White Paper on the reform of social security."

I beg to present the petition.

To lie upon the Table.

Huddersfield School of Architecture

Motion made and Question proposed, That this House do now adjourn.—*[Mr. Maude.]*

11.36 pm

Mr. Barry Sheerman (Huddersfield): I am grateful for the privilege and opportunity to introduce the subject of the Huddersfield polytechnic school of architecture by way of an adjournment debate.

This is an appropriate but sad day on which to have the debate. Many polytechnics up and down the country have heard today of further cuts announced by the Government and the National Advisory Body for Public Sector Higher Education. This will affect educational opportunities in our country.

In March 1986, the Secretary of State for Education and Science announced his provisional decision to stop recruitment of students to the undergraduate BA architecture degree and postgraduate diploma in architecture courses at the Huddersfield polytechnic school of architecture, with effect from September 1986. The reason for the decision would make a suitable subject for a doctoral thesis for any student of modern Government processes who wished to illuminate how Government Departments should not assess evidence and make decisions.

The Department of Education and Science made it clear early in the 1980s that it wanted cuts in architectural education. In due course NAB and the University Grants Committee set up a transbinary architecture group, which was otherwise known as the Esher Committee. Its recommendations were considered further by the architectural intake working party AIWP. These are complex acronyms, but I hope that the House will bear with me.

The result was a recommendation that six schools of architecture should be lost to the country either by closure or merger. Since then, four have been deleted from the list, and two remain: Huddersfield and the North-East London polytechnic. At present, both schools are listed for closure.

To make sense of the proposals, we need to consider some history, if the House will bear with me. I remind the House that there are three weeks for appeal against the preliminary decision for closure. There have been three weeks from 11 March to appeal against the preliminary decision on closure. Hon. Members therefore have good reason to appeal on an all-party basis to the Minister to think again before an irrevocable decision is made.

It is important to consider the criteria on which Huddersfield is said to have been judged and failed—location, size, quality and cognate courses. On no reasonable basis can one say that Huddersfield polytechnic school of architecture has failed any of those criteria. In terms of location, the arguments against Huddersfield are the same as those against, for example, Manchester, Glasgow, Liverpool or Edinburgh.

A target of 150 students and 15 staff has been recommended. Huddersfield has 130 students on degree courses and, unlike other schools of architecture, another 70 students taking the higher national diploma for architectural technicians—200 students in total. Also, Huddersfield has a full-time equivalent of 20 staff. In the

[Mr. Barry Sheerman]

university sector. six departments have nowhere near as many — for example, Cambridge university, with 110 such students, is much smaller.

In terms of quality, degree and honours degree status was granted by the Council for National Academic Awards in 1983. Unlike many other schools in polytechnics which have lost the ability to give an honours degree or have not yet achieved that status, in 1985 the Royal Institute of British Architects gave the maximum recognition for the longest period in its power to courses at Huddersfield polytechnic. Notes were made on the quality of the courses. Attention has been drawn to aspects of the school's work where the Government wanted to encourage study — for example, advanced work in computer applications in architecture.

In terms of cognate courses, it is true that professional architects and technicians are educated together at the Huddersfield school, which must surely be a plus. Related courses in art, design and building are run in parallel with architectural courses. The teaching staff at the polytechnic are from several departments. The architectural department is in the school of engineering. The criteria in the cognate disciplines are a model for other schools of architecture.

The decision against the Huddersfield school and NELP was the result of a long process. Before coming to a final decision, Ministers must weigh the closure of Huddersfield and NELP against the original policy objectives for pursuing cuts in architecture. We believe that those policies were wrong-headed. The thrust of the closures is to reduce expenditure on architectural education, to stabilise the size of the architectural profession, to prevent the unemployment of graduates from these schools and to protect the profession's income levels. Those criteria are hopeless. Paring the system down to two schools of architecture will not result in significant overall savings. If the Government had taken on the profession more boldly and had cut architectural education back from seven to five years, they might have done something more sensible.

Better alternatives exist in terms of reducing costs. We now know that the statistical basis for the Esher report's diagnosis of the problems was faulty. The architectural profession, rather than being stabilised, will be reduced by a third.

The report also failed to look at the impact of European Community regulations on the United Kingdom. In the United Kingdom, 95 per cent. of our architecture graduates get jobs; indeed, 100 per cent. of the graduates of the Huddersfield school get jobs in architecture. In line with the European influence on our lives, European graduates from any part of the EEC will be able to come to practise in Britain. Last year, almost 100 per cent. of the graduates of the two schools of architecture in Dublin were unemployed. If we do not have our own supply of architects, those graduates will be able to seek employment in Britain.

This policy is hardly in line with the deregulation philosophy for trades and professions to which the Government are supposed to be committed. We need more architects. Yesterday I telephoned eight architects in Yorkshire, and all were looking for architectural staff but could not find them. In West Yorkshire, Yorkshire and Humberside we desperately need more architects to rebuild the infrastructure—private and public—because it is in such a desperate state.

Mr. Richard Wainwright (Colne Valley): In pursuance of the point which the hon. Gentleman has reached, does he agree that in West Yorkshire, in Huddersfield and in the architectural profession generally it has been well noted that in all these recent inquiries into the Huddersfield school of architecture there were only two at which the polytechnic authorities had a fair and proper chance to set forth the record of the school and its plans? In those two cases, the reputation of the school was fully vindicated and both the National Advisory Committee and RIBA have endorsed the claims for the Huddersfield polytechnic school to continue.

Mr. Sheerman: The hon. Gentleman is absolutely right. Whenever the school got the opportunity to put its case to an impartial group of assessors, their assessment of the quality of the school and its importance were in favour of the continuation of the school.

Anyone who looks at the decision-making process with regard to schools of architecture will be amazed. There has been a shambles of decision-making. None of the rules of natural justice has applied in this case. The outcome borders on the irrational. There has been no sensible and fair assessment of the general objectives of Government policy in relation to schools of architecture or the fair application of the criteria originally laid down.

What makes me most cross is that the staff of the department and the students have been appallingly treated. Many young people's aspirations to become architects will be dashed by the Government's decision. The Government have given the money for next year's courses but they have said that the first-year course cannot recruit in 1986. That means that young people in Huddersfield will not have a chance to become architects. Their futures have been ruined by the dilly-dallying, shilly-shallying attitude of the Secretary of State. It is a cruel thing to do to young people on the threshold of a career.

Irrationality breeds a lack of confidence in the administration and in its decision-making. It forces institutions, faced by that type of irrational behaviour, to go in for political in-fighting and to pull weight wherever they can. That is the only reason I can find for the fact that Huddersfield and the North-East London polytechnic are the only schools of architecture to be closed. It is not on the basis of qualtiy or of any rational criteria but because they did not have friends at court or political muscle which could pull behind the scenes to keep them in business.

The House should hear the case for the Huddersfield polytechnic. The Minister still has a chance to reverse the decision and to make sure that a thriving school that does so much for the community and the nation will succeed in future.

11.49 pm

Mr. John Whitfield (Dewsbury): I am grateful to the hon. Member for Huddersfield (Mr. Sheerman) for permitting me a short space of time before my hon. Friend the Under-Secretary replies to back up the majority of the points that he has made. The hon. Gentleman packed many facts into his speech and I am sure that my hon. Friend will have taken those fully on board.

The one point that I want to make is that, although the Government, rightly, are seriously examining the number

of polytechnic places which are, or ought be be, properly available throughout Britain, in the future of the Huddersfield school of architecture a rather curious process of elimination has been embarked upon. That is illustrated most clearly by the fact that the Huddersfield school of architecture has recently been granted the right to award honours degrees in architecture whereas the Leeds school of architecture, which is only just down the road for those who are not familiar with our part of the world, has recently lost that right.

My hon. Friend may rightly say that perhaps there are too many schools of architecture in the country—there are two schools in Manchester and Liverpool, and one in Huddersfield, Leeds and Hull in our part of the world. It is extraordinary, however, that of those schools the Huddersfield school of architecture should, within a short space of time of being granted the right to award honours degrees, be faced with closure.

11.51 pm

The Parliamentary Under-Secretary of State for Education and Science (Mr. George Walden): I am grateful to the hon. Member for Huddersfield (Mr. Sheerman) for bringing to the attention of the House his concern over the provisional decision by my right hon. Friend the Secretary of State for Education and Science to direct that the part I course in architecture at Huddersfield polytechnic should cease to be provided. This provisional decision was relayed to the polytechnic and its maintaining authority in a letter from the Department dated 7 March 1986.

The hon. Gentleman talked about the complexities of a doctoral thesis, but I want to stress that one man's doctoral thesis is another man's scrupulously careful procedures. It is important that hon. Members fully understand the background from which this provisional conclusion has emerged.

The number of registered architects has risen over the 12 years from 1973 to 1985 by no less than 21 per cent., leading inevitably to under-employment within the profession and a resultant fall in real earnings. The quarterly statistics produced by the professional body, the Royal Institute of British Architects, show that to be the case. At the same time, as I remind hon. Members, the education and training requirement for architects prior to registration is seven years—I am glad that the hon. Gentleman alluded to that—of which five are spent in full-time study, each of them grant-aided in respect of tuition fees and maintenance from public funds. That means, if I may borrow a rather telling phrase from the *Financial Times*, that

"three architectural students take up as much in grant as five ordinary undergraduates, a fact not well appreciated by the general public."

It was against a background of excess supply that the transbinary architecture group, chaired by Lord Esher, and so known as the Esher group, was established in 1983, under the aegis of the National Advisory Body for Public Sector Higher Education and the University Grants Committee. The group reported in September 1984. The central recommendation of the Esher group was that policy should be directed to stabilise the size of the profession at the level it would reach by 1990, when the 1984 student intakes had qualified. Esher forecast that this would give a profession in the 1990s of about 31,000 architects. The fact is that since publication of the report numbers have continued to increase at a rate that was underestimated by Esher, so that the total number of architects on the statutory register maintained by the Architects Registration Council of the United Kingdom already stood at 29,692 at 31 December 1985.

The conclusions of the Esher group on the need to stabilise the size of the profession by limiting intakes to training were accepted by both the National Advisory Body and by the University Grants Committee. They have also been accepted by my right hon. Friend the Secretary of State. Following acceptance by the NAB and the UGC of the central recommendations of the Esher report, a joint architecture intakes working party was established to consider how the reductions recommended by Esher might be implemented and to advise its parent bodies accordingly. The working party reported in August 1985.

When it considered the AIWP's proposals, the NAB board accepted the recommendation that the Huddersfield and NELP school should be closed. Subsequently, the NAB committee accepted the board's advice in respect of NELP, but recommended that an intake be maintained in 1986 at Huddersfield. It resolved, however, to review intakes at Huddersfield in the context of the NAB's 1987-88 planning exercise in the light of further consideration of the factual material. In a statement on 20 December 1985, in response to NAB's advice about academic provision and the distribution of the advance further education pool in 1986-87—I apologise for all this jargon, but I think that most hon. Members are familiar with it—my right hon. Friend the Secretary of State indicated that he could not accept the NAB's advice that the reduction in intakes to public sector part I architecture courses should be accomplished solely by the closure of the NELP school. Instead, he said that he would review the position over one or two months. That is another example of the extraordinary care and scrupulousness with which the provisional decisions were taken.

In the light of that further review, my right hon. Friend reached his provisional decision that there should be no intake to the part I course at Huddersfield in 1986

The preparatory work for the review was undertaken by officials of my Department. Corrections and clarifications of the factual information before the AIWP and NAB were sought and meetings arranged between officials and representatives of both Huddersfield and NELP. Thus an opportunity was afforded to both polytechnics to comment on factual and other aspects of the reviews undertaken successively by the Esher group, the AIWP and the NAB. Thereafter, at the request of the Department, further information was submitted by both institutions. Officials reported the results of this work to my right hon. Friend.

Mr. Andrew F. Bennett (Denton and Reddish): Can the Minister confirm that provisional offers have been made to students for the start of the autumn term of the 1986 course? Is it not grossly unfair to snatch away those provisional offers at this stage?

Mr. Walden: Not for the first time, the hon. Gentleman is dramatising the situation. I am describing how carefully and considerately we approached an admittedly difficult question, which will inevitably—I sympathise with the spirit of what the hon. Gentleman says—involve some discomfort, to put it mildly, to some students.

In the light of the work undertaken by officials, my right hon. Friend noted that the AIWP report had described

[Mr. Walden]

the criteria adopted for the purposes of its work but had not indicated how the working party had applied those criteria to produce its recommendations involving institutional closures. As a first step, therefore, he considered whether the working party had acted reasonably in its general approach in selecting the criteria for its review and in seeking evidence from those it had approached. In the light of the available evidence, he was satisfied as to the reasonableness of the AIWP's general approach. Thereafter, he considered whether on the basis of the evidence before the working party, amended on points of fact as necessary, it would be reasonable for him to come to the same conclusion, namely, that the part I courses in architecture at Huddersfield and NELP should have zero intakes in 1986. He carefully reviewed the sources of information used by the working party and NAB, together with the corrections and clarifications reported to him by officials.

The AIWP has identified four criteria as relevant to its consideration of institutional allocations. As the hon. Member for Huddersfield said, these were size, location, quality and relationship to cognate disciplines. In practice, a fifth criterion must be added, since the working party received evidence on the resources available to architecture schools as one factor underpinning the quality of existing courses and their potential for future development and expansion.

With regard to school size, the first criterion, my right hon. Friend noted that the full-time equivalent numbers in 1984-85 undertaking architectural training at Huddersfield polytechnic were the lowest of all public sector schools regardless of whether allowance was made for overseas and full-cost students. As for location, the second criterion, Huddersfield's school is situated in one of the main concentrations of provision identified by the Esher report. In the light of provision accessible elsewhere in the region, the role of the Huddersfield school in relation to continuing professional development was also not regarded by my right hon. Friend as sufficient to exclude it from further consideration.

Satisfied that it was not unreasonable on the criteria of size and location to consider the cessation of intakes to the part I course at Huddersfield, my right hon. Friend considered the more judgmental criteria of resources, quality of work and relationship with cognate disciplines. It was noted that the polytechnic had challenged some of the judgments made by Her Majesty's Inspectorate with regard to resources available to the school, but it was considered, in any event, that the school's resources did not emerge as superior to those available to the other schools located in the area.

As to quality and relationship to cognate courses, my right hon. Friend had close regard to the advice of HMI that while all public sector architecture schools were clearly above an acceptable threshold of quality, there were perceptible differences between them which facilitated the identification, within that range, of those schools which were above and those which were below average quality. My right hon. Friend concluded, in the light of HMI advice — which remained as given to AIWP and NAB — that closure of the school at Huddersfield in the context of an overall reduction in intakes would not represent a significant loss of quality from architectural training.

Mr. Sheerman: Is it not a fact that HMI has never sent an inspector who specialises in architecture to Huddersfield polytechnic? There has been no proper assessment at any time by HMI of the quality of that school.

Mr. Walden: The hon. Gentleman is casting aspersions on the work of HMI, as I understand it. May I reiterate what I said earlier on numerous occasions throughout my speech? My right hon. Friend the Secretary of State made a careful review of all the steps taken before reaching his provisional decision. I think that it is important, and that it will be helpful to all hon. Members if I get the Government's view on record.

My right hon. Friend also took account of factual material bearing on quality and relationship to cognate disciplines, to which attention had been drawn by representatives of the polytechnic in its discussion with officials. In this context, the reported views of the validating body, the CNAA, and the professional body, RIBA, were noted. In the judgment of my right hon. Friend, however, these did not by themselves render unreasonable the identification of the school at Huddersfield polytechnic for a zero intake to its part I course in 1986.

It was against that background that my right hon. Friend took his provisional decision that there should be no intakes to the part 1 course at Huddersfield in 1986. I must however re-emphasise, as I have on several occasions during my speech, the essentially provisional nature of the decision, the basis of which was set out in the Department's letter of 7 March to the polytechnic's maintaining authority, which also conveyed an invitation to make further representations in the light of its contents.

I am grateful to my hon. Friend the Member for Dewsbury (Mr. Whitfield) for attending the debate, because the broader hearing the Government case has the better we like it. I can assure the hon. Member for Huddersfield, my hon. Friend the Member for Dewsbury and other hon. Members that my right hon. Friend will give careful consideration to whatever representations are made by the deputation that he will shortly receive from the polytechnic and the maintaining authority. He will proceed to a final decision only in the light of those representations.

It was valuable for me and for the Government to hear the views of the hon. Member for Huddersfield, and I sympathise with his concern and with the concerns of his constituents. I know that other hon. Members also have an indirect but vital interest in this matter and I was grateful to hear their comments tonight. I hope that I have stressed sufficiently in my remarks that the Government have adopted a cautious approach to this complicated problem. The European dimension raised by the hon. Member for Huddersfield introduces a further complexity into this matter.

Mrs. Elizabeth Peacock (Batley and Spen): Will my hon. Friend note that there are many students with an offer from Huddersfield who do not know where they stand at present? Will he assure us that a decision will be taken reasonably quickly so that these young people will know whether or not they have a place at Huddersfield?

Mr. Walden: I appreciate the element of uncertainty which my hon. Friend has raised and I hope that in my speech I have stressed that inevitably a balance must be

struck between the need for a reasonably prompt decision on the one hand, and on the other the equally pressing need for careful review of this extremely complicated situation.

I was about to conclude my remarks by mentioning the European dimension raised by the hon. Member for Huddersfield. In this connection, it has been argued that the new directive for freer movement will facilitate a net outflow of registered architects to Europe and may therefore have the effect of reducing the number of practising architects in the United Kingdom. On the other hand, the issue of the EC directive was discussed by both the NAB board and committee, which foresaw an influx of European-trained architects into the United Kingdom, which would, of course, exacerbate the over-provision of training places already identified by the Esher group.

The Question having been proposed after Ten o'clock on Tuesday evening, and the debate having continued for half an hour, Mr. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at Six minutes past Twelve o'clock.

House of Commons

Wednesday 9 April 1986

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

SWANSEA CITY COUNCIL (TAWE BARRAGE) BILL
[Lords]
Read the Third time and passed, with amendments

STANDING ORDERS (PRIVATE BUSINESS)

Ordered,

That the Amendments to, and repeals of, Standing Orders set out in the List of Amendments to the Standing Orders relating to Private Business proposed to the House by the Chairman of Ways and Means, laid upon the Table by Mr. Speaker on 24th March, be made.—*[The Chairman of Ways and Means]*

Oral Answers to Questions

FOREIGN AND COMMONWEALTH AFFAIRS

Fontainebleau Agreement

2. **Mrs. Clywd** asked the Secretary of State for Foreign and Commonwealth Affairs if he is satisfied with the implementation of the Fontainebleau agreement; and if he will make a statement.

The Secretary of State for Foreign and Commonwealth Affairs (Sir Geoffrey Howe): Following the agreement on control of Community spending reached at Fontainebleau last year, agricultural prices were reduced by 3·5 per cent. in real terms. The new own resources decision, which provides for abatement of the United Kingdom's budget contribution, has come into force. Our 1984 VAT abatement of £605 million has been paid and the abatements being made to our monthly VAT contributions in respect of 1985 will be worth at least £830 million. These figures demonstrate the value of the Fontainebleau agreement to Britain. As I have frequently made clear, reform, especially of the CAP, must be pursued year by year, which is exactly what we are doing.

Mrs. Clwyd: Is it true that the EEC budget crisis is back with a vengeance, that it never went away and that it will be impossible to fund regional and social programmes already in the pipeline, which especially benefit the United Kingdom, without a further increase over and above the 1·4 per cent. increased VAT ceiling in the current year?

Sir Geoffrey Howe: The hon. Lady should not jump to that latter conclusion. The EEC, as with almost all other organisations, must control its spending and revenue. The battle to secure budget discipline is a battle without end which will be sustained.

Sir Anthony Meyer: Is it not clear that there will be mounting difficulties in the EEC and that it is, therefore, of the utmost importance to take effective decisions to safeguard the Community and the interests of Britain? Is not the Single European Act, modest though it is, an essential first step in that direction, and should it not be fully supported?

Sir Geoffrey Howe: My hon. Friend has put his finger precisely on the merits of the Single European Act from his point of view. The House will have the opportunity to debate it more fully in due course.

Mr. Marlow: Will my right hon. and learned Friend confirm that whatever reforms there have been in the CAP, the problems of the CAP have accelerated to a greater extent than have the reforms? Will he also confirm that he, like many of us, predicted last year that there would be a massive increase in cereal surpluses and also that there was a strong possibility that the dollar might decline and, therefore, that there is no justification whatever for the Community seeking more money for that purpose?

Sir Geoffrey Howe: Plainly it is desirable that the Community should seek to live within the money that has been allotted to it under the existing own resources provision. The change in the dollar-ecu rate is bound to create problems, as was forecast, but that fact must be put in the wider context. The difficulties facing agriculture are not confined to the European Community. Throughout the world agriculture is facing a near crisis of overproduction, caused to a large extent by improvements in technology. The Community is not alone in having surpluses. The world cereal stock is estimated to exceed 190 million tonnes, of which almost half comes from the United States.

Mr. George Robertson: Is the Secretary of State aware that when the Fontainebleau agreement was brought back to the House its foundation was budget discipline? The Foreign Secretary now tells us that budget discipline is a battle without end. As the battle is being lost everywhere that it is being fought, and as the financial resources of the Community will run out probably when the Secretary of State takes over the chairmanship of the Council of Ministers, how long will the Fontainebleau basic agreement last? As our rebate is tied directly to the 1·4 per cent. VAT ceiling of the EEC, for how long will the rebate continue in existence while CAP surpluses continue to wreak havoc on the Community's budget?

Sir Geoffrey Howe: The hon. Gentleman has made three points. First, it is important to control expenditure and to sustain budget discipline. It is always heart-warming to have support for that proposition from the Opposition.

Secondly, the hon. Gentleman says that it is important to achieve and to sustain continuing reform of the CAP. It is heart-warming, too, to hear that proposition advanced by the Opposition.

Thirdly, it is desirable that the Fontainebleau agreement should remain in existence for as long as possible to sustain the extremely beneficial arrangements for the United Kingdom. I endorse all three propositions.

Chilean Soldiers (Training)

3. **Mr. Flannery** asked the Secretary of State for Foreign and Commonwealth Affairs if any soldiers or

officers of the Chilean Government are presently being trained in the United Kingdom; and if he will make a statement.

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Tim Eggar): We do provide some training for Chilean armed forces personnel in the United Kingdom, but do not allocate places to Chileans on courses covering internal security techniques.

Mr. Flannery: Is not this provision of training utterly disgraceful? The Minister's reply is rather like that of the second housemaid who said that her baby was only a little one. The reality is that a principle is involved. That brute beast Pinochet is in charge of Chile and the people of Chile are steadily going for his throat to get rid of him. Are we not to change a policy that has applauded his master's voice in Washington with Marcos, Duvalier, Samosa and company? Why do we not denounce Pinochet democratically in our own right, remove anything to do with him from Britain and support the people of Chile in their drive towards democracy?

Mr. Eggar: It is sad that the hon. Gentleman has such a partial view of affairs. We have continued to make clear our concern about the Chilean Government's human rights record. We supported both the resolution of 14 March of the United Nations Commission on Human Rights, which criticised Chile's record, and the European Community's presidency statement of 18 March, which expressed concern about restrictions on freedom in Chile.

Sir Frederic Bennett: If we are to have any sort of objective appraisal of these matters, should the House not recall that at the time of the Falklands conflict we were by no means unhappy to receive indirect assistance from the Chileans? I wonder whether my hon. Friend could put in the Library a list of the other countries, about which no complaint seems to be made, which send members of their armed forces to be trained in Britain, including Libya?

Mr. Eggar: I have taken careful note of what my right hon. Friend has said. I must tell him that details of bilateral military training involving all countries are kept confidential.

Mr. Winnick: Does the Minister realise how deplorable it is to have such close collaboration with a bloodstained dictatorship, such as the Chilean junta? Is it not the height of hypocrisy for Tory Members to denounce repression in eastern Europe while being only too pleased to have this form of collaboration with the regime in Chile?

Mr. Eggar: We have always made it clear that we condemn abuses of human rights wherever they may occur.

Mr. Dalyell: How do the Government know whether or not their help will be used to develop internal techniques? What do the Chilean forces have to do other than concentrate on internal affairs? That is what they are about.

Mr. Eggar: As I have already made clear to the House, we have made it our policy not to allocate places for military training within the United Kingdom on courses which cover internal security techniques.

Mr. Hill: Does my hon. Friend agree that only countries with which we enjoy friendly relations should receive training facilities in Britain? Some of the countries which have asked for military training here for their forces are anti-European or anti-United Kingdom.

Mr. Eggar: We take a number of factors into consideration when military training is requested by Third-world countries. As I said to my right hon. Friend the Member for Torbay (Sir F. Bennett), the details of those countries which send officers to this country for training are confidential.

Mr. Foulkes: Do the Government not recognise from experience in Haiti and the Philippines that external pressure is important in dealing with dictators? Do the Government not also recognise that by supporting the dictator Pinochet and training his troops they are undermining the democratic forces of the Right as well as of the Left in Chile? In view of the strong views expressed in the House today, will the Government rethink this policy immediately?

Mr. Eggar: Our policy is absolutely clear. We have made clear our concern about the position on human rights in Chile by our support for the United Nations High Commission for Refugees' announcement and for the EC presidency. There can be no doubt about our views on human rights in Chile.

Mr. Flannery: On a point of order, Mr. Speaker. In view of the unsatisfactory nature of those replies, which mean that we are supporting a brutal dictatorship, I reserve the right to raise this matter on the Adjournment.

Syrian Jews

4. **Mr. Merlyn Rees** asked the Secretary of State for Foreign and Commonwealth Affairs what assurances he sought during recent discussions with the Syrian Foreign Minister that those Syrian Jews seeking to emigrate would now be allowed to do so; and if he will make a statement.

The Minister of State, Foreign and Commonwealth Office (Mr. Tim Renton): The local Jewish community has made it clear in the past that it does not wish its conditions to form part of Western ministerial exchanges with the Syrian Government. We have nevertheless left the Syrian Foreign Minister in no doubt of the strong feelings in this country on the question of human rights in Syria.

Mr. Rees: Can the Minister of State help, perhaps by getting a parliamentary delegation to go and see the conditions in which about 4,500 Jews are living in Syria? Given the nature of the middle east, the conditions cannot be good, but the more information we have the better, because we must do something to get these people out of Syria.

Mr. Renton: I listened carefully to what the right hon. Gentleman said. I am not certain that a parliamentary delegation would necessarily be the right avenue. However, he should discuss it, if he has not already done so, with Amnesty International. I understand the concern that he expresses. When I was in Damascus in December I raised the issue of a local Jewish community informally with a Jewish business man there. I was told that the only condition with which they are having real difficulty at the moment is the inability to travel outside Syria. Other than that, in many ways their conditions are much the same as those of other Syrian citizens.

Mr. Walters: In the course of his talks, did my right hon. and learned Friend the Foreign Secretary also assure the Syrian Foreign Minister that Her Majesty's Government fully appreciated Syrian feeling about the future of the 100,000 Syrian civilians thrown out of Golan by the Israelis in 1967——

Mr. Speaker: Order. The question concerns Syrian Jews.

Mr. Walters: —and that feelings about humanitarian problems were not restricted to one section only?

Mr. Renton: Neither my right hon. and learned Friend nor I raised the question of the Syrians who have been dispossessed as a result of the Israeli occupation of the Golan Heights. However, I accept what my hon. Friend has said. Syria is a party to the conflict between the Arabs and Israel. Syrian territory, the Golan, is occupied by Israel. We very much wish to see Syria play a constructive and helpful part in any peace settlement.

Mr. Speaker: I draw the attention of the House to the fact that this question concerns Syrian Jews.

Mr. Faulds: May I confirm what the hon. Gentleman has just said? On a previous visit to Syria I was told by a spokesman for the Jewish community that their lot was the much easier the less intervention and propaganda were made about their position.

Mr. Renton: I thank the hon. Gentleman for what he has said. It is always pleasant to have one's remarks fully corroborated, from whatever source in the House.

Mr. Cyril D. Townsend: What assurance has my hon. Friend had from the Israeli authorities that Syrian Jews emigrating to Israel will not end up dispossessing and disfranchising Palestinians on the West Bank and in Gaza?

Mr. Renton: The number of Syrian Jews emigrating to Israel at present is limited. We have an idea that a small number have had permission to leave. I understand my hon. Friend's point, but the numbers involved could only be very small.

Mr. Marlow: On a point of order, Mr. Speaker. I am sure that you are aware——

Mr. Speaker: Order.

Mr. Marlow: *rose*——

Mr. Speaker: Order. I did not call the hon. Gentleman.

Iran-Iraq War

5. **Dr. M. S. Miller** asked the Secretary of State for Foreign and Commonwealth Affairs what preparations he is making for a new initiative to resolve the Iran-Iraq war in the context of the forthcoming British presidency of the European Economic Community.

Sir Geoffrey Howe: The Iran-Iraq conflict is a prominent item on the agenda of European Community Foreign Ministers. With the other member states, we shall continue to press for the early implementation of Security Council resolution 582, and to support the mediation efforts of the United Nations Secretary-General.

Dr. Miller: I thank the right hon. and learned Gentleman for his reply, but will he go a little further than that? When he assumes the presidency of the Economic Community, will he take a very early opportunity to impress upon his counterparts the necessity to desist from supplying all weapons of war to that area, and also to make some sort of representation to the Soviet Union to do the same?

Sir Geoffrey Howe: I assure the hon. Gentleman that we have been and will continue to be active in the Security Council itself and in the European Community in support of pressing for the acceptance of Security Council resolution 582. As the hon. Gentleman knows, our policy is not to sell defence-related equipment that could significantly enhance the capability of either side to prolong or exacerbate the conflict. That shows our own judgment on the merits of that policy.

Mr. David Howell: Does my right hon. and learned Friend agree that the current collapse in oil prices could have a radical effect on the outcome and progress of the Iran-Iraq war? Is that not just one of the foreign policy consequences in the Gulf, following the collapse in oil prices? Is not now the time to pursue talks, for instance with the Saudis and other interested parties in the area, on the lines that I think my right hon. and learned Friend himself suggested in Riyadh a few months ago?

Sir Geoffrey Howe: It is possible that the change in the state of the oil market will change conditions in a fashion that will create another possible opening for activity of the sort that my right hon. Friend has in mind. I shall certainly bear his suggestion in mind. As he will recall, my hon. Friend the Minister of State recently visited the Gulf to discuss the issue with a number of Gulf states, as I had done previously with Saudi Arabia. We shall continue to press the case in that way.

Mr. Alton: Given the complaint only last week by the Saudi Arabian Foreign Minister that the continued provision of aquatic craft and bridge-building kits, for instance, in the Iraq-Iran conflict is prolonging the war, how does the right hon. and learned Gentleman distinguish between what he referred to as lethal and non-lethal weapons on a previous occasion?

Sir Geoffrey Howe: We distinguish in that way by making sure that every application for the export of defence-related equipment is rigorously scrutinised to ensure that all items are excluded that could contribute in the way that I have described to prolonging or exacerbating the conflict.

Mr. Latham: Is it not clear beyond any doubt that gas and chemical weapons have been used in this terrible war? Who is supplying them? What is Britain, as part of the United Nations, doing to try to stop it?

Sir Geoffrey Howe: There is no doubt, from a presidential statement at the United Nations Security Council on 20 March, that there is firm evidence that Iraq has used chemical weapons. We condemn the use of chemical weapons, wherever and whenever it occurs. We have taken action jointly with our Community partners —now more than 12 months ago—to ensure that we do not export materials that could be used for that purpose. However, I entirely agree with my hon. Friend about the importance of doing everything that we possibly can to stop the use of these appalling weapons in this or any other conflict.

Economic Summit

6. **Mr. Blair** asked the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has held in the European Community Foreign Affairs Council concerning the forthcoming world economic summit.

The Minister of State, Foreign and Commonwealth Office (Mrs. Lynda Chalker): The Tokyo economic summit has not been on the agenda of this year's Foreign Affairs Council meetings. But world economic issues are regularly discussed at international meetings such as those of the FAC. They include developments in the world economy such as oil prices and debt problems and also trade issues, which are likely to be discussed at the Tokyo summit.

Mr. Blair: Does the Minister agree that one of the main items on the agenda should be international debt? Does she further agree that falling oil prices for oil-exporting countries, just as falling commodity prices for African countries, have intensified their debt problem in a way that is not offset by the increase in world growth? Will the hon. Lady therefore give an undertaking that the Government will support moves, first, to put life into the ailing Baker plan for international debt, and, secondly, to give the type of increase in funding to the World Bank that matches resources to the scale of the problem?

Mrs. Chalker: I understand the hon. Gentleman's concern. There are no formal agendas for summit meetings, as they are matters for Heads of State and Governments. Questions of policy are addressed by my right hon. Friend the Prime Minister. I shall bring the hon. Gentleman's remarks to the notice of the Prime Minister. The fall in oil prices causes concern in all parts of the world. I cannot imagine that any discussion of this nature could possibly take place without the references that the hon. Gentleman mentioned.

Mr. Budgen: Does my hon. Friend agree that there is something to be said for telling the EEC that this country does not believe in a lot of pretentious posturing over foreign affairs? In particular, this country does not believe that there is any such thing as EEC foreign policy. It would be better if the EEC concentrated on getting its own finances in order. Does my hon. Friend accept that that might be achieved by telling the EEC that there will be no increase to 1·6 per cent. in our VAT contribution?

Mrs. Chalker: I hope my hon. Friend meant 1·4 per cent. It is important that there should not be posturing. We need to discuss issues with our colleagues in the EEC, and what we want in summit meetings is a free flow of discussion. That is the value of discussion. If there were the posturing that my hon. Friend spoke about, that would destroy the value of discussion.

Mr. Deakins: During our presidency of the EEC in the next six months, will the Minister consider the possibility of inviting observers from the poor states of the world, from UNCTAD and from the United Nations to attend the Tokyo economic summit? At present it is a grouping of rich nations trying to settle the world's economic affairs in their own interests.

Mrs. Chalker: The hon. Gentleman should be under no illusions. The countries which are represented at summit meetings are well aware of the extreme needs of some of the poorer nations. What comes up on the agenda is a matter for my right hon. Friend the Prime Minister, but I shall make sure that the hon. Gentleman's remarks are brought to her attention.

Mr. Rathbone: If that subject is not on the Council's agenda, can my hon. Friend say whether the control of the threat of drugs is on the agenda? If so, the European Community could support my right hon. and learned Friend the Foreign Secretary's efforts, which he made during his visits to India and to Pakistan to increase our influence in those countries, to minimise that threat.

Mrs. Chalker: I can well understand my hon. Friend's concern about this matter. There are regular discussions between the Interior and Home Ministers. I am sure that the control and the threat of drugs is a matter for all nations.

I cannot give my hon. Friend a definite clue whether it will be discussed at the meeting or whether it will be part of the formal agenda. I can only say that because the control of drug taking and drug peddling in Britain remains a special concern of my right hon. Friend the Prime Minister, I am sure that it will be discussed at some stage.

Latin America (Debt Repayment)

7. **Mr. Eastham** asked the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has held with Latin American Governments concerning their repayment of debts; and if he will make a statement.

Mrs. Chalker: The heavy debt burden borne by many Latin American Governments continues to cause us concern; this problem is frequently discussed in the course of our contacts with their Governments.

Mr. Eastham: In view of the serious outflow of funding for poor Latin American countries and as that is being compounded by the loss of revenues from oil, would it not be a good thing if the Government took some intitiative, perhaps with their EEC partners, to organise a conference at which sane policies could be introduced regarding pledges on capping interest rates to allow those countries to get over this most difficult period?

Mrs. Chalker: There is no doubt that the question of reducing the pressures on Latin American countries is taken up not only by the IMF, but by the World Bank. I believe that the Baker initiative, which is being applied to middle income debtors and, indeed, to those who have greater problems—the poorer debtors of whom the hon. Gentleman spoke—will allow those donors to look at the needs of those countries.

The effect of the oil price on those debtor countries varies, because it depends on whether they are importers or exporters. The matter needs to be looked at on a case-by-case basis. That is why we support the Baker initiative. We welcome the Baker proposal that emphasis should be put on growth in those countries to overcome their problems.

Mr. Tom Clarke: Does the hon. Lady accept that the Baker initiative in itself is hardly sufficient to deal with the enormous world debt crisis, to which the American economy has made a contribution? Does she accept that the Third world is becoming fed up with financing the American deficit, and it is time we made representations in that direction?

Mrs. Chalker: There is no easy answer to anybody's debt problem. To get out of debt is a much harder job than it ever was to get into it. The duty of the developed countries is to promote non-inflationary growth in the world economy so that, by means of open markets, debtor countries can expand and begin to pull back the horrific debt problem. There is no easy answer for developed nations, and certainly none for the underdeveloped nations.

Nicaragua

8. **Mr. Tony Banks** asked the Secretary of State for Foreign and Commonwealth Affairs what is the Government's policy concerning the provision of aid by the United States of America to the Contras in Nicaragua; and if this policy has been communicated to the United States.

13. **Mr. Madden** asked the Secretary of State for Foreign and Commonwealth Affairs if he will call for an early meeting of the European Economic Community Council to consider issues raised by United States military aid to the Contras in Nicaragua.

Sir Geoffrey Howe: We support the Contadora peace initiative and, together with our European partners, publicly welcomed the impetus given to Contadora in January by the Carabelleda declaration. We do not believe that the problems of Central America can be solved by armed force. The United States Government are well aware of our views. A further opportunity to discuss the matter with Community Foreign Ministers will arise on 21 April.

Mr. Banks: Has the Secretary of State communicated directly to the American Government the point that funding the Contras amounts to international terrorism and must be condemned by all civilised people?

Sir Geoffrey Howe: We advocate a political solution through the Contadora process rather than a military solution. Nicaragua should be ready to negotiate seriously on the basis of the Contadora objectives and avoid such actions as the recent incursion into Honduras. I repeat that we do not believe that the region's problems can be resolved by armed force. We constantly urge restraint on all sides. We regularly discuss important questions, including the situation in Central America, with the United States and it is well aware of our views.

Mr. Madden: Will the Foreign Secretary dissociate the British Government completely from American support of the Contras, who are guilty of brutal terrorism and of attempting to overthrow a democratically elected Government by force? Does he realise that, unless the British Government take a more robust line in that respect, their condemnation of international terrorism is rendered less effective and appears partial and highly selective?

Sir Geoffrey Howe: The hon. Gentleman must understand what I have just said. We discuss this matter regularly with our Community partners. We have made clear our view that the problems of the region cannot be solved by military means. A solution should come from the region itself. That is why we give our strong support, together with our colleagues in the European Council, to the Contadora process.

Mr. Jackson: Does my right hon. and learned Friend agree that there is a real danger that American policy in Nicaragua may fall between two stools, neither overturning the Government there, nor reconciling Nicaragua to Western interests?

Sir Geoffrey Howe: That is at heart a matter for the United States, and it is one of the questions that has led to differing views being taken by the two Houses of Congress on the proposal at present before them.

Mr. Peter Bruinvels: Does my right hon. and learned Friend consider it wise for any local authority to twin with Nicaragua, bearing in mind that Leicester city council has announced just that? Does he consider that that might be embarrassing to the——

Mr. Speaker: Order. Funded by America? A bit wide, I think.

Mr. Bruinvels: On a point of order, Mr. Speaker.

Mr. Speaker: The hon. Gentleman must be much more sophisticated than that.

Mr. Bruinvels: I thought that I had made it clear that I was referring to the role of the Contras and asking whether it was embarrassing for the Government to have any connection with the Contras on this.

Mr. Speaker: Order. The question concerns aid from the United States Government to the Contras.

Mr. Ernie Ross: Should not the Foreign Secretary, as he has already said to the House, be building on the clear difference that there is between the two Houses of Congress in the United States and the President and giving support to those forces in America who realise that President Reagan's initiative, which appears to be his own, will not help the Contras of Central America? Should he not be assisting those in America who believe that the best way forward is to work with the members of the Contadora group and to meet the democratically elected Government of Nicaragua?

Sir Geoffrey Howe: I have made it plain in answer to almost every one of the questions so far asked on this matter that the United States Government are well aware of our views on this question, upon which we have our own policy. We support a comprehensive and verifiable Contadora agreement, based on the well-known objectives of that process. We believe that the matter should be resolved by a political solution rather than by military means.

Mr. Cyril D. Townsend: Does my right hon. and learned Friend accept that this is an issue on which frank speaking by friends of the United States must serve the interests both of this country and of the United States? Is it not becoming obvious that the exaggerated and endless claims that Nicaragua represents a major threat to that great country are unhelpful to its European partners?

Sir Geoffrey Howe: One must make a judgment on the claims of both sides. There is no doubt about the extent to which Nicaragua is observed by a number of the others taking part in the Contadora process as having some responsibility for failure to agree in that process. One of the problems identified at the meeting of the Contadora process earlier this week was Nicaragua's refusal to agree on arms levels. That is one of the matters still to be taken into account. We have made it very clear to everyone concerned that we believe that this problem cannot be

solved by military means and that it is necessary to have restraint on all sides, and in that sense to seek a solution within the Contadora framework.

Mr. Corbyn: Will the Foreign Secretary accept that the only way to put an end to the bestial killings by the Contra forces in Nicaragua over the past seven years is for the British and European Governments to tell the United States very clearly that it must end all military aid, covert and overt, to Honduras and to the Contra forces themselves, as the only way to bring any peace to that region?

Sir Geoffrey Howe: Even if I shared the hon. Gentleman's diagnosis, I am not at all sure that that would be the right way to advance his case. I shall restate the case that I have made many times this afternoon. We have discussed this matter many times with our Community partners and have reached a common view about the need for this problem to be solved not by military but by political means, and to be solved on the basis of restraint on all sides—I repeat, on all sides. The United States is in no doubt at all about our view.

Mr. Healey: First, may I congratulate the Foreign Secretary on his safe return from what must have been an exhausting visit to the subcontinent, and on his acceptance during his visit of a gift of two sheep, which I trust are both still in good health.

On the question of American aid to the Contras, who are conducting a terrorist compaign against the legally elected Government of Nicaragua, may I take it that the right hon. and learned Gentleman's somewhat encouraging reply to earlier questions implies that he would support all members of the Contadora group in opposing military aid by the United States to those terrorists? Is the right hon. and learned Gentleman aware that the Governments of Honduras and Costa Rica have already made it clear that the American Administration told lies about their view on the issue, and that in a BBC broadcast a week or so ago the American ambassador in Costa Rica also admitted that the American Government had told lies about the views of Contadora countries? Will the right hon. and learned Gentleman therefore confirm my interpretation of his cautious answer as meaning that he opposes American aid to the Contras, who are fighting a terrorist compaign against Nicaragua?

Sir Geoffrey Howe: I shall not follow the right hon. Gentleman on his discursive and anecdotal ramble through a series of observations — [HON MEMBERS: "Yes or no?"]—save only to say that the Contadora objectives require all sides to end the support for the subversion of other states. That applies to Nicaragua as well as any other state. It is on that basis—the basis of restraint on all sides—that we urge a conclusion of the problem, on the basis of the Contadora principles.

Namibia

10. **Mr. Colvin** asked the Secretary of State for Foreign Affairs if he is planning further consultations with the front-line states about the future of Namibia.

Mrs. Chalker: We remain in touch with front-line states individually on this and other questions.

The last occasion when Namibia was discussed was when my right hon. and learned Friend went to Lusaka for the meeting between the European Community and front-line states.

Mr. Colvin: Has not the time come for Britain to take the initiative in trying to break the deadlock over Namibia? What is my hon. Friend's response to the call for a constitutional conference, to be convened by Britain and attended by all the political parties in Namibia, to try to decide on the best way to implement United Nations resolution 435?

Mrs. Chalker: We remain committed to Security Council resolution 435, which is the internationally agreed basis for a Namibian settlement. I understand the frustration felt because of the lack of progress, but I am convinced that the only real solution to the problems of Namibia lies in the territory being brought to internationally acceptable independence through the early implementation of the United Nations plan. We urgently need, not so much a conference to discuss the implementation of the United Nations plan, as the agreement of the South Africans to fulfil without further delay or precondition their formal commitment to Security Council resolution 435.

I am listening carefully to all that is said on the issue, so that we may have some influence in a positive outcome.

Sir John Biggs-Davison: Can my hon. Friend confirm that under its present Administration Namibia is now free of apartheid?

Mrs. Chalker: I wish that I could confirm that that was true, but unfortunately as yet there is no Namibian legislation to end the key features of racial discrimination. I understand that something now occurring in Namibia may bring that about, but it is not yet in legislation. I must wait to see any legislation before I can answer my hon. Friend in the way that I would like to do.

Mr. George Robertson: Is the Minister aware of how important will be the United States role in any final settlement of the Namibian problem? What future is there for the idea of a concerted engagement while the United States is giving to Unita forces Stinger missiles that will be used against the legal Government of Angola? Does that not destroy any possibility of the United States having any influence in achieving the solution that we all want?

Mrs. Chalker: I understand the hon. Gentleman's frustration. Although I do not share all his views, he knows from our discussions that there is grave anxiety about the interconnections between Angola and Namibia. On another plane, the United States Administration has been making strenuous efforts to be more positive in trying to bring about the implementation of Security Council resolution 435 in Namibia. However, that does not excuse them for the position in which they now find themselves. We must watch the position with great care and try to influence what is happening.

Mr. Cockeram: Will my hon. Friend bear in mind Britain's historic role in that part of Africa, which places us in a unique position to give a lead?

Is it not a matter of regret that Foreign Office Ministers decided not to meet two leading statesmen from Namibia when they visited London recently?

Mrs. Chalker: I understand my hon. Friend's frustration. We have met members of individual parties in

circumstances where we do not recognise transitional or interim Governments, provided it is understood that those members of individual parties are requesting meetings with Ministers on that basis. It would not be sensible to meet representatives of a transitional or interim Government. The Namibia Office is on record as saying that it acts for the interim or transitional Government, and will not represent any individual party within that Government. That presents us with a difficult position. We shall continue to do our best to maintain official contacts, and we hope that future offers made by the Foreign Office will not be refused.

South Africa

12. **Mr. John Carlisle** asked the Secretary of State for Foreign and Commonwealth Affairs when he expects to receive the report of the Commonwealth group of eminent persons who recently visited South Africa.

Sir Geoffrey Howe: Under the terms of the Commonwealth accord, the group is to report within a six-month period to the Heads of Government of the seven Commonwealth states, including the United Kingdom, charged with establishing the group. The present understanding is that this period should begin from 1 January 1986.

Mr. Carlisle: When my right hon. and learned Friend receives the report from the Commonwealth group, will he try to influence other Commonwealth leaders to make sure that the report is received on the basis of trying to promote peaceful dialogue and an end of violence, rather than of concentrating on the evidence of apartheid? Will he use his influence with other Commonwealth Governments to make sure that they do not upset the very happy atmosphere which has existed between the Commonwealth group and the South African Government?

Sir Geoffrey Howe: I am glad to hear my hon. Friend's recognition of the importance of the work of the group, which has been widely recognised, not only by the Governments constituting it, but by the front-line states, by the European Community, and more widely still. We certainly wish that its work will enable the process of dialogue, which is crucial to the ending of apartheid, to begin, and we will sustain the group as well as we can in the furtherance of that objective.

Mr. Winnick: Would it not be useful if the Foreign Secretary told his hon. Friend the Member for Luton, North (Mr. Carlisle) that the violence and bloodshed in South Africa arise, first and foremost, from the denial of basic political rights to the majority of the people for so long? Will the Foreign Secretary tell us what pressure is being brought to bear by the British and other European Governments to ensure that Nelson Mandela is freed without conditions, and that this freedom from an imprisonment that has lasted for a quarter of a century is granted as quickly as possible?

Sir Geoffrey Howe: It is unusual for me to be able to respond in an assenting fashion to the hon. Member, but I share his deep concern at the latest violence and deaths in South Africa. I underline, as we have often done, the urgent need for dialogue and for the suspension of violence, and I will continue to urge that on all parties. We have made it plain on many occasions that the unconditional release of Nelson Mandela would constitute a major act of national reconciliation in South Africa, and could provide the impetus for genuine dialogue and peaceful settlement. We have stressed the importance of that move to the South African Government.

Mr. Dykes: If it becomes increasingly clear, as is suspected more and more, that the South African Government have no real intention of introducing profound reforms, will that influence the Government's judgment about the need to proceed to full sanctions after the report has been studied?

Sir Geoffrey Howe: I hope that my hon. Friend will preserve a more open mind than is implied by his question. The task of achieving the changes in South Africa that almost every Member of the House considers necessary is, by any standards, a very difficult one. The work being undertaken by the Commonwealth group requires it to make contact with many people, including the South African Government, in a very sensitive fashion. We must all be concerned not to prejudge what may or may not be a consequence of a process which is not yet finished, but rather to do everything in our power to sustain the process, understanding the difficulties on all sides, and not underestimating the urgency of the operation.

Mr. Healey: Will the Foreign Secretary use his influence, which is very substantial, as he has indicated, to ensure that the Commonwealth group makes its report in time for the House to debate it before the summer recess? Because Bishop Tutu has risked imprisonment to call for comprehensive economic sanctions against the South African Government, will he now increase economic pressure on South Africa to ensure the release of Nelson Mandela, so that discussions can take place between him and the South African Government, since Mandela is a representative of the African National Congress, which itself represents the overwhelming majority of black South Africans?

Sir Geoffrey Howe: I fear that the right hon. Gentleman appears to base his question on a misunderstanding of what is taking place at the moment. The present stage, which results from the Commonwealth conference, is that the Commonwealth decided on certain measures to be taken, and that position was to be held until the Commonwealth group had completed its work. So it would be quite unfruitful for us now to begin taking isolated action of the kind that he suggests. The important thing is to maintain that atmosphere in which the constituent members of the group and their supporting Governments are reaching out to try to put in the next steps towards dialogue. That is what we are trying to do. I acknowledge the important role that Mr. Nelson Mandela could play, but I do not believe that a sudden resort to sanctions at this stage by us or by anyone else would help in promoting that role.

Mr. Speaker: Mr. Peter Thurnham.

Mr. Healey: Will the Foreign Secretary answer the question?

Mr. Speaker: Order.

Departmental Costs

14. **Mr. Thurnham** asked the Secretary of State for Foreign and Commonwealth Affairs what are the estimated costs of administering his Department during 1986-87.

Mr. Eggar: The estimated gross running costs of the Foreign and Commonwealth Office during 1986-87 are £369 million for the diplomatic wing and £37 million for the ODA.

Mr. Thurnham: Can my hon. Friend say whether he expects any additional expenses due to increased duties relating to immigration controls and drug trafficking intelligence?

Mr. Eggar: As I think my hon. Friend is aware, we have sent additional staff to posts in the subcontinent and have thus been able to reduce substantially waiting times for first interviews in the subcontinent. The latest figures show that all applicants applying for the first time can expect to be interviewed within 12 months. On the question of drugs, we have put additional resources in London and at overseas posts to try to combat the tremendous drug trafficking problems that we face throughout the world. Both immigration and drugs are good examples of where new demands on the Foreign and Commonwealth Office have been met by the redeployment of existing resources.

Mr. Campbell-Savours: Has the Minister read the Public Accounts Committee reports on Foreign Office estates and the exorbitant prices paid by British diplomats, funded by the Exchequer, for accommodation? Does he intend to intervene in the affair of the sale of a flat in Paris for some £800,000 with a view to making economies, when that flat was replaced by another at a cost of £450,000, so we are informed, with additional expenditure of several hundred thousand pounds on doing up the premises and on legal expenses? Where was the economy in that transaction? Should not the Department be reviewing its position?

Mr. Eggar: With regard to the flat in Paris, the Minister's flat has been disposed of and a replacement flat has been purchased at a cost of about £450,000. That new flat is considerably smaller than the existing flat and will be much cheaper to run. As general policy, the Foreign Office is trying to reduce its reliance on rented property, since there is a considerable real increase in rents, and to increase its reliance on owned property.

Mr. Stokes: Is my hon. Friend aware that the Foreign Office has made great strides since the Falklands war, particularly under the leadership of my right hon. and learned Friend? Furthermore, is he aware that we expect our diplomats to be housed properly? Compared with the cost of some local government, the entire cost of the Foreign Office is cheap at the price.

Mr. Eggar: I agree with my hon. Friend. We are in the process of a further rationalisation of our overseas estates to ensure that we dispose of any surplus properties and use the funds so recycled to purchase more appropriate properties where necessary.

Terrorism

15. **Mrs. Renée Short** asked the Secretary of State for Foreign and Commonwealth Affairs whether he will make it his policy to consult his European counterparts to consider imposing sanctions including the suspension of air services on any country that harbours terrorists; and if he will make a statement.

Sir Geoffrey Howe: Before dealing with this question, Mr. Speaker, may I respond to the right hon. Member for Leeds, East (Mr. Healey), who obliterated the conclusion of our last question? I have not answered the second part of his quesion. It is not possible to say that the proceedings of the Commonwealth group will be determined or conditioned by the needs of the House, but certainly I shall try to bear the needs of the House in mind. The Commonwealth group will operate to achieve its own objectives.

So far as this question is concerned, our experience with economic sanctions has not persuaded us that they are likely to be an effective response to states which are alleged to be harbouring or sponsoring international terrorists. We shall continue to take all possible counter-measures, both nationally and in conjunction with other like-minded countries, to do everything that we can to deter and prevent terrorism.

Mrs. Short: I had hoped that the Secretary of State would be a little more forthcoming in his reply to my question. As the international airline pilots are holding their conference in London, will he send a message to that conference to let them know that Her Majesty's Government support their call for sanctions against countries such as Libya and Syria, for example, and that we shall ban flights to and from those countries as long as they continue their terrosist activities?

Sir Geoffrey Howe: I am certainly very much aware of the real interest of the airline pilots in the war against terrorism, including, in particular, airborne terrorism. But the measure suggested in the hon. Lady's question, the suspension of air services, is considered only in the context of states failing to observe the relevant international conventions on hijacking. Not only do we condemn terrorism, but we have taken measures, and will urge those measures wherever necessary, including a full exchange of information and intelligence on terrorists and the effective monitoring of the movement and actions of terrorists to ensure that they are in compliance with the law, and in cases such as Libya, as the House well knows, the conclusion of diplomatic relations, the prohibition of the export of defence equipment and, perhaps most important, the imposition of severe restrictions on Libyan immigration to Britain. We are certainly ready to press for the taking of the most appropriate range of measures as effectively as possible in that kind of case.

Mr. Churchill: In view of what my right hon. and learned Friend has just said about the steps already taken by Her Majesty's Government to prevent air piracy and international terrorism, does he not think that one contribution we could make to the cause of international air safety would be to give their marching orders to those Libyans at present employed at Heathrow and Gatwick airports, with airside security passes provided to them? What advice has his Department given to the Home Department in this regard?

Sir Geoffrey Howe: My hon. Friend recognises the importance of the steps that we have already taken to impose severe restrictions on Libyan emigration to

Britain. That control is exercised by my right hon. Friend the Home Secretary. He has made his views on international terrorism very clear. He has made it equally clear that he is willing to act against those who seek to import violence, and he has the particular measures under constant review.

European Community (Foreign Affairs Council)

16. **Mr. James Hamilton** asked the Secretary of State for Foreign and Commonwealth Affairs what recent discussions have been held in the European Community Foreign Affairs Council regarding a supplementary budget later in the current year; and if he will make a statement.

Mrs. Chalker: The most recent discussion was during the Council of Finance Ministers held at the same time as the Foreign Affairs Council, on 10 March. I refer the hon. Member to the statement made by my hon. Friend the Minister of State, Treasury in reply to a question from my hon. Friend the Member for Nottingham, East (Mr. Knowles), on 14 March.

Mr. Hamilton: How could the Foreign Secretary and his colleagues have underestimated Common Market spending by so much that a supplementary budget is necessary? Does the Minister not agree that Community spending is now out of control? What about the budget discipline that we have heard so much about?

Mrs. Chalker: It is not that Community spending is out of control, unless certain nations, and that excludes this country, press for unrealistic agriculture budgets. What the Commission will be proposing in a supplementary budget this year will be a provision of about 450 mecu. to increase our 1985 abatement. It has also said that it will propose a supplementary provision for agriculture, which arises from the fall in the dollar-ecu rate. In our view, the correct response should be to seek savings in the agriculture budget and in that way reduce the surplus. We should then be in a far better position not to require such a repetition of events.

African National Congress

17. **Mr. Adley** asked the Secretary of State for Foreign and Commonwealth Affairs when he expects the next meeting to take place between his officials and members of the African National Congress; and if he will make a statement.

Sir Geoffrey Howe: As foreshadowed to the House on 5 March, contacts between officials and the ANC are continuing as appropriate. The central purpose of such contact is to bring home to the ANC the importance of a suspension of violence on all sides in South Africa in order to promote constructive dialogue. We have not agreed to any ministerial contact.

Mr. Adley: I welcome the decision of my right hon. and learned Friend's officials to meet the ANC. Can he confirm that the eminent persons group has also had meetings with the ANC? As the ANC represents the views of the large majority of non-white people in South Africa, notwithstanding the propaganda put out to the contrary by the South African Government, will my right hon. and learned Friend ensure that as much conversation and dialogue as possible take place so that we can try to find a solution in South Africa by peaceful means and avoid the violent means that will be inevitable if that is not achieved?

Sir Geoffrey Howe: The Commonwealth eminent persons group met a wide range of people both inside and outside South Africa, including, of course, representatives or members of the ANC. That contact has been provided for because of the role that they occupy, or could occupy.

Argentina

18. **Mr. Willie W. Hamilton** asked the Secretary of State for Foreign and Commonwealth Affairs if he will now seek to re-establish diplomatic relations with Argentina; and if he will make a statement.

Mr. Eggar: As my right hon. and learned Friend the Foreign Secretary said to the hon. Member for Kilmarnock and Loudoun (Mr. McKelvey) on 5 March, we wish to move towards more normal relations with Argentina. We have taken numerous steps to achieve this; the Argentine Government have still to respond constructively.

Mr. Hamilton: Is the Minister aware that there has been a rapid erosion of international support for the Government's inflexible policy, which is, in the meantime, costing the hard-pressed British taxpayers hundreds of millions of pounds every year? Does he not realise that every other party in the House is committed to ending that absurd policy straight after the next election? In those circumstances, will he do more to protect the interests of British taxpayers?

Mr. Eggar: The majority of the cost is behind us now, as expenditure on Mount Pleasant airport has decreased. But is the hon. Gentleman really saying that all other parties are prepared to pay no attention to the Falklanders' right of self-determination?

Sir Frederic Bennett: On a point of order, Mr. Speaker.

Mr. Speaker: Does it arise from questions?

Sir Frederic Bennett: Yes, Sir.

Mr. Speaker: Then I will take it.

Sir Frederic Bennett: I wish to raise a brief and entirely non-partisan point of order, which I think will be of interest to hon. Members on both sides of the House. In reply to question 3, concerning another country's citizens receiving military training in Britain, the Minister gave a full answer and an exchange followed between hon. Members on both sides of the House, about which no one can complain. But when, in a supplementary question, I asked whether similar information——

Mr. Speaker: Order. Points of order must interest me.

Sir Frederic Bennett: They will, or at least I hope they will. When I then asked whether similar questions could be answered about other countries, I was told that the answer was no, because such arrangements were confidential as between the countries concerned——

Mr. Speaker: Order. I am afraid that that is not my responsibility.

Ownership of the Media

3.32 pm

Mr. Tony Lloyd (Stretford): I beg to move,

That leave be given to bring in a Bill to restrict the shareholdings of non-United Kingdom individuals and companies in all newspaper, television and radio companies operating in the United Kingdom, and to place controls on the transfer of shareholdings in such companies.

It is inevitable that recent events at Wapping should have concentrated the public's mind on the unaccountability and gross unacceptability of the conduct of Rupert Murdoch as a newspaper proprietor. I think that even Conservative Members will freely acknowledge that Rupert Murdoch's contribution has not raised the standards of British journalism. His main contribution has been to introduce "page three" into our language, so perhaps we should not entrust to him the destiny of the British press.

Mr. Derek Fatchett (Leeds, Central): He has even given gutters a bad name.

Mr. Lloyd: As my hon. Friend says, he has even given gutters a bad name. Yet, surprisingly, we are apparently free and happy to allow him to expand his interests throughout not only the press, but the media generally.

The purpose of the Bill is to examine the problem of concentration in the newspaper industry and, more generally, in radio and television. Our media industry is one of the most concentrated in the world. Eight companies or individuals control virtually the whole of the national daily and Sunday press. Fourteen out of 16 independent television companies are individually controlled by 16 or fewer shareholders and, where full details are easily available of the 41 independent local radio contractors, all but one are controlled by fewer than 10 shareholders. There is a massive concentration, even at company level. To make matters worse, many of the shareholders are shareholders of other organisations, so that Rupert Murdoch not only controls News International, but is a significant shareholder in London Weekend Television.

The Mirror Group of Newspapers, for example, which controls the second largest slice of the British press, is a significant shareholder in Central Television. United Newspapers, the present owners of the Express stable, have significant shareholdings in Tyne-Tees, Yorkshire Television, Harlech Television, and TV-am. To make matters worse, what would seem highly improbable to someone entering Britain for the first time is that we exercise no control over where this ownership comes from. Thus, specifically 54 per cent. of the circulation of the national papers is in the hands of what are ultimately foreign-based companies.

We all know that recently, as an illustration of great patriotism, Murdock renounced his Australian citizenship in order to embrace his new love—the United States. Yet at no time has there been any need for Murdock to offer any allegiance to or care for this country in which he has such significant media holdings. It has been said that the same situation applies to a lesser extent to the Liechtenstein-based company which ultimately owns the Mirror Group of Newspapers.

Mr. Peter Bruinvels (Leicester, East): A Labour Member of Parliament.

Mr. Lloyd: The hon. Gentleman seems to be under the impression that the proprietors of the Mirror Group of Newspapers are Labour Members of Parliament. Clearly he is as confused in his knowledge of the press as he is in most other areas.

Similar problems of concentration of ownership arise in the context of television and radio broadcasting. When the Rank Organisation recently made a well-publicised attempt to take over Granada Television, a statement by Rank at the time claimed that the combination of these two companies would be in the commercial interests of both. Yet at no stage was any mention made of an attempt to maintain journalistic standards or to protect the right of the public to have an acceptable quality of television output.

Those factors simply did not figure in the reasons why the Rank Organisation launched that attempted takeover. Nor did they figure in Ladbroke's consideration of a merger with Granada. Fortunately, in the Rank case the Independent Broadcasting Authority decided that the takeover was unacceptable and ruled that it could not go ahead, and it did not go ahead. It may be thought, therefore, that the IBA has the power to stop the predatory activity of organisations in relation to radio and television companies, but that simply is not the case, because the logic that debarred the Rank Organisation from taking over Granada Television did not stop the Granada group of companies from having television broadcasting as a minor part of its activities, so that it accounts for less than 20 per cent. of Granada's annual turnover. Thus, television is not a significant part of Granada's corporate plan.

It is not surprising that the chairman of Rank said that it would be inequitable if action by the IBA was to obstruct Granada shareholders from benefiting from a Rank takeover. I have considerable sympathy for the Rank Organisation, not because the takeover was right but because it seems very peculiar that a takeover by one conglomerate should not be acceptable while another conglomerate can operate in much the same way. Of course, overseas it is common practice for there to be restrictions on the rights of transfer of shareholdings in the press and in television and radio companies. For example, we know that Rupert Murdoch's motivation in becoming an American citizen was dictated not by any great love of Ronald Reagan—and I sympathise with that—but purely because American laws dictated that he could not be the owner of significant holdings in television companies if he were not a United States citizen. Ironically, because he had to take out American citizenship and renounce his Australian citizenship, Mr. Murdoch has now been forced by Australian laws to give up some holdings in Australian television companies.

What the Bills seeks to do is simple. It seeks to prevent non-United Kingdom residents from having significant shareholdings in companies which operate press, television or radio organisations and limits the size of indvidual shareholdings to prevent unacceptable behaviour such as that which we have witnessed from Eddie Shah and Rupert Murdoch, and which we have increasingly witnessed from directors whose only interest is economic and has nothing to do with the maintenance of standards. I am sure that the Bill will commend itself to the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. Tony Lloyd, Mrs. Ann Clwyd, Mr. Derek Fatchett, Mr. Sean Hughes, Mr. Terry Lewis, and Mr. Ken Eastham.

OWNERSHIP OF THE MEDIA

Mr. Tony Lloyd accordingly presented a Bill to restrict the shareholdings and radio companies operating in the United Kingdom, and to place controls on the transfer of shareholdings in such companies: And the same was read the First time; and ordered to be read a Second time upon Friday 11 April and to be printed. [Bill 128.]

Airports Bill

Mr. Speaker: Yesterday the right hon. Member for Manchester, Wythenshawe (Mr. Morris) asked for my ruling on whether the altered status of Manchester international airport rendered the Airports Bill prima facie hybrid.

I am grateful to the right hon. Gentleman for giving me oral notice of this matter yesterday and for sending me a detailed written submission because it has enabled me to look into the matter in great detail and to reach a considered decision.

The right hon. Gentleman submitted that the newly constituted Manchester airport company, created on 1 April after the Bill was reported from Standing Committee, is being singled out from other airports in its class and that the Bill is therefore hybrid. My duty is to look at the terms of the Bill and to see whether it singles out an airport or airport company for treatment different from others in the same class.

When I look at this Bill, I see that the classes of the airports, airports companies and local authorities are drawn entirely in general terms, and that there is no discrimination within those classes. The changed status of Manchester international airport has therefore not made the Airports Bill a hybrid Bill.

Mr. Alfred Morris (Manchester, Wythenshawe): I am grateful to you, Mr. Speaker, for the earnest consideration which I know that you have given to my application. With others on both sides of the House, I shall naturally want to reflect on a very important statement. Meanwhile, may I thank the Officers of the House with whom I have been in contact on this matter for their unfailing help and courtesy?

Mr. Speaker: I thank the right hon. Gentleman.

Mr. D. N. Campbell-Savours (Workington): On a point of order, Mr. Speaker. I am sorry to raise this matter, but you will know that one and a quarter hours were spent yesterday on a series of points of order. I want not to repeat what was said yesterday but to raise with you a question which relates to yesterday.

You will know, Mr. Speaker, that the argument was that hon. Members had been led to believe that certain documents would be made available before the debate. The Chair ruled repeatedly that that was a matter for Ministers. When the House is being disrupted and its proceedings are being delayed, as was the case yesterday, would you not wish to express a view which might influence Ministers' judgments when they are deciding when to make documents available?

My hon. Friend the Member for Dunfermline, West (Mr. Douglas) came into the Chamber with an enormous pile of documents which had been put in the Library at 3.30 pm—approximately half an hour before the debate. It was clear that no hon. Member was able to discuss or examine those documents or to examine relevant issues about which there was information in the documents. May I put it to you, Mr. Speaker, that you might wish to deprecate the practice of Ministers refusing to allow sufficient time to enable hon. Members to study such material? Such information, had it been available, would have had some bearing on yesterday's debate.

Mr. Speaker: I thank the hon. Gentleman. I confirm that Mr. Deputy Speaker was in the Chair at the time and

[Mr. Speaker]

was correct in what he said. When documents are made available is a matter for the Government, not for the Chair. I note also that Mr. Deputy Speaker allowed a dilatory motion to be moved, so the decision was placed in the hands of the House.

Orders of the Day

Airports Bill

As amended (in the Standing Committee), considered.

New Clause 1

COMPENSATION FOR LOSS OR DIMINUTION OF PENSION RIGHTS

'(1) The Secretary of State may provide by regulations for the payment, by such persons as may be prescribed by or determined under the regulations, in such cases and to such extent as may be so prescribed or determined, of pensions, allowances or gratuities by way of compensation to or in respect of persons who have suffered loss or diminution of pension rights by reason of—

(a) any transfer of property, rights and liabilies under section 14(7), or

(b) the disposal under section 19(2) of any interests held by a principal council in a public airport company.

(2) Regulations under this section may—

(a) include provision as to the manner in which and the persons to whom any claim for compensation is to be made, and for the determination of all questions arising under the regulations;

(b) make or authorise the Secretary of State to make exceptions and conditions in relation to any classes of persons or any circumstances to which the regulations apply; and

(c) be framed so as to have effect from a date earlier than the making of the regulations;

but regulations having effect from a date earlier than their making shall not place any individual who is qualified to participate in the benefits for which the regulations provide in a worse position than he would have been if the regulations had been framed so as to have effect only from the date of their making.

(3) Regulations under this section may include either or both of the following provisions, namely—

(a) provision authorising the payment, without probate (or, in Scotland, confirmation) and without other proof of title, of any sum due under the regulations in respect of a person who has died to his personal representatives or such other persons as may be described by the regulations; and

(b) provision rendering void any assignment of (or, in Scotland, assignation of) or charge on, or any agreement to assign or charge, any benefit under the regulations, and provision that on the bankruptcy of a person entitled to such a benefit (or, in Scotland, sequestration of the estate of, or granting of a trust deed for creditors by, such a person) no part of it shall pass to any trustee or other person acting on behalf of the creditors, except in accordance with an order made by a court in pursuance of any enactment specified in the regulations.

(4) Subject to subsection (5), where regulations under this section have made provision for the payment of pensions, allowances or gratuities as mentioned in subsection (1), compensation in respect of any such loss or diminution of pension rights as is mentioned in that subsection shall be paid only in accordance with those regulations in any case to which those regulations apply; and accordingly such compensation shall not be paid under any other statutory provision, by virtue of any provision in a contract or otherwise.

(5) Subsection (4) shall not prevent the payment of any sum to which a person is entitled by virtue of contractual rights acquired by him before such date as the Secretary of State may by order specify.

(6) Any regulations or order made under this section by the Secretary of State may make different provision for different cases to which those regulations or that order apply or applies, as the case may be, and may in particular make different provision as respects different areas.

(7) In this section—

"pension", in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes—

(a) a gratuity so payable;

(b) a return of contributions to a pension fund, with or without interest on or any other addition to those contributions; and

(c) any sums payable on or in respect of the death of that person;

"pension rights" includes, in relation to any person, all forms of right to or eligibility for the present or future payment of a pension, and any expectation of the accruer of a pension under any customary practice, and includes a right of allocation in respect of the present or future payment of a pension.'.—*[Mr. Ridley.]*

Brought up, and read the First time.

3.47 pm

The Secretary of State for Transport (Mr. Nicholas Ridley): I beg to move, That the clause be read a Second time.

Mr. Speaker: With this, it will be convenient to take the following:

New clause 4—*Superannuation and pension rights*—

'(1) No change shall be made to the structure, provisions or coverage of the BAA superannuation scheme without the agreement of those presently recognised trade unions who are members of the BAA Central Negotiating Committee.

(2) No scheme providing for the transfer to a company of the business of operating a local authority undertaking or any activities incidental to or connected with carrying on that business shall be approved by the Secretary of State unless it provides for the establishment by the principal council of a body to administer the pension funds of such a company.'.

New clause 5—*Pay and conditions*—

'(1) Neither the company to which the rights, property and liabilities of BAA are transferred nor any of its subsidiaries may introduce into the national agreements now in force with the central trade unions any term less favourable than the current terms, nor may they in any respect worsen the pay and conditions of service now obtaining for BAA employees without the agreement of all the presently recognised central trade unions.

(2) The Secretary of State shall not approve any scheme for the creation of a company to carry on the business of operating a local authority airport or any activities incidental to or connected with carrying on that business, unless that scheme provides for any existing employees of a council to be transferred to the company upon terms of employment no less favourable to them than those under which they are employed immediately prior to such transfer.'.

Government amendment No. 64.

Mr. Ridley: On 4 March during the debate in Standing Committee, at column 384 of the *Official Report* I said that two options were open to public airport companies in respect of their employees' pensions. Staff transferred to the airport company may, under subordinate legislation, be deemed to remain employees of the local authority concerned while that company remains in the ownership of the parent authority. That is known as the deeming option. Alternatively, the company may negotiate continuing membership of the local government superannuation scheme while the local authority continues to own most of it. That is the admission agreement option. Under either option, nothing changes for the employees as their pension rights continue under the local government superannuation scheme.

The hon. Member for Aberdeen, North (Mr. Hughes) had some doubts about pension rights transfer, as evidenced by his proposed amendment in Committee. I undertook to see whether further measures were needed to safeguard the interests of transferred employees' pensions.

The deeming option or admission agreement option would, of course, have to be negotiated by the company and the parent authority. Although I am certain that the two parties could reach an agreement in every case, I must accept that it is just possible that an airport company finding the going difficult might seek a cheaper scheme and try to economise by leaving the local authority scheme. To cover that possibility — remote though it may be — I am pleased to introduce the new clause, which is modelled closely on section 84 of the Transport Act 1985 together with its associated consequential amendment, which provides the powers necessary for me to make regulations providing for compensation to be paid to public airport company employees who suffer loss or diminution of pension rights. I hope not to have to use the powers, but I assure the House that I will not hesitate to do so if necessary.

The hon. Member for Aberdeen, North returns to that point in new clause 4 and has a slightly wider point in new clause 5. It might be convenient if I responded to his arguments on those new clauses when I have heard them. I warn him in advance that we believe that the new clause 4 is unnecessary and that new clause 5 might be undesirable.

Mr. Robert Hughes (Aberdeen, North): I am grateful to the Minister for his few remarks at the beginning of this debate. Especially in view of his final comments on new clauses 4 and 5, it might be convenient if I said now that, at the appropriate time, I shall request separate Divisions on new clauses 4 and 5 unless—which is unlikely—my eloquence persuades the Minister to accept both.

New clause 1 is welcome in that it recognises that a problem could arise for existing employees should a privatised company or a public limited company formerly in the direct ownership and control of local authorities move towards a pension or superannuation scheme which is less beneficial to employees than that which they currently enjoy.

New clause 1 is merely an enabling measure and is hedged about with all sorts of conditions. It is no more than a grace-and-favour clause and I for one have no faith that the Secretary of State will approach the issue with sufficient resolution and determination to ensure that justice is done.

We all have the benefit of the record to go by. We know, for example, that the 15,000 staff of the National Bus Company lost their guarantee to index-linked pensions as a result of the Transport Act 1985. New clause 1 goes in a direction that is dramatically opposite to the policy which would protect employees by having their pension rights guaranteed. The only thing that is guaranteed under the Secretary of State's policy is that in the drive and thrust for profit the well-being of employees will take second place.

The philosophy of the Secretary of State is the true philosophy of the Conservative party. He is open about this and has made it clear that he will have no truck with the benevolent face that the Government are seeking to show to the public, which is the face of caring capitalism. He is so proud of the fact that he states his opposition to such an approach on every possible occasion. At the same time other Ministers are trying busily to sell to the public a policy that suggests that private pension schemes provide the best answer to the problem of pension provision in future. Other Ministers are encouraging the public to make

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their own private pension arrangements. However, schemes have been built up over decades that have been negotiated between employees and employers and we must retain the better schemes by ensuring that they are enshrined in statute. The best that the Secretary of State can offer in new clause 1 is that if he happens to be in a generous mood he might provide for some compensation. It is clear that it is an enabling provision because it does not say that the Secretary of State shall do anything.

There is nothing in the Bill and nothing in new clause 1 which provides a modicum of protection for British Airports Authority employees.

Mr. Robert Litherland (Manchester, Central): On a point of order, Mr. Speaker. I crave your indulgence. I have had time to reflect on your ruling on the hybridity of the Bill, which was the issue raised by my right hon. Friend the Member for Manchester, Wythenshawe (Mr. Morris). I think that it would be helpful if your statement could be made available to all who wish to participate in the debate.

Mr. Speaker: Every hon. Member who was present in the Chamber will have heard my statement, and it will certainly appear in *Hansard*.

Mr. Hughes: I was saying that British Airports Authority employees will not have a modicum of protection for their pension arrangements. We have had the experience of previous privatisation legislation and we know that publicly owned companies have taken on the shadowy form of being neither one thing nor the other. These companies have been privatised but we know that they are in the ownership of the Secretary of State. We know also that British Airways changed its pension scheme considerably. It managed to do so by offering financial inducements to existing employees to transfer to the new and less favourable scheme. That does not detract from the argument I am advancing.

New clause 5 seeks to ensure that unions that are involved in the British Airports Authority's central negotiating committee must be consulted about any changes that are suggested to the pension scheme and provides that no change can be made without their agreement. On the local government side, new clause 4 provides that a body should be set up to administer the pension fund of such a company. I anticipate that trade union involvement would be allowed for in this instance.

I turn to pay and conditions, which come within new clause 5, and I shall comment briefly on the background to the costs that are involved in manning and running airports. We know that employee and staff wages in the British Airports Authority are currently the biggest items of expenditure. We also know that the profits generated within the BAA come not from the airport handling but from duty-free and other concessions at Heathrow and Gatwick. Of course, other airports are not in the same position. They do not have access to the throughput of passengers which makes the duty-free and other concessions a major factor in bringing in income.

Over the whole picture it seems clear that pay and conditions of service will be under attack in the efforts to cut costs. In other words, the success of privatisation will be at the expense of workers in the industry who have done so much to make the BAA the successful publicly owned company that it is now. We believe that workers have a strong right to protection of wages and conditions that have been obtained by many patient years of negotiations. We now fear that all that is under threat and that there may well be moves to decentralise wage bargaining, currently done centrally. We believe that the move will be towards individual negotiations with airport staff at individual airports, notwithstanding the fact that it is currently the BAA's policy to call upon its employees to work at any of the BAA airports.

We also know that the British Airports Authority management has told the workers that their job rights are guaranteed for 12 months after privatisation. After that, the future is extremely murky. It is being said in many quarters that there is no need to worry because the airline business is likely to expand and that with it the policy, programme income and so on generated at airports are also likely to expand.

No one can forecast with any certainty what will happen in the future. There are stories of many of the international airlines being in difficulty and there is some doubt whether the traffic will grow to the extent forecast. Although the argument is that the present work force has no fears for the future, that is not the case. I believe that attempts will be made to contract out services which are currently done in-house in an attempt to drive down costs and weaken the bargaining position of trade unions.

The Government's position is quite clear and they have never hidden it. They believe that market forces will take care of all those things—pay, conditions and pensions. They believe that those are issues in which the Government should not seek to interfere. I believe that the Government's policy exposes their claim that they are not anti-trade union as sham and hollow. It is a contradiction for them then to say that they favour responsible trade unions, proper negotiating procedures and that they want to encourage unions to undertake proper and sensible bargaining positions. The trade unions currently employed within the BAA and those employed within local authorities have been extremely responsible. They have bargained sensibly and achieved reasonable pay and conditions. It is sad that, once the airports are privatised, there will be nothing to protect them from the ravages of Government policy and there is nothing in the Bill that will do that.

We believe that trade unions should be encouraged. We believe that pay and conditions should be protected. The Government clearly do not. New clauses 4 and 5 seek to erect a barrier against predatory companies which may not have the welfare of employees at heart. The clauses will give a guarantee against the damaging change by encouraging negotiations. For those reasons, we shall seek to write new clauses 4 and 5 into the Bill.

Mr. Ridley: The hon. Gentleman has now advanced the argument for new clauses 4 and 5, and I shall respond to it. He said that the Transport Act 1985 had deprived the busmen of the guarantee of their pension schemes. With respect—I mention this only because it is relevant to the new clauses—that is not the case, because there was never a guarantee of the National Bus Company pension funds. There is not a guarantee of the BAA's pension fund as at present constituted, nor is there a guarantee of any nationalised industry pension fund or of the pension fund of any industry which has been privatised. Therefore, we are treating all those pension fund problems on a par with

one another. There has been no precedent for a guarantee of a privatised company's pension fund. In fact, the British Airports Authority provides a generous pension scheme for its employees. Pensions are index-linked and amount to two thirds of pensionable pay on retirement for an employee with 36 years' service.

4 pm

Far from being under threat from privatisation, as the hon. Member for Aberdeen, North (Mr. Hughes) said, after consulting my Department the chairman of the BAA wrote to all the employees on 16 August last year making it clear that the pension rights of the BAA's existing staff and pensioners would remain unaltered as a result of privatisation. The scheme is managed by a board of trustees, which comprises three representatives each from the staff and management sides, plus a chairman. Proposals for amending the scheme are discussed fully at joint meetings of management and work force. The BAA has shown in the past that it is ready to listen to its employees' views, as any good employer should.

Like any private sector company, the BAA must retain the freedom to manage its own affairs, but I am sure that it will continue to do so in full consultation with its work force. It would be wrong to write in, as new clause 4 seeks to do, some sort of guarantee on that matter.

I refer to local authority airports' pension funds. Under new clause 4, a large number of comparatively small pension funds would be set up by local authorities which own airports, for those airports' employees. With respect, there is no difference in quality between that and the proposals in new clause 1. Employees of local authority airport companies should be able to join , or stay in local government superannuation schemes, by one means or another. Indeed, the hon. Gentleman's proposal is less acceptable than mine because it would mean a multiplication of small pension funds administered by bodies without experience.

New clause 5 would impose upon the BAA's successor company and its subsidiaries requirements that would exceed those placed on any other private sector company, or, for that matter, on any employers in the public sector. The agreement of all recognised unions would be required before the introduction of any change in employees' terms and conditions which might include some element that was unfavourable to the unions' members. There is no reason to put that group of people in a privileged position compared with the rest of the work force — that of having statutory protection against changes in their terms of employment additional to that for other employees under existing statutes. For example, they will have, as other employees have, the protection of the Employment Protection (Consolidation Act) 1978, which protects them against any unilateral change in their terms of employment which amounts to constructive unfair dismissal.

The pay of the BAA's employees after privatisation will be a matter for negotiation between employees and management, and I am sure that the hon. Gentleman would not have it any different, or he would not believe in collective bargaining, as he often professes he does. It would be wrong to fetter that process as the new clause proposes.

The second part of new clause 5 is unnecessary. In our view, each transfer of staff to an airport company under a scheme approved by the Secretary of State will be a relevant transfer under the Transfer of Undertakings (Protection of Employment) Regulations 1981. That means that the staff concerned will become employees on the terms and conditions under their contract with the relevant local authority immediately prior to transfer. In other words, their contracts should then be read as if they had been made with the company rather than with the authority. I am sure hon. Members will agree with me that that is an extremely satisfactory position and that it renders any other provision unnecessary.

Far from accepting the jibes of the hon. Member for Aberdeen, North that we are not looking after the pensions or conditions of the staff of either the BAA or the local authority airports, I believe that I have demonstrated that, with new clause 1 and the present statutory position, every precaution has been taken to secure what is right and proper in an economy where there is still room for collective bargaining over all those matters. I suggest to the House that we accept new clause 1 and the consequent amendment, and reject new clauses 4 and 5.

Mr. Tam Dalyell (Linlithgow): I should like the Secretary of State to clarify something for me.

It has been put to me by trade union representatives at Edinburgh airport that their members might be disadvantaged, given traffic forecasts for forthcoming years, by accepting the proposed arrangements. After what the right hon. Gentleman has just said, am I entitled to go back to those representatives of the staff at the airport and assure them that he has given an undertaking to the Commons that they will not be so disadvantaged following the transfer?

Mr. Ridley: In response to the hon. Gentleman's question, I am not clear in what sense the employees of Edinburgh airport are suggesting that they might be disadvantaged. There is no possibility of their being disadvantaged in respect of their pension rights, compared with what would happen if they stayed in the public sector in the local authority scheme.

Mr. George Park (Coventry, North-East): As I understand it, the object of the Bill is to privatise the airports and, in so doing, make them more efficient. When I read the Bill I was surprised to find that there is nothing in it which refers to probably the most vital part of the prosperity and efficiency of any undertaking, whether public or private — that is, matters connected with the work force. That is particularly relevant in this case because most of the cost of running an airport is in the wages and salaries paid to the employees. Therefore, I was surprised that there was no mention of that. That is why we have felt it necessary to table new clauses 4 and 5.

It is undoubtedly true that there is a feeling of insecurity among the employees at the airports. They are not sure how they will fare with privatisation. The experience of privatisations in other industries does not give them much confidence. I am sure that they would prefer to see something in writing rather than accept the bland assurances of the Secretary of State and then find the whole thing blowing up in their face.

Therefore, new clause 4 sets down in writing the reference to

"recognised trade unions who are members of the BAA Central Negotiating Committee."

Under the new clause, the unions will continue to function and to have a say in agreements that they have built up over

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a long time and that they wish to maintain. The new clause does not seek to add anything; it seeks merely to protect the current position.

The same applies to new clause 5, which refers to pay and conditions being no

"less favourable than the current terms".

Therefore, in new clauses 4 and 5 we are not trying to raise the ante, to try to gain some advantage for the employees in the interim period. What is absolutely essential is that something should be written into the Bill, as is proposed by new clauses 4 and 5, giving a firm assurance and a sense of security to the current employees. That would undoubtedly help to maintain and improve the efficiency of the airports.

I am surprised that the Secretary of State cannot see the matter in this light. It is not good enough to brush it to one side and say that what we propose is unnecessary. The Secretary of State said that, if required, he would step in, but he has not been all that smart in jumping in on other situations when employees were extremely worried about their pay and conditions.

These new clauses are an attempt to introduce a modicum of security for employees. They will enable employees to feel that, under privatisation, they will have a future for themselves and their families. All that we are seeking to do is to make it clear to employees that that is the intention of the Opposition, whether or not it is the intention of the Government.

Mr. David Lambie (Cunninghame, South): If the Bill becomes an Act, I am interested, as a Scottish Member, in the fact that the four major airports in Scotland will be controlled by the new BAA company and that the rest of the airports of the Highlands and Islands will be controlled by the CAA.

I have listened to the assurances of the Secretary of State that the workers of the privatised BAA will not be disadvantaged compared with the workers in other similar privatised schemes. Can the right hon. Gentleman tell me whether superannuation pensions and conditions of work will be the same for the workers of the Highlands and Islands airports as those for the workers in the four Scottish airports which will be under the control of the BAA?

We have been given assurances from Sir Norman Payne and the present management of the BAA about what will happen when the newly privatised set-up takes over. However, Sir Norman will not continue indefinitely at the BAA. I am therefore concerned about the future.

There are provisions in the Bill to allow foreign people to buy control of BAA. Therefore, the outlook of the new management could be entirely different. We may get the American or Australian type of management which we are witnessing in the printing industry. Such foreign control will not be prevented unless some of our proposals are carried today.

As a Scottish Member, I am always concerned if we allow negotiations on pension rights and wages and conditions to develop separately in Scotland from England. In the south of England, especially around the London airports, there is high employment. In Scotland, with the exception of Aberdeen airport, the areas surrounding the airports have high unemployment. In areas of high unemployment, the management may say to workers that they are lucky to be working and that they are not like their colleagues who are unemployed. In fact, their colleagues are not just unemployed but are now long-term unemployed, having been without a job for a year or two years or more. The management could therefore tell the workers that they should be happy to accept a standstill in wages, or indeed a reduction in wages, which has been forced on the workers in some companies in my own constituency. The management may say, "Why worry about decent pensions? You are lucky to be working".

I should like an assurance from the Secretary of State that the pension conditions and the conditions of service of the workers in the privatised BAA, whether at Prestwick, Glasgow or the London airports, will be identical. For that reason, we must continue with central negotiation. There must be central control of the pension schemes and conditions of service. I accept the assurances given by the Secretary of State, but, just as Sir Norman Payne may not be part of the new privatised BAA, the Secretary of State's future in the Government is even more insecure.

Mr. Peter Snape (West Bromwich, East): Tenuous.

Mr. Lambie: We have accepted the assurances of Ministers and Under-Secretaries in Committee and on Report, but often when we go home and listen to the television news we discover that the Minister has been replaced. The former Minister can then say that he did not given any assurances.

I ask the Secretary of State to give me an assurance that the conditions of the present workers in the CAA will be identical to those of the workers in the BAA. Will central negotiation be continued to ensure that wages and pension rights in the Scottish airports are identical to those in the London airports?

4.15 pm

Mr. Ridley: I shall answer briefly, as I think it is wrong for me to have intervened three times already in the debate. I should clear up what I said to the hon. Member for Linlithgow (Mr. Dalyell).

The substance of my reply was correct, that the pensions of the BAA employees are protected. It momentarily slipped my mind that Edinburgh airport is not a local authority airport but a BAA airport. What I said about the pensions of BAA employees applies to the earlier speech that I made on the subject. The pensions of the employees will be as safeguarded in the future as they are at present — indeed, as all other pension funds have been.

The hon. Member for Coventry, North-East (Mr. Park) and, to some extent, the hon. Member for Cunninghame, South (Mr. Lambie) have asked the Government to write into statute some form of guarantee about the wages and conditions of airport workers. I am sure that, on reflection, they will believe that we should not do that. It has not been done for any other group of workers in any other industry. If we were to embark on the course of writing into statute what the wages and pensions should be, not only would we frustrate collective bargaining but there would be fixed wages and conditions for all time without any possibility of future improvement.

I cannot give the hon. Member for Cunninghame, South an undertaking that the wages, terms and conditions and pensions of those who work for the CAA airports, the BAA airports, and local authority airports will necessarily

be the same or will be underwritten by statute. Wages can vary between different employers, different parts of the country and different industries. To deny the possibility of wages varying would be to deny to some people the possibility of improving their standard of living. I am sure that that is not what the hon. Gentleman wants, and that is not what we want. We should leave it to the market to determine wages.

Mr. Robert Hughes: With the leave of the House.

I do not think I have heard such a specious argument in the 15½ years that I have been a Member of the House. To argue that the new clauses, which seek to guarantee existing pay and conditions, are an infringement of bargaining rights is complete nonsense.

The Secretary of State is saying that the employer should have the right to bargain wages down but that employees or trade unions should not have the right to bargain wages up. There is nothing in the new clauses which says that the present pay and conditions are to be frozen for all time. We would encourage the growth of the airport business and hope that there would be opportunities for better pay and conditions. That is not the problem. I am satisfied that an attempt will be made to drive wages down. The new owners of the BAA will have in mind what the Chancellor said during his Budget speech.

If the Secretary of State gets his way, local authority airports will not remain in local authority ownership for all time. If the Bill has any effect, an attempt will be made to move local authority-controlled airports into a second stage—the private sector.

The Chancellor of the Exchequer constantly bemoans, as every Minister does, the level of wages in industry generally. Indeed, he has gone so far as to say that high wage levels are the Achilles heel of the British economy. If that is not an invitation, encouragement, or even a direction for those in private industry to seek to drive down wages, I do not know what is.

There is a clear division between us. We want to see pay, conditions and pensions, which have been negotiated by responsible trade unions with responsible employers, kept as they are with no possibility of their being downgraded.

The Secretary of State says that that has never been done for any company or industry which has been privatised or for any public industries. The fact that it is novel does not mean that it is wrong. It does not put workers in a privileged position. It gives them rights which they should enjoy. The guarantees that the Secretary of State gives about the BAA and local authority ownership apply only so long as they are not private companies and in the market place. The right hon. Gentleman is well known as an advocate of market forces. We know that he dislikes the present level of pay and conditions, and part of the objective would be to try to drive those down.

I shall not ask my right hon. and hon. Friends to vote against new clause 1. It is a concession. It is a recognition that what we are saying might well happen. The fact that the Secretary of State is taking the power to provide for compensation shows that he recognises that that could be a reality. Therefore, I accept new clause 1, but I shall seek to divide the House on new clause 4.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 3

RESTRICTIONS ON SHARE OWNERSHIP

'From the date of enactment of this Act, the following restrictions on purchase and ownership shall apply to the company to which the property, rights and liability of the BAA are transferred, to that company's subsidiaries, and to any company formed by a principal council to carry on the business of a local authority airport undertaking or any activities incidental to or connected with carrying on that business:

(a) no foreign company shall be eligible to purchase or own shares;

(b) no airline operator shall be eligible to purchase or own shares;

(c) no individual shareholder, organisation or company shall be eligible to purchase or own more than 2 per cent. of the total shares.'—*[Mr. Snape.]*

Brought up, and read the First time.

Mr. Snape: I beg to move, That the clause be read a Second time.

Mr. Speaker: With this it will be convenient to take new clause 11—*Airline share ownership by foreign governments or corporations—*

'(1) Notwithstanding any provision to the contrary, the directors of the successor company shall be entitled to refuse to register the transfer of any shares in the successor company if

(i) at any time within five years from the date upon which the successor company ceases to be wholly owned by the Crown the total number of shares held by any person in the successor company would exceed fifteen per cent. of the total issued share capital of the successor company which carried the right to vote at general meetings.

(ii) the total number of such shares in the successor company held by airlines would exceed fifteen per cent. of the total issued share capital; or if the total number of such shares held by any one airline would exceed five per cent. of the total issued share capital.

(iii) any shares would be held by a foreign government of any corporation controlled either directly or indirectly by a foreign government,

and the provisions of this section shall extend to any nominee acting for any person.

(2) For the purpose of this section "airline" shall mean an undertaking whose business includes the carriage by air of passengers or cargo for hire or reward and the holding company of any such airline if the business of the airline exceeds twenty per cent. of the turnover of the holding company in the financial year ending immediately prior to the date upon which the transfer of shares is presented for registration.

(3) The Directors shall be entitled to call upon any transferee of shares in the successor company to provide satisfactory proof that none of the limitations in subsection (1) would be exceeded before any share transfer is registered.'.

Mr. Snape: I should have thought that new clause 3, above any, would be guaranteed to strike a responsive chord among Conservative Members. As I am sure the hon. Member for Hertfordshire, South-West (Mr. Page) would agree, new clause 3 is about a healthy form of patriotism. The Conservative party always seeks to wrap itself in the flag of patriotism, no matter what issue we are talking about, and here they have an opportunity to vote for a new clause that is designed to protect, and aimed specifically at protecting, Britain's interests. The Opposition usually speak for Britain but the Government only talk about it while they are busy selling out. But here we give them an opportunity to make up for all the evil things that they have done for Britain over the past seven years by standing up and defending British interests. New clause 3 seeks to restrict foreign ownership of our airports for commercial as well as strategic reasons.

The House will be aware that the London airport system in particular is in active competition with the European

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airports of Amsterdam, Paris and Frankfurt, all of which have undertaken aggressive marketing campaigns and all of which are strongly supported by their Governments and national airlines. New clause 3 suggests that we in Britain should do the same, particularly for Heathrow. We should protect our interests in the future of our aviation industry. We invite the Conservative party to join us in going down that historic road.

Over the years, the BAA has been one of Britain's major foreign currency earners and has consistently reinvested its profits in new facilities that have brought widespread benefits to the British economy. We fear that if the new clause is not accepted and foreign operators decide to take a strategic stake in a privatised BAA, they could use that to stifle developments in London so as to enhance their own position. *[Interruption.]* I hope that the hon. Member for Hertfordshire, South-West, who is amusing his colleagues — although there is nothing particularly funny about what we are discussing — by reading a brief, a copy of which he has received, as I have too, will, when he comes to speak on new clause 11 which is linked with new clause 3, make the same points. If he likes, he can use his own words. I hope that he will accept that I do not need to concentrate exclusively on reading a brief to make a point in the House and if the hon. Gentleman wants to use his own words in supporting our position on new clause 3, we shall be delighted. He can carry some of his hon. Friends with him, especially the hon. Member for Lancaster (Mrs. Kellett-Bowman), whose dulcet tones frequently entertain the House. We do not doubt her patriotism for a moment. I know that she will be more than tempted to support this.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley): Strident tones.

Mr. Snape: Let us not be too ungallant. Dulcet tones will do. We shall expect to see the hon. Lady in the Opposition Lobby defending British interests, particularly on the day of a vital by-election, although the Airports Bill is unlikely to be a major topic of conversation in Fulham. But then we do not need any further topics because the argument is about who will be in second place.

I hope that the House will recognise the strategic importance of the major international asset that we have at Heathrow and will prevent unfriendly Governments, or perhaps merely competitive Governments, from interfering in Britain's key economic decisions in the aviation world.

I recently visited the west country. The importance of Britain's international air links to the provinces, to Plymouth and to areas such as my own in the west midlands, should be apparent to all hon. Members. It is obviously an attraction for companies that wish to invest in Britain if, by merely making one change at Heathrow, they can then fly on to areas such as Manchester, Birmingham or Plymouth. The benefit of that interlinking is enormous for the regional economy.

But let me caution the Conservative party on new clause 3. If it opposes it it should reflect that it may well be endangering interlinking through Heathrow airport and may be further endangering the economy of Britain's provinces, particularly if it allows foreign operators to take shares in a privatised BAA and then to use that influence, whether directly or indirectly, to reduce the number of slots at Heathrow which are available now to some of our smaller British airlines.

I know that one or two Conservative Members, for example the hon. Member for South Hams (Mr. Steen) who assiduously represents the interests of one smaller airline, would agree that we should do everything possible to prevent their interests being damaged. I hope that the hon. Member for South Hams will agree with me. I will not be cynical and say that the hon. Gentleman is paid to agree with me; I hope that I will be able to persuade him to agree with me that he acceptance of new clause 3 will safeguard the internal links though Heathrow that the company that the hon. Gentleman represents, and the provinces in general, greatly value. I hope that the hon. Gentleman and those of his hon. Friends who are concerned for the future of our air links to the provinces through Heathrow will support the new clause.

4.30 pm

The great argument—if one can dignify it by such a description—for privatisation is that it enables ordinary people to own great corporations and to share in their decision-making processes. I hope that I will be forgiven for some cynicism about that. Anyone who has watched the affairs of Westland in recent months will be aware that the view of the small shareholder is scarcely paramount. In new clause 3 we seek properly to write into legislation the theory that the Conservative party nominally embraces —the idea of a shareholding democracy.

We propose to limit individual shareholdings to a maximum of 2 per cent., and so to prevent some of the somewhat odious things that I have outlined coming to pass. A limit of 2 per cent. would genuinely lead to much greater participation by small shareholders in the affairs of a privatised BAA. Such a philosophy should endear it to Government Members, who still affect to believe in a shareholding democracy. That is what they say, but the reality is different. It is 40 years since a Member of a Labour Government stood at the Dispatch Box and said that the Tories only profess to believe in wider shareholding but that what they really believe in, and implement, is monopoly capitalism. That will be the likely outcome of this Bill. That has been the outcome of other privatisation exercises embarked upon by the Government, and that is what new clause 3 seeks to prevent. Conservative Members now have an opportunity to vote for what they have long talked about—genuine participation by small shareholders.

My hon. Friends and I have repeatedly stated our view throughout the discussion of this Bill. We oppose it in principle. However, it is our duty to try to improve any Bill put before the House as much as we can. We believe that new clause 3 would improve the Bill in a way designed to appeal to Conservative consciences, if such a phrase is not a contradiction in terms. If Conservative Members have any conscience left, they should surely support new clause 3.

I hesitate to preach the virtues of Conservatism too loudly—they are hard to find——

Mr. Frank Cook (Stockton, North): Another contradiction.

Mr. Snape: Indeed, but my hon. Friend should not be too upset about that. The art of politics for a minority party is to pitch its appeal in such a way that it may fall on

receptive ears. That is what I have tried to do, and I commend new clause 3 to Conservative Back Benchers as heartily as I commend it to my hon. Friends.

Mr. Richard Page (Hertfordshire, South-West): I shall not follow precisely in the footsteps of the hon. Member for West Bromwich, East (Mr. Snape).

I wish to refer to new clause 11, which is grouped with new clause 3. I tabled new clause 11 because I feared that new clause 3 would be ruled out of order on the ground that it seems to be contrary to the edicts in the treaty of Rome. My clause, too, if not exactly breaching the treaty, would come hard up against it. It would certainly be against the spirit of the treaty. However, the clauses give me an opportunity to articulate my concern about possible pressures if there were to be a large shareholding in BAA, and the effect that such a large shareholding could have on the control and management of the newly privatised body.

The figures in new clause 3 are very tightly drawn. The figures in new clause 11 are a little more generous, but they are not intended to be definitive and they are certainly open to adaptation. Before developing the debate on the possible mechanism for providing fair protection that I believe could be added to the Bill, we should record the reasons why we feel such measures are necessary.

I apologise to the hon. member for West Bromwich, East for mildly twitting him about his points on the dangers of foreign ownership. I was worried that he might take all the points that I wanted to make, leaving me with very little to say.

Mr. Snape: I left half the brief for the hon. Gentleman. I knew that otherwise he would have nothing to say on new clause 11.

Mr. Page: And I really believed that I had persuaded the hon. Gentleman to chicken out. I did not realise that he was motivated more by generosity than by being ashamed of his own words.

I believe that airlines could form a group and have a major impact on shareholdings in the BAA. If four or five airlines each put in the equivalent of a jumbo jet, there would be a sizeable impact on the course of action that could be taken by the management. I do not say that they would act for sinister motives; they might have sensible commercial reasons. Nevertheless, there could be a knock-on effect on the fairness with which BAA was run. That could have an effect not only on new airlines wishing to come into the airport but on the consumer.

If I am worrying about a shadow, not a thing of substance, I am sure that my right hon. Friend will quickly tell me. My concern will then evaporate and new clause 11 will be allowed to lapse. However, if my right hon. Friend agrees that my anxiety is justified we must consider how to deal with it. I am not wedded to new clause 11 as the definitive solution to all our problems. It is a vehicle for discussion. Nevertheless, something should be done. I leave my right hon. Friend to consider whether we should use a new clause or merely amend the articles of association to provide some protection or limit. I shall listen with care to what he says about my genuine fears.

Mr. Litherland: I hope that the Government appreciate the common sense both of new clause 3 and of our observations about foreign control of airports. Surely the Government, and especially the Secretary of State, are aware of the vulnerability of airports throughout the world in view of the recent spate of terrorism. Almost daily we see on our television screens horrific scenes of terrorist activities at airports. That is true not only of the large international airports but of the provincial airports.

It was a sad day for Mancunians when police at our airport were first allocated guns. Obviously, the consequences of terrorism have exercised the minds of those responsible for airport security. I do not know how the arming of our airport police will affect the tourist trade. I am sure that it must affect the decisions of tourists to come to this country on holiday.

The numerous hijackings and planting of bombs on planes or in airports prove that airports are very vulnerable. Airports are of great local and national strategic value. That begs the question whether any unfriendly Government should have a large investment in any of our airport authorities. The safety and security of our airports must take priority, which lends force to the argument that there should not be any foreign ownership of shares in BAA or any other British airport authority.

Foreign ownership could put jobs at risk, because contracts could be awarded to foreign rather than to British companies at the expense of British jobs. Airports are key economic assets, so we should not undertake any action that would be detrimental to their viability and, therefore, not in the interests of the nation.

It could also be detrimental if airline operators held shares. For example, larger operators could set terms that were unacceptable to the smaller airlines, and that could lead to a carve-up at airports—*[Interruption.]* I said carve-up, but I mean a fiddle. Conservative Members should be used to that.

We are opposed to foreign companies owning shares in British airport authorities. They, together with airport operators, should be excluded from doing so. New clause 3 states:

"no individual shareholder, organisation or company shall be eligible to purchase or own more than 2 per cent. of the total shares."

My hon. Friend the Member for West Bromwich, East (Mr. Snape) said that that provision was common sense and met the criteria of Government dogma. I accept that we shall have no success in pleading with this Government to show reason. However, new clause 3 is a common-sense amendment in the British interest, and I hope that the House will accept it.

4.45 pm

Mr. James Couchman (Gillingham): I wish immediately to stress that, unlike the hon. Member for West Bromwich, East (Mr. Snape) — that unlikely national standard-bearer — I have no difficulty in speaking in favour of the Bill and the privatisation of the BAA.

Mr. Snape: What an overweight berk. [HON MEMBERS: "Oh!"] Well, the hon. Member for Gillingham (Mr. Couchman) is overweight, is he not? Perhaps he will tell the House why he considers me to be an unlikely standard-bearer. No doubt his military career was rather more glittering than mine, but I certainly left the services with an honourable discharge. What can he say about that?

Mr. Couchman: The hon. Gentleman is very touchy today. I do not think that my diet has very much to do with

[Mr. Couchman]

new clause 3. I stand absolutely four square behind the principle of the Bill, whereas the hon. Gentleman has declared his total opposition to it.

The Bill will enable the management of BAA plc to be free of the shackles of Whitehall and to bring about a prosperity to the airports that will——

Mr. Stephen Ross (Isle of Wight): In about a year's time, when BAA has been privatised, perhaps the hon. Gentleman will join me in looking at the salaries of the chairman and directors. I will have a bet with him that if those salaries have not doubled, they will certainly have increased by 50 per cent.

Mr. Couchman: If the salaries of the senior management and directors of BAA increase by that amount, I have no doubt that it will be because they have brought about a prosperity that currently is lacking. Their salaries would be linked to that.

I have no truck with new clause 3, which is clearly aimed at strangling any flotation of BAA. However, I am concerned about the possibility of foreign or airline control — a matter eloquently outlined by my hon. Friend the Member for Hertfordshire, South-West (Mr. Page). I am wholly in favour of people's capitalism—the current jargon—but it should be British people's capitalism. Because of the various ramifications of the treaty of Rome——

Mr. Ernie Ross (Dundee West): How many shares does the hon. Gentleman own?

Mr. Couchman: I have no shares at all.

We cannot legislate against the holding of shares in BAA by foreigners because that would be an infringement of the treaty of Rome. That is why new clause 3 is defective, as the Opposition must know by now. I hope that my right hon. Friend the Secretary of State will guarantee that control of BAA will remain in Britain, not just for a short period but for the indefinite future. I hope that he will assure us that steps will be taken, by the purchase or holding of a golden share, to ensure that control remains in Britain.

There is some parallel with other companies that have been privatised. I understand that 60 per cent. of the shareholding in Jaguar is now held in the United States. I do not know what that will mean for the control of Jaguar. I would not wish BAA to go down that path. British airports are public utilities and cannot really be compared with a manufacturing company such as Jaguar. The control of public utilities should remain within Britain for the indefinite future. I hope that my right hon. Friend can give the House that assurance.

Mr. Roger King (Birmingham, Northfield): After listening to some hon. Members, one would think that the Russian Aeroflot airline could gain control of Heathrow and turn it into a MIG base.

Mr. Snape: Why not?

Mr. King: I suppose that is a possibility, but only if the BAA, the Government and everyone else stand idly by and allow it to happen.

A privatised British airport system with a monopoly in the London area must carefully scrutinise those seeking ownership of the system. Unlike other privatised concerns, it does not have free-standing competitors—at least, not in the United Kingdom, although competition exists in the airports of Europe. For example, Heathrow and Gatwick face competition from Paris, Amsterdam and Frankfurt.

In theory, many of those airport organisations, through other airlines, could gain access to ownership of the British Airports Authority and use that ownership to ensure that certain policies which were beneficial to them were carried out. I do not, however, think that this would occur without the British Airports Authority knowing about it and taking steps to prevent it.

It could be done by using this clause, but an extraordinary amount of policing would be required to monitor 2 per cent. shareholdings, and the directors of the British Airports Authority would spend almost every moment of their working day trying to find out who owned the authority, leaving them very little time to run the organisation, in order to comply with the new clause.

Mr. Nicholas Fairbairn (Perth and Kinross): I pass through the airports of this country quite frequently and rarely find a servant of the authority who is Anglo-Saxon, or even a Scot. They all speak broken English. If the present monopoly is able to employ almost exclusively those who are not of British extraction, what is the problem?

Mr. King: I thank my hon. and learned Friend for that contribution. I would prefer to leave the question unanswered, except to say that I have noticed that the management side could perhaps benefit from some contribution from the ethnic minorities, just to bring some balance to the organisation. What my hon. and learned Friend says is perfectly true. The ethnic minorities have a very strong work presence—certainly at Heathrow. I am not so sure whether that matters in Scotland. British airports are major employers and are to be congratulated on that. We look forward to the creation of many more jobs for all sections of the community.

To go back to what I was saying, to control the ownership of our airports and to provide safeguards, I should like to see provisions in the articles of association of the company similar to those for British Aerospace, British Telecom and Britoil, and such as will exist for British Gas. The Minister must make it clear when he replies to this part of the debate what type of restrictions and wording, if any, the Government would like to see in the articles of association to ensure that the British Airports Authority remains largely in the ownership of the British people.

Mr. Stephen Ross: The hon. Member for Birmingham, Northfield (Mr. King) mentioned at the end of his speech what we want to hear from the Minister. We want to know what provision will be made for workers' share opportunities in the privatisation of the British Airports Authority, if this has to go through. I totally disagree with privatisation, but if it has to happen at least let the workers have a share in it. Will there be an offer similar to that made to those who work for British Telecom —because that is what we want to hear—and will there be a golden share? The point that was raised was valid. The arguments made in the debate about the acceptability of the clause are quite valid too. The country will want to have assurances about these matters.

I realise that the Bill still has some way to go through the other place, and it may be that Government have not

entirely made up their mind. Nevertheless, we are entitled to know here and now what the Government intend to do when they float the British Airports Authority.

Mr. Bill Walker (Tayside, North): When he replies to the debate, my hon. Friend the Minister must tell us what the effect of these two new clauses would be. If either or both were accepted, how would it affect a privatised British Airports Authority? How would they affect a privatised authority if it was considering investing in airports in other parts of the world? I imagine that after it is privatised it might develop the kind of expertise that would be marketable in other parts of the world. That being so, it might well wish to invest not only its skill but its funds, so as to increase the profitability of its organisation — something of which we would all approve.

The Parliamentary Under-Secretary of State for Scotland (Mr. Ancram): We have had an interesting debate on what appeared at first sight to be a fairly simple and straightforward new clause. We have learnt about the travelling habits of my hon. and learned Friend the Member for Perth and Kinross (Mr. Fairbairn) and about the military distinction of the hon. Member for West Bromwich, East (Mr. Snape). We are in a sense facing two new clauses which are similar in intent but distinguishable in the way in which they try to achieve their purpose.

New clause 3 aims to restrict the ownership of shares in the British Airports Authority's successor company, its subsidiaries established as part of the restructuring arrangements in clause 1 of the Bill, or in airport companies formed by local authorities. New clause 11 places somewhat more limited restrictions on shareholding in the BAA's successor company.

The hon. Member for West Bromwich, East, rather to the surprise of his supporters—as he would have seen had he been able to look over his shoulder—put forward patriotism as the reason for this new clause. Members on the Government Benches always welcome any indication of patriotism from members of the Opposition.

Mr. Frank Cook: I seek your guidance, Mr. Deputy Speaker. It may be a historical reference, but is it not true to say that it has always been the working classes of this country that have risen promptly to defend the flag, and not members of the party in government?

Mr. Ancram: I am tempted to say, Mr. Deputy Speaker, that they protest too much. I was merely complimenting the hon. Member on putting forward the argument of patriotism. I thought that the argument put forward by my hon. Friend the Member for Hertfordshire, South-West (Mr. Page) was more realistic. He dealt with the problems that might arise rather than drawing the dark and dramatic picture with which the hon. Member for West Bromwich, East tried to justify his new clause.

I do not consider that the significant restrictions on the ownership of shares in airport companies, proposed by both new clauses in different ways, are necessary, because the Bill itself provides a series of safeguards against undesirable action taken by an airport company, control of which has been acquired by a particular shareholder or class of shareholder. I believe that my hon. Friend the Member for Birmingham, Northfield (Mr. King) in a sense, suggested that these controls were available and that we should look at them again. I would like to go through some of them now. I do not apologise to the House for taking time to do so because it is important that hon. Members are aware of the existing safeguards.

For instance, the Civil Aviation Authority, as airport regulator, has powers under clause 38 of the Bill to prevent any trading practice or pricing policy which unreasonably discriminates against any class of user, or particular users, of an airport, or which unfairly exploits the airport's bargaining position—for instance, in setting the general level of charges. These powers could be used if an airline gained a degree of control over an airport company and sought to charge its own aircraft at more favourable rates than those of competing airlines, for instance, or unreasonably discriminated over the provision of services and facilities to airlines using the airport.

The CAA also has powers to prevent predatory pricing. At the designated airports, which will comprise the BAA's three London airports and Manchester, the CAA will be required to set limits on airport charges. The Monopolies and Mergers Commission will review all aspects of the airport business every five years. In addition, there are safeguards to prevent discrimination over access to an airport. Airports which hold public use licences issued by the CAA must not allow discrimination over access. Clause 32 of the Bill ensures that the CAA can require an airport to hold a public use licence. This power is further reinforced by clause 27, which ensures that the Secretary of State can direct an airport to comply with our international obligations, including those in respect of non-discrimination over access to airports.

Safety will continue to be regulated by the CAA through the aerodrome licensing system. The Department of Transport will continue to regulate security, issuing directions to airports where necessary, under the Aviation Security Act 1982. In the event of war or emergency, the Government have wide-ranging powers under the Civil Aviation Act 1982. It is, therefore, very difficult to see what benefit could be gained by an individual or company seeking to make a substantial investment in an airport company, other than the normal commercial benefit of investment in a profitable venture.

5 pm

There are other safeguards as well. There are the safeguards of the Fair Trading Act 1973, ensuring that there can be a reference to the Monopolies and Mergers Commission if a shareholder proposes to acquire enough shares to be in a position materially to influence policy or to gain effective control. If the proposed acquisition is judged by the MMC as being against the public interest —several of my hon. Friends raised hypotheses about this—the Secretary of State for Trade and Industry has powers to prevent it. This provides yet a further safeguard against the purchase of shares for use in a manner which is detrimental to the interests of airports or their users.

My hon. Friend the Member for Hertfordshire, South-West and others of my hon. Friends foresaw serious practical problems about some of the restrictions proposed by both new clauses. The proposed restriction on foreign ownership would contravene our obligations under the treaty of Rome and would therefore seem to be ruled out.

Furthermore, a restriction on the size of any shareholding to 2 per cent. of the shares, as proposed by new clause 3, would be absurdly low. It could prevent the establishment of a market in the shares and would probably

[Mr. Ancram]

contravene the European Community admissions directive, applied by the Stock Exchange (Listing) Regulations 1984, which requires shares to be "freely negotiable". Any such general restrictions on the size of shareholdings, including the 15 per cent. restriction proposed in new clause 11, would also have the serious disadvantage of making the companies "bid-proof", removing a clear incentive for efficiency by removing any threat of takeover. Therefore, it appears that the protection which my hon. Friends want is in place in any event either within the Bill or within existing legislation. Indeed, the new clauses themselves would contravene certain of our obligations within the European Community.

I have listened carefully to the points made by my hon. Friends and in particular to the concern that it might just be possible for an airline controlling an airport to disadvantage other airlines in some subtle way, perhaps by pursuing investment policies which were not in the broader interests of United Kingdom aviation. So, while I consider that it would be a belt and braces approach, we are prepared to examine an appropriate restriction on shareholdings in BAA's successor company to meet the concern. If, on examination, we decide that this is warranted, we do not propose to write it into the Bill. Any such restriction would be written into the articles of association of the BAA's successor company, an effective mechanism which has been used in other privatisations and which is understood and accepted by investors.

If we go by that route, something which we wish to consider on examination, it would probably involve a golden share, about which the hon. Member for the Isle of Wight (Mr. Ross) asked. In those circumstances we would not want to give local authority airports less freedom than the BAA to introduce such restrictions, if they were considered desirable. We shall examine clause 24 and, if necessary after consideration, we shall bring forward an amendment in another place.

In the light of what I have said, I hope that my hon. Friend the Member for Hertfordshire, South-West and the hon. Member for West Bromwich, East will withdraw their new clauses.

Mr. Snape *rose*——

Mr. Deputy Speaker (Mr. Harold Walker): Does the hon. Gentleman wish to have the leave of the House to speak again?

Mr. Snape: I do, Mr. Deputy Speaker.

Mr. Deputy Speaker: Does the hon. Gentleman have the leave of the House to speak again?

Hon. Members: Yes.

Mr. Snape: What the hon. Member for Edinburgh, South (Mr. Ancram) has just said is of some significance in the debate. However, I wish that he had been more clear about the Government's intentions. We have obviously worried the hon. Gentleman. I cannot claim any personal credit for the expression of worry that has flitted across the Minister's face, but the concern that has been expressed on both sides of the House during the short debate has caused some worry within the ministerial ranks.

So that we may decide whether that concern is sufficient, let us examine the proposals that have been put forward and the hon. Gentleman's reactions to them. It is a strange Conservative party which says, "We cannot do anything to defend British interests because it might be contrary to the treaty of Rome." I do not know whether the new clause in my name and the names of my hon. Friends is contrary to the treaty of Rome, but, to be honest, I do not much care whether it is. I make no apology for that.

If I am, in the words of the hon. Member for Gillingham (Mr. Couchman), an unlikely standard bearer, in many ways he is an unlikely Tory. *[Interruption.]* I merely ask where he gets his patriotism from. When I looked at his track record, I noticed that he joined the family company in 1970. I congratulate him on being an achiever, if for no other reason than that within a very short time he became chairman and then a director of the company, so he is an unlikely standard bearer for British interests when we compare his track record with those of my hon. Friends. We make no apology for defending the interests of British aviation.

Mrs. Edwina Currie (Derbyshire, South): Cheap. That is not worthy of the hon. Gentleman.

Mr. Snape: The hon. Lady has just joined us. It would be out of character for her to keep her mouth shut for longer than 30 seconds. The hon. Lady said, "Cheap." Whether she was imitating a budgerigar or participating in the debate I shall leave her to judge, but I do not think it is cheap to defend the interests of the last prosperous industry in Britain or to defend the patriotism of my hon. Friends. We get sick of being lectured on patriotism by a party that is anxious to parcel up and sell to anyone anywhere in the world any profitable sector of British industry. If it is patriotism to resist such conduct by the worst Government that this country has ever seen, we plead guilty to being patriots and are proud to do so.

We want to know more than the Under-Secretary of State has implied. He said that the Government might retain a golden share in a privatised BAA because of the likely impact of foreign ownership on the policies to be pursued by a particular BAA airport. The hon. Gentleman will know that, despite all the safeguards he has outlined, references to the Monopolies and Mergers Commission through the Office of Fair Trading are infrequent and difficult to come by. We are concerned that damage might be done to British aviation interests while the question whether a practice was fair was being considered.

A foreign airline or a large company which has a major or significant shareholding in a privatised BAA will not advertise the fact that it is seeking to influence the policy to be followed by a privatised airport. It will be done much more subtly, as the Conservative party knows. Regretfully, I cannot accept the Minister's assurances. He will have to come up with something more definite.

With regard to shareholding, the hon. Member for Hertfordshire, South-West (Mr. Page) said that he was not too bothered about upholding the figure of 15 per cent. referred to in his amendment. Again, to show how anxious we are to reach agreement, we shall not hold him to the 2 per cent. either. We feel that a limit must be laid down to the number of shares that can be held.

To say that the imposition of such a limit would reduce efficiency because it would prevent a future takeover is a laughable interpretation, and if we are talking about laughable interpretations, we have just the man for the job sitting on the Front Bench, in the person of the right hon. Gentleman the Secretary of State for Transport. It is a

doctrine that I have never heard expounded by any chairman of any major company—that a firm is more efficient because it fears a takeover. We are normally told how efficient companies have been, regardless of attempts by their competitors to gobble them up. So we feel that a limitation on shareholding is necessary.

Mention was made during the debate of British Telecom. There is an example for all of us, even Conservative Members, to learn from. There are more British Telecom shareholders in Tokyo than there are in West Bromwich or, for that matter, in Birmingham, Northfield. I know that the hon. Member for Birmingham, Northfield (Mr. King) is not a shareholder, and I hope he will take it from me that more British Telecom shares are held in Tokyo than are held in his own constituency. Is that the sort of patriotism that the hon. Member for Gillingham professes to defend?

We insist on a shareholding limit, whatever it is—not necessarily the 2 per cent., or the 15 per cent. which the hon. Member for Hertfordshire, South-West indicated, but certainly some limitation, if only to protect the future policies of these privatised airports and to defend the future interests of British aviation.

For those reasons alone, I hope that despite, shall I say, the arguments that I have marshalled the Conservative party will for once stop talking about patriotism and vote for it.

Mr. Richard Page *rose*——

Mr. Deputy Speaker: Does the hon. Member have the leave of the House to speak again?

Hon. Members: Yes.

Mr. Page: With the leave of the House, I shall take only a few minutes to respond, with a slight contrast in style, to the Minister's speech. I thank him for listening to the concerns expressed on both sides of the House. I am glad that he is to look at the matter again. I believe that the whole House will be glad to know that this issue will be given a second going over and that, if necessary, the golden share will be introduced.

Question put, That the clause be read a Second time:—

The House divided: Ayes 168, Noes 301.

Division No. 125] **[5.12 pm**

AYES

Adams, Allen *(Paisley N)*
Alton, David
Ashdown, Paddy
Ashley, Rt Hon Jack
Ashton, Joe
Atkinson, N. *(Tottenham)*
Bagier, Gordon A. T.
Barnett, Guy
Beckett, Mrs Margaret
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Bidwell, Sydney
Blair, Anthony
Boyes, Roland
Bray, Dr Jeremy
Brown, Gordon *(D'f'rmline E)*
Brown, Hugh D. *(Provan)*
Brown, N. *(N'c'tle-u-Tyne E)*
Brown, R. *(N'c'tle-u-Tyne N)*
Brown, Ron *(E'burgh, Leith)*
Bruce, Malcolm
Buchan, Norman
Caborn, Richard
Callaghan, Rt Hon J.
Callaghan, Jim *(Heyw'd & M)*
Campbell, Ian
Campbell-Savours, Dale
Canavan, Dennis
Carlile, Alexander *(Montg'y)*
Carter-Jones, Lewis
Cartwright, John
Clarke, Thomas
Clay, Robert
Clelland, David Gordon
Clwyd, Mrs Ann
Cocks, Rt Hon M. *(Bristol S)*
Cook, Frank *(Stockton North)*
Cook, Robin F. *(Livingston)*
Corbett, Robin
Corbyn, Jeremy
Craigen, J. M.
Cunningham, Dr John
Dalyell, Tam
Davies, Ronald *(Caerphilly)*
Davis, Terry *(B'ham, H'ge H'l)*
Deakins, Eric
Dewar, Donald
Dixon, Donald
Dormand, Jack
Douglas, Dick
Dubs, Alfred
Duffy, A. E. P.
Eastham, Ken
Edwards, Bob *(W'h'mpt'n SE)*
Evans, John *(St. Helens N)*
Ewing, Harry
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Foot, Rt Hon Michael
Forrester, John
Foster, Derek
Foulkes, George
Fraser, J. *(Norwood)*
Freeson, Rt Hon Reginald
George, Bruce
Gilbert, Rt Hon Dr John
Godman, Dr Norman
Golding, John
Gould, Bryan
Gourlay, Harry
Hamilton, James *(M'well N)*
Hamilton, W. W. *(Fife Central)*
Harrison, Rt Hon Walter
Hattersley, Rt Hon Roy
Healey, Rt Hon Denis
Hogg, N. *(C'nauld & Kilsyth)*
Home Robertson, John
Howells, Geraint
Hughes, Dr Mark *(Durham)*
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
Hughes, Sean *(Knowsley S)*
John, Brynmor
Jones, Barry *(Alyn & Deeside)*
Kaufman, Rt Hon Gerald
Kennedy, Charles
Kilroy-Silk, Robert
Kinnock, Rt Hon Neil
Kirkwood, Archy
Lambie, David
Lamond, James
Leighton, Ronald
Lewis, Terence *(Worsley)*
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
Loyden, Edward
McCartney, Hugh
McKay, Allen *(Penistone)*
McKelvey, William
McNamara, Kevin
McTaggart, Robert
McWilliam, John
Madden, Max
Marek, Dr John
Marshall, David *(Shettleston)*
Martin, Michael
Mason, Rt Hon Roy
Maxton, John
Maynard, Miss Joan
Meacher, Michael
Michie, William
Miller, Dr M. S. *(E Kilbride)*
Mitchell, Austin *(G't Grimsby)*
Morris, Rt Hon A. *(W'shawe)*
Morris, Rt Hon J. *(Aberavon)*
Nellist, David
Orme, Rt Hon Stanley
Park, George
Parry, Robert
Patchett, Terry
Pavitt, Laurie
Pendry, Tom
Penhaligon, David
Pike, Peter
Prescott, John
Radice, Giles
Randall, Stuart
Redmond, Martin
Rees, Rt Hon M. *(Leeds S)*
Richardson, Ms Jo
Roberts, Allan *(Bootle)*
Robertson, George
Rooker, J. W.
Ross, Ernest *(Dundee W)*
Ross, Stephen *(Isle of Wight)*
Sedgemore, Brian
Sheldon, Rt Hon R.
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Short, Mrs R. *(W'hampt'n NE)*
Silkin, Rt Hon J.
Skinner, Dennis
Smith, Rt Hon J. *(M'ds E)*
Snape, Peter
Stott, Roger
Strang, Gavin
Straw, Jack
Thomas, Dafydd *(Merioneth)*
Thomas, Dr R. *(Carmarthen)*
Thompson, J. *(Wansbeck)*
Thorne, Stan *(Preston)*
Tinn, James
Torney, Tom
Wainwright, R.
Wallace, James
Wardell, Gareth *(Gower)*
Wareing, Robert
Weetch, Ken
White, James
Williams, Rt Hon A.
Wilson, Gordon
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Frank Haynes and
Mr. Ray Powell.

NOES

Adley, Robert
Alexander, Richard
Alison, Rt Hon Michael
Amess, David
Ancram, Michael
Arnold, Tom
Ashby, David
Aspinwall, Jack
Atkins, Rt Hon Sir H.
Atkins, Robert *(South Ribble)*
Atkinson, David *(B'm'th E)*
Baker, Rt Hon K. *(Mole Vall'y)*
Baker, Nicholas *(Dorset N)*
Baldry, Tony
Batiste, Spencer
Beaumont-Dark, Anthony
Bellingham, Henry
Bendall, Vivian
Bennett, Rt Hon Sir Frederic
Benyon, William
Best, Keith
Bevan, David Gilroy
Biffen, Rt Hon John
Biggs-Davison, Sir John
Blaker, Rt Hon Sir Peter
Bonsor, Sir Nicholas
Bottomley, Mrs Virginia
Bowden, A. *(Brighton K'to'n)*
Bowden, Gerald *(Dulwich)*
Brandon-Bravo, Martin
Brinton, Tim
Brittan, Rt Hon Leon
Brooke, Hon Peter
Browne, John

Bruinvels, Peter
Bryan, Sir Paul
Buchanan-Smith, Rt Hon A.
Buck, Sir Antony
Budgen, Nick
Bulmer, Esmond
Burt, Alistair
Butcher, John
Butler, Rt Hon Sir Adam
Butterfill, John
Carlisle, John *(Luton N)*
Carlisle, Kenneth *(Lincoln)*
Carttiss, Michael
Cash, William
Chalker, Mrs Lynda
Channon, Rt Hon Paul
Chapman, Sydney
Chope, Christopher
Churchill, W. S.
Clark, Hon A. *(Plym'th S'n)*
Clark, Sir W. *(Croydon S)*
Clarke, Rt Hon K. *(Rushcliffe)*
Cockeram, Eric
Colvin, Michael
Conway, Derek
Coombs, Simon
Cope, John
Couchman, James
Cranborne, Viscount
Currie, Mrs Edwina
Dickens, Geoffrey
Dicks, Terry
Douglas-Hamilton, Lord J.
Dover, Den
du Cann, Rt Hon Sir Edward
Dunn, Robert
Durant, Tony
Dykes, Hugh
Eggar, Tim
Eyre, Sir Reginald
Fairbairn, Nicholas
Fallon, Michael
Farr, Sir John
Favell, Anthony
Fenner, Mrs Peggy
Finsberg, Sir Geoffrey
Fletcher, Alexander
Fookes, Miss Janet
Forth, Eric
Fowler, Rt Hon Norman
Fox, Marcus
Franks, Cecil
Fraser, Peter *(Angus East)*
Freeman, Roger
Fry, Peter
Galley, Roy
Gardiner, George *(Reigate)*
Gardner, Sir Edward *(Fylde)*
Garel-Jones, Tristan
Gilmour, Rt Hon Sir Ian
Goodlad, Alastair
Gow, Ian
Gower, Sir Raymond
Grant, Sir Anthony
Greenway, Harry
Gregory, Conal
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Grist, Ian
Ground, Patrick
Grylls, Michael
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Jeremy
Hannam, John
Hargreaves, Kenneth
Harris, David
Haselhurst, Alan
Hawkins, C. *(High Peak)*
Hawksley, Warren
Hayes, J.
Hayhoe, Rt Hon Barney
Heathcoat-Amory, David
Heddle, John
Henderson, Barry
Hickmet, Richard
Hicks, Robert
Higgins, Rt Hon Terence L.
Hill, James
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holland, Sir Philip *(Gedling)*
Holt, Richard
Hordern, Sir Peter
Howard, Michael
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Howell, Rt Hon D. *(G'ldford)*
Howell, Ralph *(Norfolk, N)*
Hubbard-Miles, Peter
Hunter, Andrew
Irving, Charles
Jackson, Robert
Jenkin, Rt Hon Patrick
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
Jones, Robert *(Herts W)*
Joseph, Rt Hon Sir Keith
Kellett-Bowman, Mrs Elaine
King, Roger *(B'ham N'field)*
King, Rt Hon Tom
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Knox, David
Lamont, Norman
Lang, Ian
Latham, Michael
Lawler, Geoffrey
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lewis, Sir Kenneth *(Stamf'd)*
Lightbown, David
Lilley, Peter
Lloyd, Peter *(Fareham)*
Lord, Michael
Luce, Rt Hon Richard
Lyell, Nicholas
McCrindle, Robert
McCurley, Mrs Anna
Macfarlane, Neil
MacKay, Andrew *(Berkshire)*
McNair-Wilson, M. *(N'bury)*
McNair-Wilson, P. *(New F'st)*
Madel, David
Major, John
Malins, Humfrey
Malone, Gerald
Maples, John
Marland, Paul
Marlow, Antony
Mates, Michael
Maude, Hon Francis
Mawhinney, Dr Brian
Maxwell-Hyslop, Robin
Mayhew, Sir Patrick
Mellor, David
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Mills, Sir Peter *(West Devon)*
Mitchell, David *(Hants NW)*
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morrison, Hon C. *(Devizes)*
Morrison, Hon P. *(Chester)*
Moynihan, Hon C.
Mudd, David
Neale, Gerrard
Nelson, Anthony
Neubert, Michael
Nicholls, Patrick
Norris, Steven
Oppenheim, Phillip
Oppenheim, Rt Hon Mrs S.
Ottaway, Richard
Page, Richard *(Herts SW)*
Parris, Matthew
Pawsey, James
Peacock, Mrs Elizabeth
Percival, Rt Hon Sir Ian
Pollock, Alexander
Powell, William *(Corby)*
Powley, John
Prentice, Rt Hon Reg
Price, Sir David
Proctor, K. Harvey
Pym, Rt Hon Francis
Raffan, Keith
Rathbone, Tim
Rees, Rt Hon Peter *(Dover)*
Renton, Tim
Rhodes James, Robert
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Roberts, Wyn *(Conwy)*
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rossi, Sir Hugh
Rowe, Andrew
Rumbold, Mrs Angela
Ryder, Richard
Sackville, Hon Thomas
Sainsbury, Hon Timothy
Scott, Nicholas
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Shersby, Michael
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Smith, Tim *(Beaconsfield)*
Soames, Hon Nicholas
Speed, Keith
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Squire, Robin
Stanbrook, Ivor
Stanley, Rt Hon John
Steen, Anthony
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Allan *(Eastwood)*
Stewart, Andrew *(Sherwood)*
Stewart, Ian *(Hertf'dshire N)*
Stokes, John
Sumberg, David
Tapsell, Sir Peter
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Tebbit, Rt Hon Norman
Temple-Morris, Peter
Terlezki, Stefan
Thatcher, Rt Hon Mrs M.
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thornton, Malcolm
Thurnham, Peter
Townend, John *(Bridlington)*
Townsend, Cyril D. *(B'heath)*
Trippier, David
Trotter, Neville
Twinn, Dr Ian
van Straubenzee, Sir W.
Vaughan, Sir Gerard
Viggers, Peter
Waddington, David
Wakeham, Rt Hon John
Waldegrave, Hon William
Walden, George
Walker, Bill *(T'side N)*
Wall, Sir Patrick
Walters, Dennis
Ward, John
Wardle, C. *(Bexhill)*
Warren, Kenneth
Watts, John
Wheeler, John
Whitfield, John
Whitney, Raymond
Wiggin, Jerry
Wilkinson, John
Wolfson, Mark
Wood, Timothy
Woodcock, Michael
Yeo, Tim
Young, Sir George *(Acton)*
Younger, Rt Hon George

Tellers for the Noes:
Mr. Carol Mather and
Mr. Robert Boscawen.

Question accordingly negatived.

New Clause 4

SUPERANNUATION AND PENSION RIGHTS

'(1) No change shall be made to the structure, provisions or coverage of the BAA superannuation scheme without the agreement of those presently recognised trade unions who are members of the BAA Central Negotiating Committee.

(2) No scheme providing for the transfer to a company of the business of operating a local authority undertaking or any activities incidental to or connected with carrying on that business shall be approved by the Secretary of State unless it provides for the establishment by the principal council of a body to administer the pension funds of such a company.'. —[*Mr. Snape.*]

Brought up, and read the First time.

Question put, That the clause be read a Second time:—

The House divided: Ayes 168, Noes 301.

Division No. 126] **[5.24 pm**

AYES

Adams, Allen *(Paisley N)*
Alton, David
Ashdown, Paddy
Ashley, Rt Hon Jack
Ashton, Joe
Atkinson, N. *(Tottenham)*
Bagier, Gordon A. T.
Barnett, Guy
Beckett, Mrs Margaret
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Bidwell, Sydney
Blair, Anthony
Boyes, Roland
Bray, Dr Jeremy
Brown, Gordon *(D'f'mline E)*
Brown, Hugh D. *(Provan)*
Brown, N. *(N'c'tle-u-Tyne E)*
Brown, R. *(N'c'tle-u-Tyne N)*
Brown, Ron *(E'burgh, Leith)*
Bruce, Malcolm
Buchan, Norman
Caborn, Richard
Callaghan, Rt Hon J.
Callaghan, Jim *(Heyw'd & M)*
Campbell, Ian
Campbell-Savours, Dale
Canavan, Dennis
Carlile, Alexander *(Montg'y)*
Carter-Jones, Lewis
Cartwright, John
Clarke, Thomas
Clay, Robert
Clelland, David Gordon
Clwyd, Mrs Ann
Cocks, Rt Hon M. *(Bristol S)*
Cohen, Harry
Cook, Frank *(Stockton North)*
Cook, Robin F. *(Livingston)*
Corbett, Robin
Corbyn, Jeremy
Craigen, J. M.
Cunningham, Dr John
Dalyell, Tam
Davies, Ronald *(Caerphilly)*
Davis, Terry *(B'ham, H'ge H'l)*
Deakins, Eric
Dewar, Donald
Dixon, Donald
Dormand, Jack
Douglas, Dick
Dubs, Alfred
Duffy, A. E. P.
Eastham, Ken
Edwards, Bob *(W'h'mpt'n SE)*
Evans, John *(St. Helens N)*
Ewing, Harry
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Foot, Rt Hon Michael
Forrester, John
Foster, Derek
Foulkes, George
Fraser, J. *(Norwood)*
Freeson, Rt Hon Reginald
George, Bruce
Gilbert, Rt Hon Dr John
Godman, Dr Norman
Golding, John
Gould, Bryan
Gourlay, Harry
Hamilton, James *(M'well N)*
Hamilton, W. W. *(Fife Central)*
Harrison, Rt Hon Walter
Hattersley, Rt Hon Roy
Healey, Rt Hon Denis
Hogg, N. *(C'nauld & Kilsyth)*
Home Robertson, John
Howells, Geraint
Hughes, Dr Mark *(Durham)*
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
Hughes, Sean *(Knowsley S)*
John, Brynmor
Jones, Barry *(Alyn & Deeside)*
Kaufman, Rt Hon Gerald
Kennedy, Charles
Kilroy-Silk, Robert
Kinnock, Rt Hon Neil
Kirkwood, Archy
Lambie, David
Lamond, James
Leighton, Ronald
Lewis, Terence *(Worsley)*
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
Loyden, Edward
McCartney, Hugh
McKay, Allen *(Penistone)*
McKelvey, William
McNamara, Kevin
McTaggart, Robert
McWilliam, John
Madden, Max
Marek, Dr John
Marshall, David *(Shettleston)*
Martin, Michael
Mason, Rt Hon Roy
Maxton, John
Maynard, Miss Joan
Meacher, Michael
Michie, William
Miller, Dr M. S. *(E Kilbride)*
Mitchell, Austin *(G't Grimsby)*
Morris, Rt Hon A. *(W'shawe)*
Morris, Rt Hon J. *(Aberavon)*
Nellist, David
Orme, Rt Hon Stanley
Park, George
Parry, Robert
Patchett, Terry
Pavitt, Laurie
Pendry, Tom
Penhaligon, David
Pike, Peter
Prescott, John
Radice, Giles
Randall, Stuart
Redmond, Martin
Rees, Rt Hon M. *(Leeds S)*
Richardson, Ms Jo
Roberts, Allan *(Bootle)*
Robertson, George
Rooker, J. W.
Ross, Ernest *(Dundee W)*
Ross, Stephen *(Isle of Wight)*
Sheldon, Rt Hon R.
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Short, Mrs R. *(W'hampt'n NE)*
Silkin, Rt Hon J.
Skinner, Dennis
Smith, Rt Hon J. *(M'ds E)*
Snape, Peter
Stott, Roger
Strang, Gavin
Straw, Jack
Thomas, Dafydd *(Merioneth)*
Thomas, Dr R. *(Carmarthen)*
Thompson, J. *(Wansbeck)*
Thorne, Stan *(Preston)*
Tinn, James
Torney, Tom
Wainwright, R.
Wallace, James
Wardell, Gareth *(Gower)*
Wareing, Robert
Weetch, Ken
White, James
Williams, Rt Hon A.
Wilson, Gordon
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Frank Haynes and
Mr. Ray Powell.

NOES

Adley, Robert
Alexander, Richard
Alison, Rt Hon Michael
Amess, David
Ancram, Michael
Arnold, Tom
Ashby, David
Aspinwall, Jack
Atkins, Rt Hon Sir H.
Atkins, Robert *(South Ribble)*
Atkinson, David *(B'm'th E)*
Baker, Rt Hon K. *(Mole Vall'y)*
Baker, Nicholas *(Dorset N)*
Baldry, Tony
Batiste, Spencer
Beaumont-Dark, Anthony
Bellingham, Henry
Bendall, Vivian
Bennett, Rt Hon Sir Frederic
Benyon, William
Best, Keith
Bevan, David Gilroy
Biffen, Rt Hon John
Biggs-Davison, Sir John
Blaker, Rt Hon Sir Peter
Bonsor, Sir Nicholas
Bottomley, Mrs Virginia
Bowden, A. *(Brighton K'to'n)*
Bowden, Gerald *(Dulwich)*
Brandon-Bravo, Martin
Brinton, Tim
Brittan, Rt Hon Leon
Brooke, Hon Peter
Browne, John
Bruinvels, Peter
Bryan, Sir Paul
Buchanan-Smith, Rt Hon A.
Buck, Sir Antony
Budgen, Nick
Bulmer, Esmond
Burt, Alistair
Butcher, John
Butler, Rt Hon Sir Adam
Butterfill, John
Carlisle, John *(Luton N)*
Carlisle, Kenneth *(Lincoln)*
Carttiss, Michael
Cash, William
Chalker, Mrs Lynda
Channon, Rt Hon Paul
Chapman, Sydney
Chope, Christopher
Churchill, W. S.
Clark, Hon A. *(Plym'th S'n)*
Clark, Sir W. *(Croydon S)*
Clarke, Rt Hon K. *(Rushcliffe)*
Cockeram, Eric
Colvin, Michael
Conway, Derek
Coombs, Simon
Cope, John
Couchman, James
Cranborne, Viscount
Currie, Mrs Edwina
Dickens, Geoffrey
Dicks, Terry
Douglas-Hamilton, Lord J.
Dover, Den
du Cann, Rt Hon Sir Edward
Dunn, Robert
Durant, Tony
Dykes, Hugh
Eggar, Tim
Eyre, Sir Reginald
Fairbairn, Nicholas
Fallon, Michael
Farr, Sir John
Favell, Anthony
Fenner, Mrs Peggy
Finsberg, Sir Geoffrey
Fletcher, Alexander
Fookes, Miss Janet
Forth, Eric
Fowler, Rt Hon Norman
Fox, Marcus
Franks, Cecil
Fraser, Peter *(Angus East)*
Freeman, Roger
Fry, Peter
Galley, Roy
Gardiner, George *(Reigate)*
Gardner, Sir Edward *(Fylde)*
Garel-Jones, Tristan
Gilmour, Rt Hon Sir Ian
Goodlad, Alastair
Gow, Ian
Gower, Sir Raymond
Grant, Sir Anthony
Greenway, Harry
Gregory, Conal
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Grist, Ian
Ground, Patrick
Grylls, Michael
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Jeremy
Hannam, John
Hargreaves, Kenneth
Harris, David
Haselhurst, Alan
Hawkins, C. *(High Peak)*
Hawksley, Warren
Hayes, J.
Hayhoe, Rt Hon Barney
Heathcoat-Amory, David
Heddle, John
Henderson, Barry
Hickmet, Richard
Hicks, Robert
Higgins, Rt Hon Terence L.
Hill, James
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holland, Sir Philip *(Gedling)*
Holt, Richard
Hordern, Sir Peter
Howard, Michael
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Howell, Rt Hon D. *(G'ldford)*
Howell, Ralph *(Norfolk, N)*
Hubbard-Miles, Peter
Hunter, Andrew
Irving, Charles
Jackson, Robert
Jenkin, Rt Hon Patrick

Jessel, Toby
Jones, Gwilym *(Cardiff N)*
Jones, Robert *(Herts W)*
Joseph, Rt Hon Sir Keith
Kellett-Bowman, Mrs Elaine
King, Roger *(B'ham N'field)*
King, Rt Hon Tom
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbast[illegible])*
Knowles, Michael
Knox, David
Lamont, Norman
Lang, Ian
Latham, Michael
Lawler, Geoffrey
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lewis, Sir Kenneth *(Stamf'd)*
Lightbown, David
Lilley, Peter
Lloyd, Peter *(Fareham)*
Lord, Michael
Luce, Rt Hon Richard
Lyell, Nicholas
McCrindle, Robert
McCurley, Mrs Anna
Macfarlane, Neil
MacKay, Andrew *(Berkshire)*
McNair-Wilson, M. *(N'bury)*
McNair-Wilson, P. *(New F'st)*
Madel, David
Major, John
Malins, Humfrey
Malone, Gerald
Maples, John
Marland, Paul
Marlow, Antony
Mates, Michael
Maude, Hon Francis
Mawhinney, Dr Brian
Maxwell-Hyslop, Robin
Mayhew, Sir Patrick
Mellor, David
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Mills, Sir Peter *(West Devon)*
Mitchell, David *(Hants NW)*
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morrison, Hon C. *(Devizes)*
Morrison, Hon P. *(Chester)*
Moynihan, Hon C.
Mudd, David
Neale, Gerrard
Nelson, Anthony
Neubert, Michael
Nicholls, Patrick
Norris, Steven
Oppenheim, Phillip
Oppenheim, Rt Hon Mrs S.
Ottaway, Richard
Page, Richard *(Herts SW)*
Parris, Matthew
Pawsey, James
Peacock, Mrs Elizabeth
Percival, Rt Hon Sir Ian
Pollock, Alexander
Powell, William *(Corby)*
Powley, John
Prentice, Rt Hon Reg
Price, Sir David
Proctor, K. Harvey
Pym, Rt Hon Francis
Raffan, Keith
Rathbone, Tim
Rees, Rt Hon Peter *(Dover)*
Renton, Tim
Rhodes James, Robert
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Roberts, Wyn *(Conwy)*
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rossi, Sir Hugh
Rowe, Andrew
Rumbold, Mrs Angela
Ryder, Richard
Sackville, Hon Thomas
Sainsbury, Hon Timothy
Scott, Nicholas
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Shersby, Michael
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Smith, Tim *(Beaconsfield)*
Soames, Hon Nicholas
Speed, Keith
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Squire, Robin
Stanbrook, Ivor
Stanley, Rt Hon John
Steen, Anthony
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Allan *(Eastwood)*
Stewart, Andrew *(Sherwood)*
Stewart, Ian *(Hertf'dshire N)*
Stokes, John
Sumberg, David
Tapsell, Sir Peter
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Tebbit, Rt Hon Norman
Temple-Morris, Peter
Terlezki, Stefan
Thatcher, Rt Hon Mrs M.
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thornton, Malcolm
Thurnham, Peter
Townend, John *(Bridlington)*
Townsend, Cyril D. *(B'heath)*
Trippier, David
Trotter, Neville
Twinn, Dr Ian
van Straubenzee, Sir W.
Vaughan, Sir Gerard
Viggers, Peter
Waddington, David
Wakeham, Rt Hon John
Waldegrave, Hon William
Walden, George
Walker, Bill *(T'side N)*
Wall, Sir Patrick
Walters, Dennis
Ward, John
Wardle, C. *(Bexhill)*
Warren, Kenneth
Watts, John
Wheeler, John
Whitfield, John
Whitney, Raymond
Wiggin, Jerry
Wilkinson, John
Wolfson, Mark
Wood, Timothy
Woodcock, Michael
Yeo, Tim
Young, Sir George *(Acton)*
Younger, Rt Hon George

Tellers for the Noes:

Mr. Carol Mather and
Mr. Robert Boscawen.

Question accordingly negatived.

New Clause 6

SCHEDULING COMMITTEE

'(1) At every airport licensed for public use under an Air Navigation Order there shall be a Scheduling Committee consisting of operators of aircraft using that airport for flights for the carriage of passengers or cargo for reward.

(2) Every such operator shall be entitled to be a member of the Scheduling Committee, and shall have one vote in its decisions, which shall be made at a meeting of the Committee by a three-quarters majority of the members present.

(3) Subject to the foregoing, the Scheduling Committee shall determine its own procedure.

(4) Subject to the provisions of section 30 of this Act, the Scheduling Committee shall have the function of allocating the times for the movements of aircraft at the airport, and it shall be the duty of the airport operator to take all necessary measures to give effect to the allocation so made.'.—*[Mr. Steen.]*

Brought up, and read the First time.

Mr. Anthony Steen (South Hams): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this we may discuss the following amendments: No. 19, in clause 26, page 19, line 14, at end insert

'"Air Navigation Order" means an Order in Council in force under section 60 of the 1982 Act.'.

No. 20, in page 19, line 22, at end insert

'"Scheduling Committee", in relation to an airport, means the body at that airport referred to in section *(Scheduling Committee)* of this Act.'.

No. 34, in clause 29, page 21, line 39, at end insert

'and the Scheduling Committee at the airport.'.

No. 40, in page 22, line 43, at end insert

'and

(c) the Scheduling Committee at the airport'.

No. 44, in clause 30, page 23, line 12, at end insert

'and where the Scheduling Committee at the airport has notified the Secretary of State that it is unable to allocate times for movements of aircraft at the airport, either for a period specified by the Scheduling Committee or for the indefinite future'.

No. 45, in page 23, line 15, at end insert

'either for the period so specified or for the indefinite future as the case may be'.

No. 46, in page 23, line 18, after 'CAA', insert 'and the Scheduling Committee'.

No. 48, in page 24, line 12, after 'and', insert

'the Scheduling Committee at the airport, and'.

No. 52, in page 24, line 25, after 'CAA', insert

'after consulting the Scheduling Committee at the airport'.

No. 53, in clause 32, page 25, line 20, leave out from 'An' to 'may' in line 21 and insert 'Air Navigation Order'.

Mr. Steen: New clause 6, read with the definition of "scheduling committee" in amendments Nos. 19 and 20, makes statutory provision for the existence and constitution of a scheduling committee at every airport. It has to be at every airport, otherwise the Bill would be a hybrid Bill. According to the chairman of the scheduling committee at Heathrow, who is employed by British Airways, the committee has no ambition to achieve statutory status and would prefer to remain wholly informal and to reach decisions, as at present, by consensus. If, however, part III of the Bill is retained, it will be necessary to confer statutory functions on the

committee, in particular the right to allocate slots unless it notifies the Secretary of State that it is unable to do so, in which event the Civil Aviation authority will, under clause 30, act as a backstop by direction of the Secretary of State in drawing up a scheme for his approval. That involves giving the committee a statutory existence with a minimum of provisions as to what it is and how it is to reach decisions.

Those provisions have deliberately been kept sparse. They provide that every commercial operator, British or foreign, which uses the airport shall be entitled to be a member of the committee and to have one vote, which, it is believed, reproduces the informal position in the absence of the legislation that now exists.

I know that the voting arrangements in the clause which my hon. Friends and I are proposing have been criticised. I do not want to deal in detail with the voting arrangements. If the Minister believes this is the right way to proceed, I hope that he will develop some new arrangements. I should make it clear that the required majority for reaching a decision will be three quarters of the members present, whether or not some abstain, and by that method they could decide what voting arrangements to have. That would not mean one-man, one-vote right through; they could decide by a three-quarters majority to change that arrangement.

That should require a substantial consensus, which there is now, whether for allocating slots or for abandoning the process in favour of the Civil Aviation Authority and the Secretary of State. The proprietor of the airport would be obliged by clause 6(4)

"to take all necessary measures to give effect"

to a scheme adopted under clause 30 for his airport. It would be interpreted as requiring him to take all reasonable measures within his power.

I have explained the technical side of things. I shall now give the off-the-cuff explanation. We have been fortunate in Britain in having trouble-free airports in terms of who goes where and which slots airlines occupy. The scheduling committee's arrangements have worked very well at Heathrow, Gatwick and other airports. The airlines get together at Heathrow under the chairmanship of a British Airways employee who acts in the fairest and most helpful way. It is a very successful committee. In this way, airlines come into Heathrow—and have done since the war—when they like, according to the availability of slots.

Although Heathrow is said to be near capacity, the House may be interested to know that British Midland Airways, in which I declare an interest, has today been granted a licence by the Civil Aviation Authority to fly to Amsterdam from Heathrow as often as it likes. It managed today to get the slot that it wants out of Heathrow to Amsterdam. It will start in the near future. That is at a time when we are told that Heathrow is reaching full capacity. The scheduling committee has worked very well.

We are concerned that the Bill makes no provision for a scheduling committee. Once the airports are privatised, there will be nothing to stop the new operators from saying, "We will not have a scheduling committee. We will decide when the aeroplanes can fly in and they must pay for it." The bigger the aeroplanes, the more they will like it, because they get more money from more passengers.

The scheduling committee acts impartially, and all of the airlines have a say. It has worked well. There has been very little discussion of this agreement. New clause 6 would enshrine an arrangement which has worked very well at Heathrow and Gatwick.

My hon. Friends may have received letters from the chairman of the scheduling committee saying that it does not want this new clause because scheduling committees are not needed in other airports. As I have explained, this would become a hybrid Bill if the new clause applied only to Heathrow and Gatwick.

I can understand the Government's anxiety about Gatwick and Heathrow reaching capacity. It is said that air traffic movements are near capacity. That is the view, but it is not borne out by the facts. There is a lot of spare capacity at Heathrow and there would be even more spare capacity at Gatwick and Heathrow if the national air traffic control services were not so hidebound by the military. As the House probably knows, an air marshal is chairman of the national air traffic control services. He imposes the military approach on flexibility and the ability to find new slots—50 per cent. for the military, 50 per cent. for the Civil Aviation Authority.

Instead of squeezing more out of the system and finding new ways in which to get more aeroplanes in, the Government are talking about limits. The inspector of the fourth London air terminal inquiry tried to impose a limit. The Government lifted that limit and the Civil Aviation Authority has pushed it even further, saying that it is not enough to have 275,000 movements an hour, but that there can be 325,000. It is now said that there can be up to 400,000 movements.

Mr. Bill Walker: I am sure that my hon. Friend is aware that the chairman of the national air traffic control services is a civil servant and that his deputy is an air vice-marshal. Moreover, the chairman of the National Air Traffic Management and Consultative Committee, is a serving air commodore. Because of that complexity and the fact that the air commodore is in charge of the consultative committee, occasionally there are difficulties, which appear to have been exacerbated recently.

5.45 pm

Mr. Steen: I am always grateful for my hon. Friend's interventions, and this is no exception. He has put the matter and described the problem more clearly than I could. It is well known in the House that I have more air marshals and air vice-marshals in my constituency per square foot than any other hon. Member. However, I am sure that the air vice-marshal that my hon. Friend mentioned is not in my constituency.

There might be a limit at Heathrow or Gatwick, but that time is far off and would be further off if the military did not have such involvement in the present antiquated system. I believe that it was in New York that it was decided that a new way in which to get more aeroplanes into the area had to be found. The system was reviewed and means were found of bringing in more aircraft safely. That is the problem in NATCS. It keeps using the safety argument and fails to find new means, devices and technical developments to bring in more aeroplanes and passengers.

My hon. Friend the Minister has taken the NATCS problem on board. We would all like to hear what he is doing about it. Heathrow and Gatwick have finite capacity, and the limit will probably be reached at Gatwick first. My hon. Friend is anxious that, when capacity is

[Mr. Steen]

reached, whether at peak times or completely, there should be some mechanism for coping with the scheduling committee which, hitherto friendly, might start to fight because there is no more space.

My right hon. Friend the Secretary of State's approach is that there is a full lifeboat. A chap swims to the lifeboat, but, if he gets in, someone must be displaced or the lifeboat will sink. The Secretary of State says that he will decide which chap to throw out and which to bring in. That is the wrong approach. How will he decide which chap to throw out? That is an impossible job. I do not wish to embarrass my right hon. Friend by saying that he would not make the right decision, but he cannot throw out foreign airlines because of bilateral agreements. He can throw out only British airlines. If he has no statutory scheduling committee, my right hon. Friend is saying that we will have to bring in a foreign airline, clinging on to the edge of the lifeboat, and throw out a British airline.

How will my right hon. Friend throw out a British airline? What will be the result? He must tell us how he will operate a scheduling committee from Whitehall. The only other approach is to say that the scheduling committee will make the final decision. I believe that that happens in Tokyo. The committee might say, "We are full on Mondays and Wednesdays, but you can come in on Tuesday afternoon. There will be no appeal." That is what has happened in Britain thus far. The committee will say that there is no space, or it will push NATCS to find space, but it will not allow an appeal to the Secretary of State.

If we were to allow an appeal to the Secretary of State beyond the scheduling committee, what would he do? He would be placed in control of the lifeboat. The scheduling committee would collapse, because the airlines coming into Heathrow would say, "We have no business with the scheduling committee. We want to come in at 10 o'clock. We will appeal direct to the Secretary of State." To allow that airline in, my right hon. Friend would have to throw out a British carrier, and the British carrier, back in the water, would in turn appeal to the Secretary of State, so he would spend all his time, day and night, coping with Gatwick and Heathrow and the limited capacity that he had created. There would be no problem if the scheduling committee were to decide that the limit had been reached.

Mr. Terry Dicks (Hayes and Harlington): My hon. Friend must be aware that in the past the system that he is advocating has not worked because some British airlines, when told by the scheduling committee that they could arrive or take off at specified times, have flatly refused to abide by that decision and have sent out schedules showing that they would not arrive and take off at other times. Indeed, one airline—my hon. Friend probably knows of the case—pushed itself on to the line and took off at the wrong time.

Mr. Steen: I am sure that my hon. Friend is quoting the exception rather than the rule. The general rule is that the scheduling committee has worked successfully since the war. Everyone accepts that it has worked well. I understand what my hon. Friend says, but his example would not be covered by the Bill.

The Parliamentary Under-Secretary of State for Transport (Mr. Michael Spicer): Why should we place more trust in the scheduling committee, which is mostly composed of foreign airlines, not to throw British airlines out of the lifeboat than we would in the Secretary of State?

Mr. Steen: The Minister poses a problem which has not existed and which need not exist. He should accept that the airlines can run their own operations. Conservative Members believe in consensus, not in more centralised control. We prefer decentralisation to the consumer to central Government control. The new clause would enshrine in statute a system which has existed largely without fault for the past 40 years at Gatwick, Heathrow and other airports.

The Minister says that he does not believe that the system will work when the airports are privatised. Why not? Why should the scheduling committee cease to be effective as soon as airports are privatised? The Minister should realise that the airports are under no obligation to set up scheduling committees. They could allow planes to come in when they liked and charge higher sums for slots, which would then be marketable.

Conservative Members are 100 per cent. in favour of privatisation, but we must protect the small airlines which will suddenly be pushed out of the best slots by the big airlines from other countries, which would pay more for the slots or would say, "There are more passengers at 10 o'clock than at 12 o'clock, so we will put the small airlines in at 12 o'clock." We must protect our industry, rather than score goals against our own side. Conservative Members who support the new clause fear that that may happen.

I do not wish to labour the point, which has been well made. I wish to discuss amendments Nos. 44, 45 and 46, which run parallel to what I have just said. If my right hon. Friend the Secretary of State believes that we cannot set up a statutory scheduling committee, he should have regard to those amendments.

Amendment No. 44 goes to the heart of the matter. It would prohibit the making by the Civil Aviation Authority of a scheme to allocate times for the movement of aircraft into airports and its approval by the Secretary of State, unless the scheduling committee at the airport has thrown in its hand and notified the Secretary of State that it is unable to perform its task. That is the flip side of the coin. If there is no statutory scheduling committee, we must work on the basis that, once the airports are privatised, they will set up scheduling committees, because that is the only way in which airports can operate. The Secretary of State should not become involved unless they press the emergency button. Let them continue to run the airports until they say that they have reached capacity and cannot squeeze in another plane at peak times or generally. Once they have pushed the emergency button, the Secretary of State will have to make the decision. That system will not work because all the airlines will follow suit and will want to go to the Secretary of State.

The amendemt would express what is understood to be the Government's intention—to provide the CAA and the Secretary of State as backstops in case the aircraft operators using the airport cannot adopt an allocation of slots by consensus.

I am grateful to the chairman of Brymon Airways, which flies to my constituency, for helping to draft the new clause. He used to work for British Airways. He proposed this as an alternative to a statutory scheduling committee. Not only does this accord with the principles generally

accepted in the free world, and strongly supported by British Airways, but it was evidence to the terminal 4 planning inquiry that the scheduling should be done by consensus of users, not by Government or other official bodies. The consequence of this essential amendment is that it becomes necessary to give the scheduling committee, if not a statutory status, some status which, according to information from the scheduling committee for Heathrow, the airlines do not expecially desire. The necessary statutory status will be conferred by new clause 6, which, of course, attempts to do this in a sparing way but leaves each of the scheduling committees to manage their affairs as much as possible.

The proposal is of great concern to nearly all British carriers. They have had differences of opinion about the voting methods and make-up of the operation, but I have not heard a British independent or state airline say that the scheduling committee is not the right way to run the operation. I will not list all the airlines that I have contacted, but they all say that we must have scheduling committees at Heathrow and Gatwick. We cannot allow the Secretary of State to dominate the scene. There would be no problem with this Secretary of State. He would do it extremely efficiently. However, what would happen if we had a new Secretary of State or—heaven forbid—a Labour Secretary of State? That would completely change the picture.

Without making too many nasty jibes — the hon. Member for Aberdeen, North (Mr. Hughes) did not make a party political point about this—Opposition Members should agree that it is extremely important that we listen to what the airlines have to say — not only the independent airlines, but the state-run carriers. If they want scheduling committees, what steps will the Minister take to ensure that they are set up? They are not covered by the Bill, and the private airport operators are not obliged to have them. What steps will he take to reduce his power of intervention so that it is not a matter of the Secretary of State versus the airlines, but one of consensus among the airline users? Conservative Members believe strongly that the Minister will get it wrong if he allows the Bill to proceed without amendment or the new clause.

6 pm

Mr. Robert McCrindle (Brentwood and Ongar): I shall address the House rather more briefly than my hon. Friend the Member for South Hams (Mr. Steen)——

Mr. Steen: But not as well.

Mr. McCrindle: That is a matter of opinion. I leave my hon. Friend to form his own opinion.

Speaking as a signatory of the new clause, I hope that the Minister will find it possible to accept it. Perhaps it is the combination of experience in this place and a certain scepticism when I anticipate a ministerial reply that leads me to express to my hon. Friend the Under-Secretary of State the even more fervent hope that if, for some reason, he finds it impossible to accept the clause as it stands—I accept that it is a fairly extensive clause with many implications — he will find it possible to accept the principle which underlies it, which holds out the concept of the scheduling committee as a well-tried instrument embodying voluntary association and self-regulation. I should be surprised if the Minister did not find it possible to go along with the clause that far and accept that the scheduling committee have built up a considerable standing over the years.

The Minister might consider it appropriate to introduce some qualifications which would render it impossible to accept the new clause as it stands. I hope to persuade him that, even if that were to be the direction of his response, he would be able to underpin the scheduling committee as a tried and tested instrument.

It may be said that it would be better by far to leave the creation of the scheduling committees entirely to the airport authorities and the airlines, and in an ideal world I would have to accept that proposition. My hon. Friend the Minister must understand that the shape of the Bill necessarily means that we are creating an entirely new situation which is fraught with difficulties and viewed by the airlines with a considerable degree of apprehension. In an attempt to persuade my hon. Friend to assist my hon. Friend the Member for South Hams and myself in the pursuit of the new clause—he knows that I try always to assist him—I hope that he will be able to say, if he feels that it goes too far, that he approves the principle of scheduling committees but believes that to impose a scheduling committee on every small airport throughout the country would be taking the principle a little too far.

If the Minister were prepared to argue along those lines and were prepared to advance alternative solutions, I suspect that some of my hon. Friends would understand that approach and would feel that in some respects the proposition contained in the new clause would be improved as a result. I took the point of my hon. Friend the Member for South Hams when he explained that, if he had taken that line within the clause, he would have created hybridity. If we can persuade the Minister to accept the principle that is contained in the clause and to endorse the concept of scheduling committees, I believe that common sense will dictate when a scheduling committee becomes necessary. If my hon. Friend the Minister prefers his own formula, I doubt whether too many of my hon. Friends would insist that every last word and detail of the new clause should be incorporated in the Bill.

If the new clause is at least acceptable in principle, it may be expecting too much to go along with the proposition that every airport user should have equal voting rights. It would be nonsense if every user—some users might operate an airline service no more than once a week—were to have the same power, influence and voting capacity as international airlines that use a certain airport every day. There would be a strong case, subject to the principle of a scheduling committee being accepted, for having some weighting attached to the voting within the scheduling committee.

That is the nub of the appeal that I want to make to the Minister. He may decide that although the concept of the scheduling committee is acceptable to him and has been tried and tested by long experience, he does not wish to enshrine it in legislation. I ask him to think carefully before he reaches that conclusion, because there is no doubt that there is a vast feeling of apprehension within the airline industry. I believe that it would give a great deal of comfort to those who are broadly in support of the main issues underlying the Bill if there were to be written into it the requirement to create a scheduling committee.

[Mr. McCrindle]

In supporting the broad approach of the Bill, I look forward to the reply of my hon. Friend the Under-Secretary of State. I anticipate that he will agree with the principle that underlies the new clause and that he may even agree, subject to the qualifications that I have outlined, that it should be incorporated in the Bill rather than proceeding on a voluntary basis.

Mr. Bill Walker: I apologise to the House for not being present when the debate began. I was detained outside the House prior to the debate being initiated by my hon. Friend the Member for South Hams (Mr. Steen).

The new clause, which is linked to many amendments, deals primarily with the need to introduce more competition at our airports. However, I shall deal first with scheduling committees—I hope to do so briefly—before addressing myself to the introduction of greater competition.

My hon. Friend the Member for South Hams mentioned that the airlines are uneasy about the operation of national air traffic control services, and I have expressed unease as well. It is no secret that that has upset some of my former colleagues in the Royal Air Force, who are unhappy about some of the things that I have said. I must repeat that what I said in earlier debates was factually correct. I am sure that my hon. Friend the Under-Secretary of State is well aware that in my presence the airlines expressed their unhappiness about certain features of national air traffic control services. No one doubts their professionalism and integrity and the efforts that they are making to do the best that they can, but there are doubts about whether adequate consultation is taking place and whether sufficient in-depth consideration is being given to the operation of the modern air transport business. Those feelings lie behind the unhappy atmosphere that exists, which I am confident can be removed.

Amendment No. 69, which I tabled, was intended to deal with that problem. I make no comment on the fact that the amendment has not been selected, save that I believe that it would have dealt positively with the root cause of the problem, which is what the consultative process is not working in the way that Parliament intended. Given the way in which national air navigation orders are dealt with, we cannot pray against them. Amendment No. 69 was intended to make the necessary changes to ensure that in future the House would have the opportunity to pray against navigation orders where there was obviously unease, unhappiness and uncertainty. It was never intended to impinge upon the professionalism of those who make recommendations to the Secretary of State on matters of air safety. The amendment was directed to the introduction of the consultation that Parliament intended.

Mr. Steen: I endorse what my hon. Friend is saying, but I think that his argument goes a little further than he has suggested. If the capacity of the NATCS system expanded, the need for the Minister to have reserve powers to deal with an airport which reached capacity would never materialise, especially with the larger aircraft that are coming on stream.

Mr. Walker: I agree that many bogeys have been created by those who have suggested what may or may not take place. Great concern was expressed that airports would reach maximum capacity with the growth that was expected and that the system would become clogged. That fear was expressed in aviation debates no more than five years ago, or perhaps a little further back than that. In fact, that has not happened.

Anyone who has spoken to the people who run the scheduling committees will know that the airlines have confidence in those committees. The committees do trade-offs or deals, call it what one will, but among themselves they reach agreement on how the slots can be allocated.

It would be helpful if something could be put into the Bill to guarantee that there will be no possibility of any future interference by airport authorities in the allocation of times for the movement of aircraft at busy airports. It may be possible to do that in the other place. That sums up the problem. All the airlines fear that at some time in the future the airport owners, managers or authorities will interfere in the allocation of slots.

I am sure that my hon. Friend the Minister, who has tried to be helpful on these difficult matters in the past, will realise that it is more sensible to have a provision in the Bill rather than write it in, as the amendments do, that scheduling committees must be a statutory requirement. It would be much better to remove the root cause of the problem, which is the intention of my amendment No. 69.

I shall be speaking later on new clause 9, but I shall not spend much time on it because I hope to deal with most of what will be in that new clause on new clause 6 because the two are related. There is no doubt that the airlines are concerned that once the BAA enters the private sector it will be under no statutory duty to meet demands. New clause 6 is to move

"the exclusive right of providing operating and/or licensing airport terminals and/or other associated airport activities"

Am I reading the wrong proposal?

Hon. Members: Yes.

Mr. Speaker: Order. I hope that the hon. Gentleman will not deal with new clause 9, which is in the next grouping.

Mr. Walker: It is my fault; I came in late. I did not know the point we had reached. I apologise.

I have said as much as I intend to say at this stage on the matter of national air traffic control services. I shall deal with new clause 9 when we get to it.

Mr. Ernie Ross: I intervene briefly, as I have an airport in my constituency which was not dealt with in the Bill because it did not qualify in terms of the traffic generated. I also intervene with some hesitation because the airport is supported by a local authority with which I have political differences on a daily basis. However, the airport serves Dundee and Tayside. Tayside regional council has provided a service which is absolutely necessary if regeneration of Dundee is to take place.

I was not able to be present in Committee, but having listened to the hon. Member for South Hams (Mr. Steen) speak I can see that there must have been some disagreement in Committee and that there may have been some concern on both sides of the Committee among hon. Members who have small operators at an airport in their constituency.

In Dundee, the present operator, EuroAir, as recently as Monday, introduced a second service for Dundee. The two services are a direct link between Dundee and Heathrow, with a stop at Carlisle. We want to know from the Minister, if he does not accept the new clause, what

provision there is within the Bill, what powers he will have and what guarantees and assurances he can give to small operators that once the airports, particularly Heathrow, are privatised they will not find their current slots put out to the highest bidder. Certainly, if EuroAir had to bid for its present slots into Heathrow against TWA or any other international airline it would obviously be unsuccessful.

At present, the service operates using a 748 carrying about 40 passengers. It is vital to the well-being of Dundee and Carlisle. We want to hear from the Minister that small and medium-sized operators can expect some protection to ensure that once the airports are privatised the users committee, the scheduling committee or the airports authority itself does not put the various slots out to the highest bidder so that they will lose out.

Mr. Bill Walker: Does the hon. Gentleman agree that, with all the other developments in Tayside, such as the enterprise zone and various other high technology areas and the high technology park, the airport is seen as an essential part of communications and that the new operations by EuroAir are seen by the local people as being essential? Getting into Heathrow is vital for such operations.

6.15 pm

Mr. Ross: Absolutely. When we were trying to attract industry to Dundee, someone coming from abroad would arrive at Heathrow, change planes and go on a shuttle to Edinburgh and there was then either a car or train journey from Edinburgh to Dundee. People were not interested. We now have a twice-daily direct service to Dundee and we find that it is easy to attract prospective industrialists to Dundee. More importantly, we have given the people and the companies currently in Dundee a direct link between Dundee and Heathrow. From Heathrow they are able to take a connecting service to their destination. Therefore, the service benefits Dundee and Tayside and we would wish to protect it.

Companies the size of EuroAir are obviously operating in a competitive market and are finding the costs difficult to meet. If EuroAir lost its Heathrow slot, I think that that might well be the end of the service for Dundee. It could be a serious blow to the Government's intentions because they have spent a considerable amount of money trying to regenerate Dundee and part of that regeneration is the attraction of the direct link between Dundee and Heathrow.

Mr. Dicks: I should like to speak in general support of new clause 6. There are about 70 airlines in Heathrow, in my constituency. The scheduling committee has operated very well, generally speaking, for some considerable time. In an intervention in the speech of my hon. Friend the Member for South Hams (Mr. Steen) I said that on one or two occasions the decisions of the scheduling committee had been bypassed. However, they were exceptions, as was rightly pointed out.

The airlines that use Heathrow generally feel that the scheduling committee should remain intact and that the Secretary of State's powers should be used as a last resort. The airlines have asked me to make the point that, if the 77 or so operators can come together and agree about how the runway should be used and the times the runway should be used, that is how it should be left. I accept that there could be some effect of weighting. I am concerned not about one airline, one vote but about the principle of leaving the operation of the runways to the scheduling committee and those airlines which operate in and out of Heathrow and make it the successful international airport that it is.

Mr. D. N. Campbell-Savours (Workington): I intervene briefly to support the points made by my hon. Friend the Member for Dundee, West (Mr. Ross).

Two weeks ago, the Civil Aviation Authority produced a document called CAP 157—[HON. MEMBERS: "It is 517."] Hon. Members may well correct me. I am no expert in these matters, and I did not serve on the Committee. The document suggested that certain routes should be removed from Heathrow; certain airlines would no longer be able to operate from there, in favour of larger operators, because their interlining activity was not substantial enough.

Over the past few weeks, several smaller operators have objected strongly. I am told that those matters are currently being discussed in the scheduling committee at Heathrow, but the smaller operators are concerned about whether their interests will be fairly represented in those debates. Listening to today's debate, and particularly to the hon. Member for South Hams (Mr. Steen) in moving his new clause and putting his case to the House, I thought that we might well need the Secretary of State to intervene. The only way in which we can secure the survival of the small regional routes may be by way of political intervention. We may not be able to rely on the arrangements that the hon. Gentleman wishes to set up. Pressure might be exerted, for commercial reasons, for the largest operators willing to pay the highest prices to have the routes, which might not be in the best interests of the smaller operators.

Mr. Steen: The point that the hon. Gentleman makes is valid if the capacity of the airport has reached saturation. However, does he agree that there are two ways of approaching that? First, a scheduling committee might say, "Sorry—Tuesdays afternoons only"—that would be for everybody — or one could destroy the scheduling committee and make the Secretary of State answer every airline's request for a slot. He then becomes the scheduling committee. Alternatively, the Secretary of State can say, "I cannot do this. I shall appoint an agent, as they do in Spain and Portugal." That agent would be British Airways, which would have to decide everything. That might be worse.

Mr. Campbell-Savours: All that I want is an arrangement whereby I know that commercial pressures can be resisted. If it means that the politician is uniquely able to resist those pressures, I must support the right of the politician, indeed the Secretary of State, to do so. If we cannot rely on the scheduling committees to look reasonably at the rights of smaller airlines that cannot pay higher prices, we must resist the new clause. I would have to vote against it if it were forced to a Division.

Mr. Snape: May I assist my hon. Friend before he takes that decision? I am following carefully what he is saying, but is he aware that the present Secretary of State proposed in a previous Civil Aviation Bill, which was defeated in Committee, to auction off slots at airports such as Heathrow to the highest bidder, which in itself would have militated against the interests of smaller airlines, which he and, I think, the hon. Member for South Hams

[Mr. Snape]

(Mr. Steen) are seeking to defend? Therefore, with some Secretaries of State I might be able to support my hon. Friend, but I cannot do so with the present one. I think that the hon. Member for South Hams will agree with me on that.

Mr. Campbell-Savours: I accept my hon. Friend's point, but everyone, including the Secretary of State for Transport, has to take into account the considerable regional pressures—not only Labour but Conservative—that would be exerted upon any Secretary of State who thought that he could deal with the regional routes in that way. Some hon. Members would vigorously oppose the auctioning off of those routes if it meant that we were to lose the service that is currently available to small local airports.

I have intervened to draw attention to the CAA document 517, which is causing great concern. One problem is that we believe that the material on which the conclusions in that document were based is faulty. It is based on research that was done prior to EuroAir being the carrier, when Air Ecosse was the carrier. EuroAir is most concerned that its future should not be wrapped up in arguments and discussions about the effectiveness of Air Ecosse. We are grateful for the work that Air Ecosse did in the development of that route, but it has not provided, and did not at that stage seek to provide, the level and frequency of service that EuroAir has successfully provided since it took over in November. If any such decisions are to be taken in the future, they must be based on brand new research.

If that research takes place, the Minister will find that much of the traffic being developed by EuroAir is interline traffic, whether passenger or cargo. That traffic is crucial to the development of the route. We cannot afford to lose it. We are looking to the Minister to protect our airline. In the county of Cumbria, we see it as our airline in the same way as my hon. Friend the Member for Dundee, West does in Dundee. The future of that route needs to be secured. I hope that the Minister, if only in a giveaway remark, will show some understanding of the position in which we find ourselves.

Mr. John Wilkinson (Ruislip-Northwood): My hon. Friend the Member for South Hams (Mr. Steen) and Conservative co-signatories of his new clause are introducing one of the most important aspects of the debate in terms of the effect of the new clause on the airlines and the potential benefit to the travelling public.

The hon. Member for Workington (Mr. Campbell-Savours) was right to put the debate in the context of the document CAP 517, which was advice to the Secretary of State from the Civil Aviation Authority on air traffic distribution in the London area.

The new clause may have its minor deficiencies. Of course, some airports licensed for passenger traffic will have, for example, only one operator with an air operator's certificate. In those circumstances, I wonder how the three-quarters majority will be achieved. However, those are matters of detail that I am sure, with good will, the Minister can put right in the other place.

Nevertheless, the principles of new clause 6 is exceedingly important—that in the scheduling committees, the voluntary agreements of carriers should have priority and be paramount in the allocation of slots and of movements in the light of the capacity available at particular airports. In past years—several of us will be veterans in these matters, not least my hon. Friend the Member for South Hams—we have seen the attempts by the Government to forecast movements and to match those forecasts with what they believe the capacity of certain airports to be. Ever since the abortive attempt to have a new airport at Maplin, we have seen those forecasts go awry. Even Governments in their wisdom cannot foresee precisely the future level of traffic or demand. Therefore, the best people to allocate slots and to decide how those slots are to be matched to capacity are the airlines themselves. As my hon. Friend the Member for Hayes and Harlington (Mr. Dicks)—perhaps I may call him the Member for Heathrow—rightly said, the system has worked exceedingly well, and the intervention of the Secretary of State should be a last resort, a backstop, if voluntary regulation and agreement fail.

It is noteworthy that the CAA, in the press release that it issued on 25 March, when it published CAP 517, clearly stated:

"The vast majority of those consulted urged that the present system should be allowed to continue whereby slots at congested airports are allocated on a purely voluntary basis through a Scheduling Committee composed of all airlines operating at the airport."

6.30 pm

The press release goes on to list a number of qualifications, but it also makes it clear that, in tendering this advice, the authority has taken account of the policy objectives of the Government—

"in particular the need for air services to be operated where they best meet the needs of the travelling public and the desire to maintain London as a major international centre."

The authority suggested a package of measures built round the existing scheduling committee system referred to by my hon. Friend the Member for South Hams. The hon. Member for Workington referred to the most alarming of those recommendations—the restriction at Heathrow on new domestic scheduled routes and, especially,

"a carefully phased removal from Heathrow, should the Scheduling Committee at Heathrow be unable to accommodate all reasonable demands for international scheduled services, of those domestic routes which carry only small numbers of passengers who travel to Heathrow in order to connect with an international flight. These are direct services from Heathrow to Carlisle and Dundee"—

the route mentioned by the hon. Gentleman. I remember the good old days when Autair started that route and we landed among the sheep at Crosby on Eden and then went on to Leuchars because Dundee Riverside had not been fully opened. The other direct services to be affected would be

"Inverness; Guernsey; The Isle of Man; Plymouth and Newquay."

I am sorry again for my hon. Friend the Member for South Hams, because he will have to travel by car to reach his constituency. The other route to be affected was the route to Jersey.

All these are important routes in their own way. The other major course suggested was a restriction on the number of daily flights which may be operated by domestic routes from Heathrow

"other than those with air services operated in an effective competitive environment (namely Heathrow to Glasgow, Edinburgh and Belfast)".

There is a problem here. However, over the years operators have been able to get together and make the best use of the slot time available. I am sure that will continue.

All the evidence suggests that the improvements in air traffic control, the opening of terminal 4, and, hopefully, the opening of a fifth terminal will overcome the difficulties. Therefore, there will be no need for the Secretary of State's new powers, especially the powers in clause 30(3)*(b)* for control of movement to be made by charging.

The CAA, in its press release, makes it clear that, in its judgment, that would lead

"to increased domination by the larger and richer international scheduled airlines. The Authority concludes that a price mechanism, whether through increased landing charges, a direct passenger charge or the compulsory"—

I stress "compulsory"—

"trading of landing and take-off slots among airlines would not be compatible with the Government's objectives and would almost certainly be inconsistent with this country's international obligations."

That was referred to by my hon. Friend the Member for South Hams in his excellent opening speech.

The wisest course would be for the Government to accept this new clause or to amend the Bill in the other place to give effect to its provisions. That is what I recommend to the House.

Mr. Tony Lloyd (Stretford): This new clause has my support and I shall be interested to see how the Minister responds to the debate. In Committee we attempted to table amendments that would have had the effect of forcing upon the CAA and the Secretary of State the responsibility for promoting the interests of the regional airports and therefore the communities which they serve. Those amendments found no merit with the Government Front Bench and it is in that light that I give my support to this new clause.

There is a need to build in some measures which will protect the interests of the smaller airports precisely because it is the smaller airports which are serving the communities of Dundee, Carlisle and the other smaller areas mentioned by hon. Members. It is important that we have such a control. When the Minister replies I hope he will comment on the Civil Aviation Authority document which has been mentioned by various hon. Members.

That document did not come as a bombshell to some of us because we thought that that was what the CAA had always been up to. It certainly was contrary to the promises and claims that were given by the Secretary of State and by his Ministers. They assured us that the CAA would be objective and fair, and would try to assist the smaller airports. I would welcome a clear comment from the Minister on the CAA document. Will the Minister tell the CAA that he rejects the logic of its present approach? If he does not, his response will be grossly inadequate and will fail to recognise what the hon. Member for South Hams (Mr. Steen) has sought to do in the new clause. It is important to have the Government's position on record.

My preference has been that the regulation, at a political level, should ultimately rest with the Secretary of State. The Secretary of State should take control, as that is the normal way in which state bodies should be regulated. However, the present Secretary of State lectures about himself when he talks about the dangers of central Government control.

Sadly, on previous occasions the Secretary of State has demonstrated that his decisions are perverse and that they do not operate in the interests of the air traffic industry. I regret that it is for that reason that we have to move away from giving the Secretary of State such control. Such control ought to be given to the CAA because that is why it exists. The CAA, however, is operating in such a way as to suggest that it would not do the job which most of us would wish to see it do. Therefore, we have to move towards new self-regulation.

I mirror the words of my hon. Friend the Member for Workington (Mr. Campbell-Savours) that, in some ways, it is odd that the users of a service should be the operators of this self-regulating system. There are inherent dangers in such a situation because the operators could set up their own neat, cosy arrangements and keep out those who, in the long run, would perform better than those in the existing set-up.

There is no absolute. I have reluctantly come to the conclusion that self-regulation has merit because it moves control out of the hands of those who have proven, by their actions, that we cannot trust them.

Mr. Campbell-Savours: Does my hon. Friend accept that there is a danger in deploying arguments about the characteristics of individual Secretaries of State and the way that they may conduct themselves? We should take more of a macro view of these matters, irrespective of the political personalities involved. We should make our judgments on that basis.

Mr. Lloyd: How does my hon. Friend suggest that we take the macro view without examining the possibility that the present Secretary of State is, as Rab Butler said, the best Secretary of State that we have got? In those circumstances our macro view is bound to be conditioned firmly by the incumbent at any given time.

To that extent I am reinforced in my view that there is sufficient to commend this new clause because it moves us into an area where we have no reasons for distrust, whereas we distrust the other options put forward.

Mr. Robert Adley (Christchurch): I declare my interest in the hotel and tourist industry but that is the least of my considerations this evening. As my hon. Friend the Member for Ruislip-Northwood (Mr. Wilkinson) said, we have been having these discussions for some years. The real challenge is to decide who takes priority — the regional airports and the small carriers, or the big international airlines with the clout, carrying package tourists from California or Tokyo. My hon. Friend the Minister should always remember that he would be unwise to take action which could disadvantage regional airports and small airlines, which are struggling to build up services which are, and will in future be, a vital part of the industrial and commercial infrastructure of Britain, in favour of a step which may well bring in a few more package tourists. When it comes down to it, there are more people who will vote for him in Dundee and Workington than there are in Tallahassee or Tokyo.

Mr. Gerald Howarth (Cannock and Burntwood): This is an important matter and it has been well covered by my hon. Friend the Member for Ruislip-Northwood (Mr. Wilkinson). We are anxious to preserve the status quo. The scheduling committees have been operating quietly and unobtrusively — few hon. Members were aware of their existence until the debate on airport policy last year —and they have been highly successful.

The scheduling committees meet twice a year to plan the forthcoming season and to arrange the schedules for 80

[Mr. Gerald Howarth]

busy airports around the world, with about 120 carriers involved. It is significant that, at a time when everybody is saying that Heathrow and Gatwick are full, that is not the case. It is not thanks to the BAA, but thanks to the work of the scheduling committees that those airports are able to take the extra capacity demanded of them by the airlines, who, after all, are the immediate customers of the airport.

The scheduling committees can slot in ad hoc charters in off-peak periods. They can slot in freighters and all sorts of extraneous flights which might otherwise be told by the airport operators, "Sorry, old boy, you can't come in. There is no room." Those people have set as their task the maximisation of the airport facility and they are to be congratulated on what they have done.

There is a difficulty in having majority voting and my hon. Friend the Member for South Hams (Mr. Steen) is aware of that. When the committees take about 2,000 decisions each season, or 4,000 decisions a year, it will be difficult for all those decisions to be arrived at by a majority vote. The chairman of the scheduling committee at Gatwick makes the important point:

"Each airline scheduler faces the same problems as his colleagues. He may require help one day and his colleagues may ask for reciprocal help the next. It is therefore the requirement of the guidelines that co-ordination should be conducted in an atomosphere of mutual trust and cooperation. This leads to the most efficient use of facilities and maximum benefit to the travelling public."

That makes the point most forcibly.

It may be that new clause 6 is not the best solution to the problem, but I urge my hon. Friend the Minister to accept that some provision should be made in the Bill to ensure that something which manifestly does work should be continued. We should not put that position in jeopardy when the BAA moves into the private sector. There is a problem because at the moment there is some ministerial control, but when the BAA moves into the private sector, that will not be there.

Mr. Steen: As soon as the BAA is privatised there need be no scheduling committee at all and I am sure that that is the crux of the matter to which my hon. Friend the Minister must direct his mind.

Mr. Howarth: My hon. Friend is right. That is why so many of us on both sides of the House have chosen to speak on this matter. There is concern that a privatised BAA may—I say "may" because one should not assume that it will be hostile to the scheduling committees—decide that it wants to make the allocation rather than the scheduling committees. That is why new clause 6 should be in the Bill.

The chairman of the Heathrow scheduling committee, Mr. Gerry Hewson, said:

"It is appreciated that it would be helpful to have a clause in the Bill which precluded the possibility of any future interference by airport authorities in the allocation of times for the movements of aircraft at a busy airport."

That is the essence. The fact that Cardiff, Birmingham or Dundee do not require scheduling committees does not matter. I hope that my hon. Friend has got the message that the scheduling committees have done such a marvellous job in helping the airlines and passengers at Gatwick and Heathrow that we do not want to lose them.

6.45 pm

Mr. Michael Spicer: My hon. Friend the Member for Brentwood and Ongar (Mr. McCrindle) wanted me to accept the principle behind new clause 6, which is that the scheduling committee is a tried and tested organisation which works well and will continue to do so on a voluntary and self-regulating basis. That was the tone of many of the speeches that have been made by hon. Members on both sides of the House.

I should be happy to give the assurance for which my hon. Friend asks. There is no question but that the Government think that the scheduling committee does a good job in the way that my hon. Friends the Members for South Hams (Mr. Steen), for Cannock and Burntwood (Mr. Howarth) and others have eloquently stressed. There is nothing at all between us on that. The Government have no intention of altering that position or, indeed, of not supporting the present position. Nor does the CAA necessarily have any intention of not doing so.

Paragraph 3.94 of CAP 517 talks about the authority putting great weight on not disturbing existing arrangements prematurely. I do not disagree that there has to be a discussion about what is meant by "prematurely"——

Mr. Steen: Will my hon. Friend give way?

Mr. Spicer: It is a bit premature, but yes.

Mr. Steen: I am grateful to my hon. Friend for giving way at this early stage. He cites the CAA's document and says that there should not be premature interference. Does he agree that the Government should not interfere prematurely either?

Mr. Spicer: Having said that I can give my hon. Friend the Member for Brentwood and Ongar the assurance that he has sought, let me deal with the nub of the amendments, which are aimed at a statutory provision for the scheduling committees. Subsequent amendments are linked to new clause 6 which, for instance, will provide the scheduling committees with certain voting rules. It is not unfair to say at the beginning that the scheduling committees, certainly those at Gatwick and Heathrow, do not like the concept of a statutory provision for a scheduling committee. I am sure that my hon. Friend has seen a letter of today's date from the Gatwick scheduling committee addressed to myself, and no doubt to others. Indeed, it has been addressed to my hon. Friend. It states:

"The aviation industry does not need to have Scheduling Committees forced upon it."

On reflection, my hon. Friend the Member for South Hams may accept that it is the voluntary nature of the committees that is at least in part their strength.

To enshrine certain specific voting requirements in legislation might itself negate one of the main functions of the committees, which is to carry out—if that is the right word — the IATA rules. One of the functions which the scheduling committees carry out so well is to slot in international requirements. Slotting arrangements at particular airports must relate to the international scene.

One or two specific matters have been raised in our wide-ranging debate. First, I welcome what my hon. Friend the Member for South Hams told the House about British Midland's plans to fly to Amsterdam. I am sure that many of my hon. Friends and many Opposition Members will join me in welcoming that news. Competition on

routes into Europe is essential to the Government's objectives. That announcement shows the working of the superb agreement that we have with the Dutch Government, whereby airlines can mount the frequencies that they wish and have almost complete freedom, subject to the fitness of the airline.

Mr. Snape: Superb for the Dutch.

Mr. Spicer: We have been talking about a third British airline which is apparently about to fly to Holland. What is the hon. Gentleman talking about?

Mr. Snape: The much-trumpeted agreement gives the Dutch the right to fly passengers from Heathrow to Schiphol and on to the far east at the rate that they would pay if they flew from London. In return, we are given Maastricht, which is the Dutch equivalent of Gateshead.

Mr. Spicer: One of the matters under discussion is Amsterdam.—[HON MEMBERS: "What is wrong with Gateshead?"] We are talking about Amsterdam. The hon. Gentleman is wrong again when he implies that the agreement is not working to the benefit of British airlines. Both British Caledonian and British Airways have had a much greater growth in traffic on that route than the average for the rest of Europe. They are doing extremely well on that route.

The questions raised by the hon. Members for Dundee, West (Mr. Ross) and for Workington (Mr. Campbell-Savours) are not as marginal as they might appear. From the point of view of their different airports, they were concerned about the recommendations in CAP 517 for the removal, under certain circumstances, of access to Heathrow from Dundee or Carlisle. First, that is merely a recommendation by the Civil Aviation Authority. It has now been sent out for further consultation before a formal recommendation is made to the Government. The Government will then have to take a view about the formal recommendation. Not even the final round of recommendations from the CAA has been reached. I am sure that all those involved in the consultative process will have heard what the hon. Members said about new factors and frequencies.

Secondly—this may answer the point made by my hon. Friend the Member for Christchurch (Mr. Adley)—the Government have made it clear that one of our prime objectives is to ensure fair access to Heathrow for the regional airlines from regional airports, for precisely the reasons that have been given in the debate. The House should consider whether, if, as the hon. Member for Workington suggested, one enshrined in legislation the absolute rights given to the scheduling committees, that would be more or less likely to preserve the integrity of regional routes and their access. That is a matter for debate.

When my hon. Friend the Member for South Hams made his brilliant analogy with a lifeboat, he kindly allowed me to ask him why he believed that the scheduling committee, on which there is a majority of large foreign airlines, should necessarily guarantee the access and competition that could perhaps be better supplied by the reserve powers given in the Bill to the Secretary of State.

Mr. Dicks: The answer is that the airlines are more likely to make the right decision than is the Secretary of State.

Mr. Spicer: My hon. Friend, who is proud of his constituency interest, talks about getting it right. However, getting things right is a subjective matter. Right for whom? The smaller airlines may not be so well represented in the scheduling committees, and one may ask whether the answer will be right for them.

Mr. Wilkinson: This matter is of great concern to hon. Members on both sides of the House. My hon. Friend quoted from the CAP document. The concluding major paragraph is germane to our discussion. It says:

"The Authority recommends that the measures to restrict access to Heathrow etc. should be brought in only when the Secretary of State is advised by those directly concerned that it is necessary to do so"

—in other words, by the airlines. The CAA

"has therefore avoided the need to forecast when these measures need to be taken and has not needed to assess the effects of future events such as the opening of the Channel Tunnel."

We are talking in a hypothetical way. All the evidence suggests that the present arrangements work perfectly well and that we should not seek to reinforce reserve powers for the Secretary of State.

Mr. Spicer: Hypothetical debates are always the best. I shall continue to present my hypotheses. My hon. Friend the Member for Ruislip-Northwood (Mr. Wilkinson) talked about the powers as backstop powers. I agree with him about that. It may well be, as my hon. Friend the Member for South Hams said, that the matter is 10 years off. I make no judgment about capacity at airports. I simply say that we believe that giving backstop powers to the Secretary of State under the Bill is the best approach to the matter, and preferable to giving, through legislation, the initiative to the scheduling committee.

As my hon. Friend the Member for South Hams said, new clause 6 is not the main point. One could make some play with new clause 6. Whether or not it is hybrid, one could say that it imposes conditions on airports that are not relevant. I think that my hon. Friend saw the new clause as a way of introducing the subject. He called amendment No. 44 the flip side of the coin, and I sense that that is the amendment that he wishes most to pursue.

I have outlined the basic problems of new clause 6. The scheduling committees—and, indeed, the industry—do not want that sort of compulsion, and its extension to all airports is something which I believe most hon. Members would think inappropriate.

7 pm

Mr. Gerald Howarth: My hon. Friend fairly makes the point that the scheduling committees are apprehensive about new clause 6. However, as I have already said, the chairman of the Heathrow scheduling committee feels that it would be helpful to have a provision which precludes the possiblity of future interference by airport authorities in the allocation of times for the movement of aircraft at a busy airport. I am sorry to press my hon. Friend on this matter, but it is not quite as simple as he suggested.

Mr. Spicer: Both my hon. Friend and my hon. Friend the Member for South Hams raised that point in their speeches. The fear is that the change of ownership of an airport—this is the nub of the matter—will affect the status of the scheduling committees. I can say categorically that there would be no such effect. Indeed, the backstop powers in the Bill might guarantee the preservation of the present system. Nothing in the Bill constitutes a threat to the scheduling committees.

Mr. Robert Hughes: What backstop power in the Bill provides that a private owner must retain a scheduling committee?

Mr. Spicer: The Bill gives the Secretary of State the power to make rules and establish schemes for allocating capacity at airports. I am sure we agree that, in present circumstances, scheduling committees provide a good system. If an operator did not want that system, the Secretary of State would have the power to request schemes which reflected the operations of a scheduling committee.

Mr. Adley: The crucial point is that currently the small airlines know that they can raise matters with the Minister through their Member of Parliament. The fear is that the Bill will give the Secretary of State the power to deal with macro matters, but not with matters which, although small in terms of legislation, could be vital to the lifeline of a small airline. I do not wish to be too rude to the BAA, but I do not think that representations to it would be quite the same as representations to the Minister.

Mr. Spicer: In fact, it is the other way around. Clauses 28, 29 and 30 provide backstop powers for the Secretary of State to intervene in the sorts of matters mentioned by my hon. Friend, so the Bill is sound in that way. However, it does not enshrine the rights of scheduling committees——

Mr. Bill Walker: My hon. Friend knows that I believe that there should be a system of appeal to the Secretary of State, and on that he and I are at one. Can he confirm that when the Bill becomes law there will no longer be problems with air navigation orders? As he is well aware, it took me six years to achieve change, and a company could go out of business in that time. It is important that we do not have the same problems with slots and scheduling, especially for flights from Dundee, in which I declare an interest. Can my hon. Friend assure the House that we will not face the same ghastly situation as we faced on air navigation orders when we found ourselves impotent?

Mr. Spicer: My hon. Friend may wish to return to the question of air navigation orders, and especially the question of NATCS. On 26 February I met representatives of independent airlines, when they raised the question of NATCS and air navigation orders. I look forward to hearing in more detail from the independent airlines about the precise nature of the problem. I am sympathetic to the management and accountability problems of NATCS. My hon. Friend has often made the point about dual control, and it is something that we might wish to study. We do not have that sort of duality of control in other matters——

Mr. Steen *rose*——

Mr. Spicer: I am about to address myself to my hon. Friend's amendment No. 44. I do not wish to delay the House, but I shall give way to him if he wishes to question me once I have made my remarks.

The amendment takes the initiative on slot allocation schemes away from the Secretary of State and gives it to the scheduling committees. It would be wrong to do that, for at least two reasons, and there may be more. First, problems may arise if a scheduling committee is on the verge of breaking down. We have already discussed the operations of the scheduling committees where an airport may have scarce capacity—and even, at peak moments, a complete absence of capacity—but where, taken on a broad basis, it has not reached full capacity. The scheduling committees, in their wisdom and efficiency, have the capability to spread the load and to consult.

We may eventually reach the position—the time is a matter of debate—when an airport reaches full capacity. At that point, the airlines may be incapable of voluntarily reaching an agreement, with the consequence that the mechanism breaks down. If my hon. Friend the Member for South Hams is fair, he will admit the possibility of such a circumstance. Indeed, that is why hon. Members have referred to backstop powers.

A second point which I must make relates to the question raised by my hon. Friend the Member for Hayes and Harlington (Mr. Dicks) about whether a scheduling committee composed of independent airlines might, when capacity was used up, not always act in the public interest. It might be that the Government had policies about competition and about airlines flying in from individual regional points, and it might be that the scheduling committee was unable to cope in those circumstances.

Mr. Dicks: My hon. Friend keeps on confusing questions of definition. He mentions capacity. The problem at Heathrow is that people want to come in at a particular time. In this sense, it has nothing to do with capacity. People want come in at 10 am. A British airline wants to come in at 10 am, when there is a vacant slot at 3 pm, which is precisely the time when it wants to go back. My hon. Friend ought to differentiate clearly between the problem of capacity and the problem of the times at which an aircraft wants to come in and when it is not convenient to do so.

Mr. Spicer: I was not making any judgments about capacity. I take the point made by my hon. Friend, that there may be an opportunity to squeeze capacity into different times of the day and to generate new patterns of activity in the way that is suggested. All I would say is that, if the limit of capacity was ever reached, if there was a demand for certain times of day which were full up, it is at least conceivable that the scheduling committee approach would not be as effective as it is at present.

Mr. Steen: I would be grateful if my hon. Friend would give way before he goes further. The House is most grateful for his courtesy in giving way to his hon. Friends as often as he has done. This is a crucial point in the debate. My hon. Friend said that the time may come when the limit of capacity is reached. That is when the lifeboat picture emerges. What he is saying—is this right?—is that at the point when capacity is reached, either totally or in part, the Secretary of State will throw people out. The only people that he can throw out are British carriers, because of the bilateral agreements. That is what the House wants to know. Will he throw out British carriers?

7.15 pm

Mr. Spicer: No. This is the question that I keep on throwing back at my hon. Friend. He throws these questions at me and I throw them back—perhaps I am not meant to do that. The question that I have been asking him is why that would be the case. He has proposed that we should enshrine the scheduling committee in legislation. Why should the safety and the future of British airlines be left more comfortably to a committee composed

of a majority of large foreign airlines than to a British Secretary of State who is answerable to the House of Commons? My hon. Friend says that he has no powers. That is precisely what the debate is about. He will have reserve powers of the kind required by my hon. Friend.

The last three amendments consist of requirements to consult the scheduling committee before any action is taken. My case against these amendments is the same as that which I used against amendment No. 44, in particular. Not only would the arrangement be very cumbersome and give the scheduling committee a consultative role which other civil aviation interests might also wish to have, but there might be a time when the scheduling committee had actually broken down and consultations might be desired about the circumstances which had led to the breakdown of the scheduling committee. In such a case, it would surely not be particularly wise to have enshrined a consultative arrangement with an organisation which had broken down.

The Government accept, as my hon. Friend the Member for Brentwood and Ongar has asked us to, the tremendous efficiency and the tried and tested nature of the scheduling committee. There is no question about that. Nevertheless, I ask that the amendments be withdrawn or, if not, resisted, because we see grave disadvantages in enshrining in statute the role of the scheduling committee.

Mr. Snape: Hon. Members on both sides of the House have expressed understandable fears about the future of the smaller airlines and the existing network, particularly via Heathrow, but also via London's other airports. Despite the length of his reply, the Under-Secretary of State has conspicuously failed to allay those fears. His failure illustrates the central flaw in the Bill. The hon. Member for Cannock and Burntwood (Mr. Howarth) wants public sector protection in what will be a private sector industry, for which he will have voted. Having voted, as have all his hon. Friends, to take the British Airports Authority and the other airports into the private sector, he now seeks safeguards which will have an impact on the profitability of the airports. The problem is that he cannot have those safeguards, because to give them——

Mr. Bill Walker *rose*——

Mr. Snape: I will give way in a moment. I have not said anything yet. The hon. Gentleman has.

To give those safeguards would be contrary to the whole purpose of the Bill, which is to put those airports into the private sector because it is felt that they will be run more efficiently. If they are run more efficiently, the sufferers will inevitably be the smaller airlines operating smaller aircraft, which will be less attractive commercially to a privatised British Airports Authority.

Mr. Bill Walker: Does the hon. Gentleman agree that the aviation industry is the most regulated of all, whether it is run by private or public sector airlines, and that there would be nothing odd in having a clause in the Bill which said that the British Airports Authority should not in future interrupt or prevent the work of the scheduling committee?

Mr. Snape: There might be nothing odd about it in the hon. Gentleman's view, or, for that matter, in mine, but it would be contrary to the spirit of the Bill and to the spirit which is typified by the Secretary of State for Transport.

Mr. Walker: No.

Mr. Snape: The hon. Member for Tayside, North (Mr. Walker) says no. If so, why has his hon. Friend the Under-Secretary of State not accepted the perfectly reasonable new clause moved by the hon. Member for South Hams (Mr. Steen)? We are being asked by the Minister to put the whole matter into the hands of the Secretary of State, who has indicated his way forward.

The hon. Member for South Hams expressed concern about my hon. Friend the Member for Aberdeen, North (Mr. Hughes) being a future Secretary of State for Transport. I am sure that it was not me that he meant. It is not a role that I would seek. The fact is that both he and I know, because we voted against the Secretary of State's proposals in the Civil Aviation Bill which failed to get a sittings motion in Committee in December 1984, that that is the way in which the Secretary of State would presumably wish to go forward if the difficulties so amply illustrated by the hon. Member for South Hams were to come about.

I am afraid that the Minister has palpably failed to ease the fears of hon. Members on both sides of the House. It is for the hon. Member for South Hams to say what he is going to do. Again, the Minister grins. I will give one example which, if it does not appeal to the Minister, will appeal to his hon. Friend. Last week I flew to Gatwick from Exeter in a Twin Otter of Brymon Airways. Unlike some Conservative Members, I do not profess to be an aviation expert, but it was apparent that that aircraft, trying to land at Gatwick at about 8.20 in the morning, was causing a problem because of the mix of faster aircraft that were landing.

Mr. Bill Walker: On one runway.

Mr. Snape: Yes, on one runway.

We had to circle for about 10 minutes while faster aircraft landed. If Gatwick was run by a private authority, it might say to Brymon Airways, "It would be operationally easier for us if you postponed your flight for an hour." Brymon Airways is now supported by British Airways, but a few months ago it might have gone bankrupt while three or four such decisions were being examined by the Secretary of State. We all know how slow Governments are. I am not saying that the Secretary of State is slower than anyone else. It might be better if he was, because sometimes he is apt to jump the gun. By the time decisions are taken, smaller airlines may be bankrupt.

It is for the hon. Member for South Hams to decide whether he has received an adequate reply from the Minister. I do not think he has. He made a valid point, although I appreciate the concern expressed by my hon. Friend the Member for Workington (Mr. Campbell-Savours), that good intentions are not enough to ensure the future of the smaller private companies. The Minister has palpably failed to give the necessary assurance.

Mr. Peter Fry (Wellingborough): I apologise, Mr. Deputy Speaker, for not being here at the start of the debate, but I have been in the Select Committee on Transport. Hon. Members may recall that that Committee prepared a report, many of whose recommendations are the basis of this legislation.

I understand the concern of many of my hon. Friends about the possible dangers for civil airlines. Having listened to the hon. Member for West Bromwich, East (Mr. Snape), I am not clear whether he is in favour of the

[Mr. Peter Fry]

Secretary of State having power to make a decision in this case. Perhaps he was delicately drawing a veil over that so that we would not know exactly where he stood on it.

I support the Minister's point of view. When the Select Committee considered the position of airports in the post-privatisation period, we were aware that at the moment the wider public interest is protected by the Secretary of State and by the nationalised airports authority, and that the position created by the privatisation of airports could constitute a danger to the wider public interest. Although we were impressed by the representatives of the scheduling committee who explained its role to us, and although we were also impressed by and were sympathetic to the smaller airlines, the Select Committee felt that someone somewhere had to have responsibility for the public interest post-privatisation. Therefore, we took the view that it was up to the Secretary of State, in conjunction with the Civil Aviation Authority, to have discussions in the event of an airport being very near to saturation point.

Everyone must answer one simple question. Given that we will be in a new position, whether we like it or not, who should be the custodian of the public interest? I do not see a scheduling committee of airlines as being the appropriate body for that. In the circumstances we are talking about, with an airport rapidly becoming full up, the Secretary of State would not fulfil his proper duty if he did not have a responsibility and was not prepared to act. Therefore, although I have considerable sympathy with the purpose behind the amendment of my hon. Friend the Member for South Hams (Mr. Steen), I must support the Minister.

Mr. Steen: With the leave of the House, Mr. Deputy Speaker, I want to address myself to one or two matters which have come out of this important and interesting debate which has taken some time. It is right that it should have taken so much time because it is of great significance to the future of the airline industry. I have listened to the Minister with interest and the House has the greatest respect for his approach to the Bill, but he has missed one cardinal point. If an airline wants to fly into an airport when capacity is full, it must be told that it cannot or that somebody else will be displaced.

If there is a statutory scheduling committee, its word is final. It may say, "There is no more space. The slot is already taken. You must go elsewhere." The Bill will give the Secretary of State powers to remove someone who is already there. That is different from giving the final power to the scheduling committee, made up of the airlines, which will say, "We are full on Tuesday; come back on Wednesday," or "We are full on Tuesday; go somewhere else." In the Bill the Secretary of State is being given the power to move airlines around. He must use that power, otherwise there would be no point in giving it to him. But the key to the Bill is that the only people he can move around are British carriers. The Minister has said that it may not be foreign carriers because of international agreements.

If the scheduling committee has the final word, and the Secretary of State is not involved, all airlines, whether international or British carriers, will be treated equally. If the Secretary of State has reserve power, he can move only British airlines. Many hon. Members on both sides of the House fear that that is a deficiency in the Bill. It is with the greatest and deepest regret that I must tell my hon. Friend the Under-Secretary of State that his speech failed to address that problem. For that reason, I must push the new clause to a Division.

Question put, That the clause be read a Second time:——

The House divided: Ayes 126, Noes 292.

Division No. 127] **[7.30 pm**

AYES

Adams, Allen *(Paisley N)*
Alton, David
Ashdown, Paddy
Ashley, Rt Hon Jack
Ashton, Joe
Atkinson, N. *(Tottenham)*
Bagier, Gordon A. T.
Banks, Tony *(Newham NW)*
Beckett, Mrs Margaret
Bermingham, Gerald
Bidwell, Sydney
Blair, Anthony
Boyes, Roland
Bray, Dr Jeremy
Brown, Gordon *(D'f'mline E)*
Brown, Hugh D. *(Provan)*
Brown, N. *(N'c'tle-u-Tyne E)*
Bruce, Malcolm
Callaghan, Rt Hon J.
Callaghan, Jim *(Heyw'd & M)*
Campbell, Ian
Canavan, Dennis
Carlile, Alexander *(Montg'y)*
Carter-Jones, Lewis
Cartwright, John
Clarke, Thomas
Clay, Robert
Clelland, David Gordon
Cohen, Harry
Cook, Frank *(Stockton North)*
Cook, Robin F. *(Livingston)*
Corbyn, Jeremy
Craigen, J. M.
Dalyell, Tam
Davis, Terry *(B'ham, H'ge H'l)*
Dewar, Donald
Dixon, Donald
Dormand, Jack
Dubs, Alfred
Evans, John *(St. Helens N)*
Ewing, Harry
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Foot, Rt Hon Michael
Foster, Derek
Fraser, J. *(Norwood)*
Godman, Dr Norman
Golding, John
Hamilton, James *(M'well N)*
Hamilton, W. W. *(Fife Central)*
Harrison, Rt Hon Walter
Haynes, Frank
Healey, Rt Hon Denis
Hogg, N. *(C'nauld & Kilsyth)*
Home Robertson, John
Howells, Geraint
Hughes, Dr Mark *(Durham)*
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
John, Brynmor
Jones, Barry *(Alyn & Deeside)*
Kaufman, Rt Hon Gerald
Kirkwood, Archy
Leighton, Ronald
Lewis, Terence *(Worsley)*
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
Loyden, Edward
McCartney, Hugh
McKelvey, William
McNamara, Kevin
McTaggart, Robert
McWilliam, John
Marek, Dr John
Marshall, David *(Shettleston)*
Maxton, John
Maynard, Miss Joan
Meacher, Michael
Meadowcroft, Michael
Michie, William
Millan, Rt Hon Bruce
Miller, Dr M. S. *(E Kilbride)*
Mitchell, Austin *(G't Grimsby)*
Morris, Rt Hon A. *(W'shawe)*
Morris, Rt Hon J. *(Aberavon)*
Nellist, David
O'Neill, Martin
Park, George
Parry, Robert
Patchett, Terry
Penhaligon, David
Pike, Peter
Powell, Raymond *(Ogmore)*
Prescott, John
Radice, Giles
Randall, Stuart
Redmond, Martin
Richardson, Ms Jo
Roberts, Allan *(Bootle)*
Robertson, George
Rooker, J. W.
Ross, Ernest *(Dundee W)*
Ross, Stephen *(Isle of Wight)*
Sedgemore, Brian
Sheerman, Barry
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Short, Mrs R.*(W'hampt'n NE)*
Smith, Rt Hon J. *(M'ds E)*
Snape, Peter
Strang, Gavin
Thomas, Dafydd *(Merioneth)*
Thorne, Stan *(Preston)*
Tinn, James
Torney, Tom
Wallace, James
Wareing, Robert
White, James
Wigley, Dafydd
Wilson, Gordon
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Anthony Steen and
Mr. Bill Walker.

NOES

Abse, Leo
Aitken, Jonathan
Alexander, Richard
Alison, Rt Hon Michael

Amess, David
Ancram, Michael
Arnold, Tom
Ashby, David
Aspinwall, Jack
Atkins, Rt Hon Sir H.
Atkins, Robert *(South Ribble)*
Atkinson, David *(B'm'th E)*
Baker, Rt Hon K. *(Mole Vall'y)*
Baker, Nicholas *(Dorset N)*
Baldry, Tony
Batiste, Spencer
Beaumont-Dark, Anthony
Bellingham, Henry
Bendall, Vivian
Bennett, Rt Hon Sir Frederic
Benyon, William
Best, Keith
Bevan, David Gilroy
Biffen, Rt Hon John
Biggs-Davison, Sir John
Blackburn, John
Blaker, Rt Hon Sir Peter
Bonsor, Sir Nicholas
Boscawen, Hon Robert
Bottomley, Mrs Virginia
Bowden, A. *(Brighton K'to'n)*
Brandon-Bravo, Martin
Brinton, Tim
Brittan, Rt Hon Leon
Brooke, Hon Peter
Browne, John
Bruinvels, Peter
Bryan, Sir Paul
Buchanan-Smith, Rt Hon A.
Buck, Sir Antony
Budgen, Nick
Bulmer, Esmond
Butcher, John
Butler, Rt Hon Sir Adam
Butterfill, John
Carlisle, John *(Luton N)*
Carlisle, Kenneth *(Lincoln)*
Carlisle, Rt Hon M. *(W'ton S)*
Carttiss, Michael
Cash, William
Channon, Rt Hon Paul
Chapman, Sydney
Chope, Christopher
Churchill, W. S.
Clark, Hon A. *(Plym'th S'n)*
Clark, Sir W. *(Croydon S)*
Clarke, Rt Hon K. *(Rushcliffe)*
Cockeram, Eric
Colvin, Michael
Conway, Derek
Coombs, Simon
Cope, John
Couchman, James
Cranborne, Viscount
Currie, Mrs Edwina
Dickens, Geoffrey
Dorrell, Stephen
Douglas-Hamilton, Lord J.
Dover, Den
du Cann, Rt Hon Sir Edward
Dunn, Robert
Dykes, Hugh
Eyre, Sir Reginald
Fairbairn, Nicholas
Farr, Sir John
Favell, Anthony
Fenner, Mrs Peggy
Finsberg, Sir Geoffrey
Fletcher, Alexander
Fookes, Miss Janet
Forth, Eric
Fowler, Rt Hon Norman
Fox, Marcus
Franks, Cecil
Fraser, Peter *(Angus East)*
Freeman, Roger
Fry, Peter
Galley, Roy
Gardiner, George *(Reigate)*
Gardner, Sir Edward *(Fylde)*
Garel-Jones, Tristan
Gilmour, Rt Hon Sir Ian
Goodlad, Alastair
Gow, Ian
Gower, Sir Raymond
Grant, Sir Anthony
Greenway, Harry
Gregory, Conal
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Grist, Ian
Ground, Patrick
Grylls, Michael
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Jeremy
Hannam, John
Hargreaves, Kenneth
Harris, David
Havers, Rt Hon Sir Michael
Hawkins, C. *(High Peak)*
Hawksley, Warren
Hayes, J.
Hayhoe, Rt Hon Barney
Heathcoat-Amory, David
Heddle, John
Henderson, Barry
Heseltine, Rt Hon Michael
Hickmet, Richard
Hicks, Robert
Higgins, Rt Hon Terence L.
Hill, James
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holland, Sir Philip *(Gedling)*
Holt, Richard
Hordern, Sir Peter
Howard, Michael
Howarth, Alan *(Stratf'd-on-A)*
Howell, Rt Hon D. *(G'ldford)*
Howell, Ralph *(Norfolk, N)*
Hubbard-Miles, Peter
Hunter, Andrew
Irving, Charles
Jackson, Robert
Jenkin, Rt Hon Patrick
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
Jones, Robert *(Herts W)*
Joseph, Rt Hon Sir Keith
Kellett-Bowman, Mrs Elaine
King, Roger *(B'ham N'field)*
King, Rt Hon Tom
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Knox, David
Lamont, Norman
Lang, Ian
Lawler, Geoffrey
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lewis, Sir Kenneth *(Stamf'd)*
Lightbown, David
Lilley, Peter
Lloyd, Peter *(Fareham)*
Lord, Michael
Lyell, Nicholas
McCurley, Mrs Anna
Macfarlane, Neil
MacKay, Andrew *(Berkshire)*
McNair-Wilson, M. *(N'bury)*
McNair-Wilson, P. *(New F'st)*
Major, John
Malins, Humfrey
Malone, Gerald
Maples, John
Marland, Paul
Marlow, Antony
Mather, Carol
Maude, Hon Francis
Mawhinney, Dr Brian
Maxwell-Hyslop, Robin
Mayhew, Sir Patrick
Mellor, David
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Mills, Sir Peter *(West Devon)*
Mitchell, David *(Hants NW)*
Moate, Roger
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morrison, Hon C. *(Devizes)*
Morrison, Hon P. *(Chester)*
Moynihan, Hon C.
Mudd, David
Neale, Gerrard
Nelson, Anthony
Neubert, Michael
Newton, Tony
Nicholls, Patrick
Norris, Steven
Oppenheim, Phillip
Oppenheim, Rt Hon Mrs S.
Ottaway, Richard
Page, Richard *(Herts SW)*
Parris, Matthew
Patten, Christopher *(Bath)*
Patten, J. *(Oxf W & Abgdn)*
Pattie, Geoffrey
Pawsey, James
Peacock, Mrs Elizabeth
Percival, Rt Hon Sir Ian
Pollock, Alexander
Portillo, Michael
Powell, William *(Corby)*
Powley, John
Prentice, Rt Hon Reg
Price, Sir David
Proctor, K. Harvey
Pym, Rt Hon Francis
Raffan, Keith
Rathbone, Tim
Rees, Rt Hon Peter *(Dover)*
Renton, Tim
Rhodes James, Robert
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Roberts, Wyn *(Conwy)*
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rossi, Sir Hugh
Rowe, Andrew
Rumbold, Mrs Angela
Ryder, Richard
Sackville, Hon Thomas
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Shersby, Michael
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Smith, Tim *(Beaconsfield)*
Soames, Hon Nicholas
Speed, Keith
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Squire, Robin
Stanbrook, Ivor
Stanley, Rt Hon John
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Allan *(Eastwood)*
Stewart, Andrew *(Sherwood)*
Stewart, Ian *(Hertf'dshire N)*
Stokes, John
Stradling Thomas, Sir John
Sumberg, David
Tapsell, Sir Peter
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Tebbit, Rt Hon Norman
Temple-Morris, Peter
Terlezki, Stefan
Thatcher, Rt Hon Mrs M.
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thornton, Malcolm
Thurnham, Peter
Townend, John *(Bridlington)*
Townsend, Cyril D. *(B'heath)*
Trippier, David
Trotter, Neville
Twinn, Dr Ian
van Straubenzee, Sir W.
Vaughan, Sir Gerard
Viggers, Peter
Wakeham, Rt Hon John
Waldegrave, Hon William
Walden, George
Wall, Sir Patrick
Waller, Gary
Walters, Dennis
Ward, John
Wardle, C. *(Bexhill)*
Watts, John
Wells, Sir John *(Maidstone)*
Wheeler, John
Wiggin, Jerry
Wolfson, Mark
Wood, Timothy
Woodcock, Michael
Yeo, Tim
Young, Sir George *(Acton)*
Younger, Rt Hon George

Tellers for the Noes:
Mr. Tim Sainsbury and
Mr. Tony Durant.

Question accordingly negatived.

New Clause 7

PROVISION OF SERVICES AND FACILITIES

It shall be the duty of every person who is:—

(a) the successor company;

(b) a public airport company for the purposes of Part II of this Act; or

(c) the operator of an airport licensed for public use under an Air Navigation Order, to provide at each airport of

which he is the operator such services and facilities (not being air navigation services) as are in his opinion necessary or desirable for its operation having regard to the development of air transport and to the efficiency, safety and economy of operation.'.—*[Mr. Steen.]*

Brought up, and read the First time.

Mr. Steen: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Mr. Ernest Armstrong): With this, it will be convenient to discuss the following: amendment (a) to new clause 7, in line 6, leave out 'in his opinion'.

New clause 9—*Provision of new airport facilities*—

'(1) In order to encourage provision of sufficient new airport facilities to meet demand, such facilities may be provided either by successor companies to the BAA or public airport companies as defined in Clause 15, or by other companies or organisations; and any such new facilities must have been approved in accordance with planning regulations and when necessary have received approval from the Secretary of State as suitable to provide necessary additional airport capacity in the national interest.

(2) The airport operator must provide fair and reasonable access to the runways, taxi-ways, roads, lands, safety services and other essential ancillary services at an airport, from all terminals and airport facilities serving that airport at a reasonable cost.

(3) In the event of a dispute between the airport operator and the provider of any such facility the Secretary of State will have the power to determine fair and reasonable access to the runways and other essential services.'.

Mr. Steen: We have already had a formidable debate on a matter of great public interest, but this issue is equally important. The new clause is designed to help the Government with a drafting difficulty that they are probably unaware of. It flows from the belief that if the Bill is left unamended, a new airport operator could build a housing estate there. A new operator could, indeed, sell off the land for agriculture or development, which is, I believe, inconsistent with running an airport. Clause 73(5) and part I of schedule 5 would revoke in its entirety the Airports Authority Act 1975. There is no provision in the Bill to replace the BAA's duty under section 2(2) of that Act to provide services and facilities for the airport's operation. In consequence, the successor company defined in clause 72(1) as being

"the company nominated for the purposes of section 2"—

that is, the company in which the property, rights and liabilities of the BAA will vest — will be under no corresponding duty to provide services and facilities, and will be able to dispose of the land currently used for airports and runways for other, perhaps more lucrative, purposes.

I hope that the Government understand why we felt it our duty to prevent them being severely embarrassed upon finding that Heathrow or Gatwick had become private housing developments, hypermarkets, supermarkets or agricultural land. New clause 2 would impose on the successor company, on public airport companies to which municipal airports may be transferred, and on aerodromes licensed for public use under the air navigation order, an obligation to provide such services and facilities as are, in the opinion of the operator of the airport, necessary or desirable for its operation, having regard to the development of air transport, and to the efficiency, safety, and economy of operation. Those last few words are important. We are introducing criteria whereby that operation must be efficient, safe and economic. The important factor is that the airport operator is not obliged to apply for a licence for public use—that is, one that requires him to make the airport available, when it is in use, to all comers on equal terms—although if he does not do so, the CAA may refuse to grant him a licence for private use.

An aerodrome licence is required under the present Air Navigation Order 1985, part IX, Statutory Instrument No. 1643, for flights for the purpose of public transport—that is, for reward—or for instruction in flying. The concept of the licence for public use could be abolished by amending the air navigation order, subject to the negative resolution procedure.

The new clause is very interesting, and I am sure that my right hon. Friend the Secretary of State will be glad to have it in the Bill. He and his officials may not realise that the new airports authority—I know that my right hon. Friend will correct me if I am wrong—has said that, when Heathrow is privatised, it will buy up houses that are affected by noise. That is also true of Gatwick and other airports. Indeed, it is a credit to the Government that they have persuaded those people to be environmentally sensitive and to buy up houses that are adversely affected by noise. However, as a result of new stringent regulations and developments in air traffic noise, there is now, and will increasingly be, much less noise than years ago.

But once the airport authority has bought up the houses at a knockdown price because of the level of noise, it will have gone into the property market. It will buy houses around the airport, and if it is a good private concern, it will find that is is saddled with houses that are not commercially viable. Although it may sound far-fetched, as drafted, there is nothing in the Bill to prevent an airport authority deciding that the only way of dealing with a lot of loss-making houses on the outskirts of the airport and getting them back to a proper market value is by converting the whole or part of that airport into a private housing development, a supermarket or an office development. In that way, the houses would rise in value as the airport nuisance element receded.

I seek only to help the Government over a drafting deficiency. I hope that my right hon. Friend the Secretary of State will see it in that light. Of course, he may say that it is all very well dealing with hypotheses. Indeed, he may say that new clause 6 dealt with a hypothesis because airports are not yet full, and may never be. But the hypothesis in this case is that the power in the Bill would allow an authority to do something other than run an airport.

7.45 pm

My right hon. Friend the Secretary of State may say that there would have to be a planning appeal before there was any change of use from an airport to a housing estate. That may be true, but what would happen if the new airport owners decided that a housing development was more lucrative, went to the planning department of a local council and was granted planning permission? There is no right of appeal, unless the Secretary of State believes that he can call it in.

The new clause is designed to help my right hon. Friend to ensure that airports are run as such. Moreover, and more importantly, it ensures that they will not be run casually, but with the specific aim of being efficient, effective, safe and economic. I hope that my right hon. Friend the

Secretary of State will find much to commend in the new clause. However, if it is not drafted to his liking, I hope that he will feel that there is some advantage in including something similar in the Bill.

Mr. Toby Jessel (Twickenham): I hope that the House will decisively reject the new clause. It may be, as my hon. Friend the Member for South Hams (Mr. Steen) has suggested, that the housing point is uppermost in his mind, but it is not very likely that an airport authority would build a housing estate in the middle of an airport. However, the new clause could open the door to something far more sinister.

I invite the House to reconsider the text of new clause 7. It says:

> "It shall be the duty of every person who is . . .
>
> *(c)* the operator of an airport licensed for public use . . . to provide at each airport . . . such services and facilities . . . as are in his opinion necessary or desirable for its operation having regard to the development of air transport".

That would impose a duty on airport operators to meet the demand for unlimited expansion of an airport, or so it could be argued in a court of law. At Heathrow, that could, of course, include a fifth terminal. But I remind the House that, after a full debate on Monday 17 June 1985, the House voted decisively by 326 votes to 190 to endorse the decision of my right hon. Friend the Secretary of State for Transport and my right hon. Friend the Secretary of State for the Environment, which had been announced by my right hon. Friend the Secretary of State for Transport on 5 June, to allow for a modest expansion of Stansted while refusing planning permission for a fifth terminal at Heathrow. Therefore, if the House were to accept this clause it could potentially drive a coach and horses through the previous decision of the House. I hope the clause will be rejected decisively.

Mr. McCrindle: I wish to speak to my amendment (a) which proposes to delete the words "in his opinion" from new clause 7. I agree with the broad thrust of new clause 7. I listened with great care to the points made by my hon. Friend the Member for South Hams (Mr. Steen) in moving the new clause. My objection to the new clause is that it is altogether too prone to accept what effectively the British Airports Authority is prepared to dole out. I point out as strongly as I can that the aim of my amendment is to establish real consultation between the providers and users of the services at airports. At present, under the new clause, there seems to be a considerable element of imposition of services at whatever level and to whatever degree the airports believe to be necessary.

Surely the airlines must be concerned with the number, level and quality of services provided. Surely it is not asking too much that the airlines, as the users of the facilities at airports, must be invited to have an input concerning the level of services that they believe are required to enable them to develop air transport. It is not good enough for the airports to provide only those services that the airport authority has decided, without formal consultation, are adequate for the purpose.

Ideally, there should be a partnership between airports and airlines in deciding the appropriate level of services. That presupposes that the terms of the partnership are laid down. As I said earlier, I am concerned that new clause 7, as the basis of that partnership, tends to impose the requirements at the level the airports decide. Because the airlines are, frankly, suspicious of the new regime to which we are now moving, the time has arrived, and the Bill gives the opportunity, to ensure that there is no doubt in anyone's mind that meaningful consultation is being sought.

Briefly, my amendment seeks to achieve the formalising of the consultative procedure. When the Bill was before the House on Second Reading, I intervened during the speech of my right hon. Friend the Secretary of State to intimate my concern that the consultation process provided for was perhaps a little too informal. He may recall that he said then that it did not matter too much to him whether it was formal or informal. With the greatest respect, I think that it does matter, and my amendment provides the opportunity for a rather more formalised basis of consultation. I commend it to the House and to the Secretary of State for consideration.

Mr. Bill Walker: I will concentrate on new clause 9, which stands in my name and that of my hon. Friends and which deals with the provision of new airport facilities.

It is no secret that, once the British Airports Authority is in the private sector—and I heartily approve of that—it will no longer be under any statutory duty to meet demands. The first responsibility of the private airport owners will properly be to their shareholders, and I do not argue with that. In a private monopoly—that is what they will be—the shareholders' interests may best be served and the risk to shareholders' funds minimised, in the absence of any threat of competition, by not providing additional capacity until the demand clearly exceeds existing facilities; in other words, action will be delayed until it must be taken. The airport owners, by meeting the shareholders' interests—the interests of the consumers and the aircraft industry—might be compromised and the competitive position of the United Kingdom weakened.

On the matter of competition, I have been motivated by the thinking and writing of my right hon. Friend the Secretary of State. Therefore, on this subject, I would expect him to understand clearly what I am saying. If new clause 9 were accepted it would enable companies, other that the airport owner, to provide facilities to meet demand on conditions that allowed the companies fair and reasonable access to the essential facilities of airports, such as runways. The provision of terminal facilities, for example, other than by airport owners works well and efficiently in the United States, and this applies to the British Airways—owned and operated terminal at John F. Kennedy airport in New York.

My right hon. Friend will remember the morning when I was delayed in Washington and unfortunately was not able to hear what he said in relation to British Airways and its operations at its New York terminal. He will recollect that, on Tuesday 28 January, he said that British Airways had not particularly enjoyed having its own terminal at JFK in New York. My right hon. Friend will know that British Airways disputes that; it says that it places great value on having its own terminal at this major airport. It enables it to handle arrivals and departures flexibly. It helps it to provide a better service to customers.

The facilities have recently been modernised, and passengers are benefiting and staff enjoy working in them. The marketing of the British Airways product in the United States is in keeping with the refurbishing cost of $16 million. The terminal has assisted British Airways to get its message across in the United States. The main

[Mr. Bill Walker]

competitors of British Airways in New York are Pan American and Trans World Airways and they also operate services from their own terminals and extensively advertise the convenience that this affords.

My right hon. Friend will also be aware that at many other airports in the United States as well as John F. Kennedy there is a similar situation. It was suggested in Committee that the New York airport authority would, at this stage, not be happy about airlines having their own terminals. I was surprised when I read those comments. I was not present when they were made, so I checked the situation myself. There is no doubt that the present policy of the New York authority is to encourage airlines to finance the terminal facilities at its airports, which include all the airports covered by the New York authority. However, the present director of the authority may have personal views not in keeping with the policy that the authority is exercising.

Mr. Stephen Ross: As a member of the Select Committee, I went to all three of the airports in New York run by the authority. The impression given to the Select Committee was that the authority would not go down that path again.

Mr. Walker: I am not questioning that; I am saying that I have subsequently checked the statements made. The report I have from the New York authority is that its policy is to lease out terminals and terminal facilities. It has recently awarded new leases to airlines, one of which is the British Airports Authority, which has just had its lease renegotiated. That is the current policy of the airport authority. It also says that Pan Am did its own financing and TWA sub-leased back from Pan Am. In addition, British Airways, United Airlines, American Airlines, Eastern Airlines, and North West Orient all do their own financing. That happens at JFK airport. At La Guardia, which is also an airport authority airport, Delta Airlines has recently financed a new terminal. At Atlanta the same situation applies.

I will not bore the House with all the details, but I have them in relation to all the major airports in the United States, and the information shows clearly that in places such as Los Angeles, which I understand my hon. Friend the Under-Secretary visited, new terminals are operated by a consortium of international airlines. A United Airlines terminal is privately financed. Terminal 1 is financed by Lockheed. There is no question but that the major airports of the United States and the world's busiest airport—Chicago—have terminals run by private funds, most of which come from airlines. There are key examples of airlines being committed to managing their facilities and often providing their own finance. Their success can be seen by the fact that others have been encouraged to follow suit.

All the major airports in the United States do this. The benefits are there for everyone to see. The economies which are the natural result of private enterprise produce action. Government expense is reduced and operating efficiency is improved. No deterioration in airline access has occurred. In fact, the opposite has happened. There has been a proliferation of new airlines in the United States. I am sure that when the Select Committee was over there, it was impressed. Under deregulation, there has been an enormous expansion in new airlines and not one new carrier has failed to gain access to a suitable terminal at major airports.

Mr. Fry: Can my hon. Friend tell us how many British airlines have told him that they would like to build their own terminal?

8 pm

Mr. Walker: I cannot comment on these matters, as they may be regarded as confidential, but I can say that more than one has expressed an interest. I hope that my hon. Friend now realises that airlines are interested in being associated with and involved in the construction and running of airline terminals. I am not authorised by the airlines to say more. Airlines would wish to operate terminals if the facilities were not provided. They would build terminals, not for the sake of it, but only if it would help them run their businesses.

In Committee, there was some comment about British Airways not knowing how to run the terminal, and asking the British Airports Authority for advice. I am sure that my right hon. Friend will agree that that is not true. A senior member of British Airways invited British Airports Authority involvement in one aspect of the operation of the new terminal at John F. Kennedy airport. It is sensible to seek help from an expert.

On the matter of the 17 cargo sheds at Heathrow, it was suggested in Committee that British Airways had prevented others from having access to the sheds. British Airways had only one of the cargo sheds—all the others were leased by other airlines. There is no question of one airline adopting a dog-in-the-manger attitude. The British Airports Authority had to build another cargo shed, but that is no reason for rejecting the new clause. The airlines will build a terminal or other facility only if they believe they need it and can make it work cost-effectively and profitably. They do not build for the sake of it.

Additional facilities must be provided. We must consider whether the British Airports Authority, after it is privatised, feels that there is a need, particularly at Heathrow and Gatwick, where there will be enormous pressure. The easy option is to divert traffic to Stansted. If that happens, the new clause is necessary, so that airlines, or anyone else who wishes, can provide new facilities such as terminal facilities to meet demand. That would be helpful and would remove the present monopoly.

My right hon. Friend believes in competition and will, I am sure, see the advantages of new clause 9. It will galvanise the airport owner to provide sufficient capacity in time. As I have always argued when we debate air traffic navigation orders, there would have been proper consultation if the House had had the opportunity to pray against those orders. The right to pray against them would create the conditions in which consultations would be effective. Airport owners are required by statute to provide sufficient capacity, but, after privatisation, the Government will have no control over the new owner's capital spending. Without new clause 9, the Government's ability to influence capacity provision will be much reduced. I hope that my right hon. Friend will accept the new clause because it will help us to provide the necessary facilities in time.

Mr. Adley: My hon. Friend the Member for Tayside, North (Mr. Walker) has a slightly rosy view of the Bill.

My right hon. Friend the Secretary of State believes in competition, but not if extra competition interferes with the maximisation of revenue for the Treasury from the privatisation of the BAA. That is one of the problems that lie at the heart of the Bill.

There are three views of the Bill, two of which are dogmatic. We have the Opposition's view that public ownership is the answer to everything, and we have my right hon. Friend's view that unrestrained private trading is the only solution for the nation's problems, provided of course that we do not allow too much competition, which would reduce the value of the product that we are selling off. The new clauses in this group tend to reflect the views of some of us who support the proposition, but worried about some of the details.

In the previous debate the hon. Member for West Bromwich, East (Mr. Snape) suggested to my hon. Friend the Member for Cannock and Burntwood (Mr. Howarth) that there was incompatibility between a legislative framework and a private sector company with public sector responsibilities created by such a framework. I utterly reject that view. Anyone who has read the history of the Great Western Railway knows that it is perfectly possible to have a company in the private sector which is heavily encompassed with public sector responsibilities laid on it by the House.

I shall support the new clauses, partly because of the duty-free shops at our airports. They seem to be virtually a licence to print money. When I go through Heathrow and buy perfumes for my wife, I find that the prices there are about the same as those at Fortnum and Mason.

Mr. Couchman: Does my hon. Friend shop there?

Mr. Adley: Yes.

If my right hon. Friend is not willing to accept the new clauses or the amendment, I hope that he will consider sympathetically in another place the proposition that it is desirable to encourage a little more competition, even if we may have to accept a slightly lower price for the privatisation of the BAA.

Mr. James Hill (Southampton, Test): We all know that poorly drafted legislation can create a bonus for the legal profession. It worries me that, if my right hon. Friend the Secretary of State accepts new clause 9, an impression, which the barristers would be only too pleased to argue from now to domesday, would be created. I do not fully understand the phrase

"airport capacity in the national interest."

That will be a difficult concept to argue. The new clause states:

"The airport operator must provide fair and reasonable access."

He is in the business of providing access to runways. As everyone who has been in the airline business will know, he probably provides more access to runways than he does to duty-free shops. The airport operator must not only provide fair and reasonable access to runways, but all these extra facilities must be provided at a reasonable cost. That may lead to a vast argument between the operators and the private owner of the airport.

The penultimate line shows that my right hon. Friend the Secretary of State

"will have the power to determine fair and reasonable access to the runways."

That will be terribly difficult to define.

I hesitate not to support the new clause. My hon. Friend's heart is in the right place. He wants privatisation, but he wants it to be hedged with many minor regulations. The free port of Southampton is an example of how regulations can destroy almost anything. I shall be extremely interested to hear what my right hon. Friend the Secretary of State has to say, but the new clause is too woolly for the House——

Mr. Bill Walker: I trust that my hon. Friend has read the Bill carefully. He must realise that parts of the new clause are taken from the Bill. If it is too woolly and couched in the wrong language, something must be fundamentally wrong with the Bill. Had my hon. Friend followed our earlier debates and understood what was meant by reasonable access to runways and other essential facilities, he would know that we were talking about aircraft being told to taxi from new terminals over taxiways to runways. If we built a new terminal at Heathrow, there would be no guarantee of access to the taxiways and runways.

Mr. Hill: I sometimes listen to my hon. Friends with wonder. The development of terminal 4 at Heathrow has meant that crossing over to active runways will be one of the most hazardous activities for pilots. Fair and reasonable access to runways is not always provided. That is a matter for the operator of the airport. It is not for my right hon. Friend to provide an inspectorate to make daily checks on large firms to see whether they provide fair and reasonable access. In practical terms, that will not work.

Whatever one may say about "a reasonable cost", which my hon. Friend did not mention, I must point out that anyone's figure could be a reasonable figure of cost. The barristers will love new clause 9, if it is accepted, because they will argue for ever more about every decision that the Secretary of State or an airport operator makes.

Mr. Alan Haselhurst (Saffron Walden): I wish to speak briefly, more in the spirit of my hon. Friend the Member for Christchurch (Mr. Adley) than in the narrow legalistic sense of my hon. Friend the Member for Southampton, Test (Mr. Hill). My hon. Friend the Member for Test was a little less than fair. We have been discussing the broad spirit of some principles of the Bill. Conservative Members are amateur draftsmen. Their amendments and new clauses are proposed as a vehicle for ideas which we commend to the Secretary of State. If the Secretary of State is impressed by those ideas, he may wish to put his draftsmen to work to ensure that they are properly encapsulated in the Bill.

My main point is that the Bill provides considerable powers for the British Airports Authority and it is not unreasonable that it should have duties placed upon it and that there should be every protection for people who may wish to have access to the facilities that we are delivering over to a private body—the British Airports Authority—after the Bill has reached the statute book.

Therefore, I do not dismiss entirely the importance of new clause 7, although I would not go as far as my hon. Friend the Member for South Hams (Mr. Steen) in supposing what could happen. It is reasonable to assume that the operators of Heathrow or Gatwick could, within present planning regulations, have the freedom to build two or three warehouses without their coming within the criteria for being called in, as the criteria have generally been operated until now. Of course, it may be fanciful to

[Mr. Alan Haselhurst]

suggest that they would operate that freedom wildly and irresponsibly, but it is possible and we are here to ensure that there is proper protection. Therefore, it is reasonable to place a duty on the operators of the airports that we are handing over to the private sector to provide the services that are an essential part of an airport.

8.15 pm

On possible competition—this may cause my hon. Friend the Member for Twickenham (Mr. Jessel) to jump up and down in great excitement, but I say it purely illustratively—it is well known that a private consortium exists which would be interested in developing the Perry Oaks site at Heathrow. If that body were not the British Airports Authority, it could build a terminal without planning permission, but it would never obtain the agreement of the BAA, as the owner of Heathrow and its runways, to have access to those runways. It is reasonable to expect an opening to be retained in the statute should that happen, whether at Heathrow or anywhere else. It should be possible for a competitive operator of a terminal not to be squeezed out simply because the owner of the runways says, "I will not have you at my airport." I hope that my right hon. Friend will not cast that consideration aside. There must be no danger of excluding that possibility of competition.

Mr. Fry: My hon. Friend the Member for Tayside, North (Mr. Walker) quoted extensively from experience in the United States. The Select Committee discovered, when it visited the United States and investigated the matter, that much of the ownership of terminals is associated with the hub principle of American airlines. Large American airlines use specific cities. In Atlanta, for example, Eastern and Delta own the two terminals, and it is accepted as their territory. I am sure that, despite what he said, my hon. Friend would not deny the enormous advantage that that gives to the airlines which use that hub. That would be a major departure in Britain. I remind him that British Airways has not been given exclusive use of terminal 4 at Heathrow——

Mr. Dicks: Shame.

Mr. Fry: That may be, but as a matter of policy that is the decision.

I have some sympathy with my hon. Friend the Member for Tayside, North when I consider Glasgow. Glasgow airport is interesting because it has no freight facilities. If Glasgow and Prestwick were not under the same ownership, one wonders whether Glasgow would continue to have no freight facilities. If it did, there might be an end to Prestwick. There is some merit in my hon. Friend's proposals and some points for my right hon. Friend the Secretary of State to consider.

After listening to some of the speeches of my hon. Friends, I begin to wonder how far they want to whittle down the value of the BAA before we sell it. My hon. Friend the member for Christchurch (Mr. Adley) said tht fewer duty-free articles should be sold. Does he realise how much of the revenue of the BAA comes from duty-free goods? If we abolished duty-free goods and made it difficult to make large profits from that source, the airlines would complain about increased landing charges.

Mr. Adley: They would be happier on safety grounds.

Mr. Fry: Perhaps, but there would be complaints.

There would be difficulties with foreign countries and airlines. We should not under-estimate the contributions that duty-free shops and other franchises make to the finances of the BAA.

Mr. Adley: If my hon. Friend talked to representatives of the airlines, he would find that they would be delighted to have the opportunity to fly without having to carry large quantities of highly explosive alcohol on board for their customers. As the Bill stands, without any seeming control there is the danger that what happens in my constituency could happen at BAA airports. For example, Hurn airport is operated by the airport management committee, without any regard to Christchurch council as the planning authority. In planning use terms, the committee allowed factories, which were previously owned by British Aerospace for the purpose of building aeroplanes, to be converted into warehouses for storing EEC grain. That change of use took place without any application to the planning authority. That is an example of the sort of thing that is worrying us.

Mr. Fry: If I read the wording of the new clause correctly, it would be necessary for planning approval to be given for someone to build a terminal. In such circumstances, can one imagine some local authorities being happy to give planning permission? I do not know whether that would be in the interests of the airport as a whole or of the airport users. I am commenting on the way in which the clause has been presented.

If we continue to whittle away the saleable value of the authority, we shall not realise anything like the amount that has been expected. I understand the worries of my hon. Friends, but the sum that will be realised is already somewhat lower than was expected originally. I believe that the Government are right to say that they want to offer to the public—to those who wish to buy shares—something of comparable value to what had been expected. If we continue to pass amendments or new clauses that reduce the value of the authority, we shall defeat one of our main purposes.

Mr. Haselhurst: Does my hon. Friend believe that our main objective should be to achieve the maximum value for the authority or to ensure that we create a regime that is in the interests of British civil aviation?

Mr. Fry: Naturally, I think that our priority should be the latter. One can go only so far in that direction. If we continue to bring up ideas, such as those which are canvassed in new clause 9, anyone who obtains planning permission will be able to do virtually anything and have automatic access to an airport.

Mr. Bill Walker: My hon. Friend is being unrealistic if he believes that there are people throughout the world who are determined to build terminals or any other facilities without being absolutely sure that they will obtain a return for their money. Those who will be interested are hard-nosed speculators and investors. We know that airlines are having some difficulty nowadays in making profits and there will be a wish to ensure that what they are doing is necessary and will provide a return. If I may say so, I find my hon. Friend's frivolous approach to serious matters rather disturbing.

Mr. Fry: On the contrary, my approach is not frivolous. Has my hon. Friend not seen large office blocks in our cities standing empty? Many of those blocks remain

empty for a long time after erection. If it is assumed that there is a great deal of money to be made from the development of airports, some people will develop them. However, the developments will not necessarily be utilised immediately. I assure my hon. Friend that my approach is not frivolous.

Mr. Wilkinson: I should like to reinforce the arguments advanced by my hon. Friends the Members for Saffron Walden (Mr. Haselhurst) and for Tayside, North (Mr. Walker). The concern of many of my hon. Friends is that the long-term economic potential benefit which could accrue to Britain through the fullest use of its civil air transport infrastructure — airports and associated facilities—should not be diminished by its development for other purposes for short-term financial gain.

Mr. Fry: I do not deny that. I am saying that new clause 9 would not achieve what my hon. Friend wants. I think that I have spent more time responding to interventions than in proceeding with my speech.

I understand the concerns that have been expressed. The new clause has provided a vehicle for the expression of those concerns, and I hope that my right hon. Friend the Secretary of State will respond to them. However, I do not feel that I can support the new clauses. As I said in responding to the speech of my hon. Friend the Member for Twickenham (Mr. Jessel), I believe that amendment (a), tabled by my hon. Friend the Member for Brentwood and Ongar (Mr. McCrindle), would make matters worse. It would put an onus upon any airport owner to extend an airport if there were any demand for extra use. That would be an exceedingly dangerous line to follow.

I am aware that we are trying to create a framework for airports that is in the national interest, and we must decide who is the best custodian of the national interest. In the last resort, I believe that responsibility must lie with the Secretary of State. I cannot, therefore, support the new clause.

Mr. Robert Hughes: I hesitated before deciding to intervene in the debate. There has been a family argument among Conservative Members, and some of their interventions have been astonishing when one remembers that they all trooped into the Aye Lobby to support the Bill's Second Reading. They were enthusiastic in their support of a measure to privatise the BAA. Yet all that we have heard throughout the evening has been one Doubting Thomas after another describing the fragility of the entire exercise and arguing that a private company cannot be trusted to do the job which the Secretary of State seeks to allow it to do.

Mr. Dicks: With great respect, the hon. Gentleman's description of the debate is a travesty. On Second Reading many of us expressed concern and great doubt about the BAA's ability to do anything right. To suggest that Conservative Members who supported the principle of privatisation walked through the Aye Lobby on Second Reading while supporting the authority's activities is a travesty of what took place on that occasion.

Mr. Hughes: I absorb the hon. Gentleman's intervention. I absolve him from my general accusation that Tory Members walked through the Aye Lobby enthusiastically on Second Reading. I accept that he was dragged through the Lobby kicking and screaming by the Whips.

The principle of the privatisation of the BAA, as enshrined in the Bill, has been challenged by every hon. Member who has spoken in the many debates that have taken place this evening. The hon. Member for Tayside, North (Mr. Walker) has the greatest suspicion that the new owner—he was not speaking about the management and we do not know who the new owner will be—of the BAA will allow terminal capacity to drag against demand to such an extent that it will allow a competitor to move in and provide facilities. Other Conservative Members say that the problem is to ensure competition and that the operation must be directed to the maximising of profits while responding to the public interest.

Terminals make money because, while waiting to join their flights, passengers use the franchise shops and duty-free shops. No money is made merely by passengers passing through terminals in the course of joining their flights. No money is to be made merely by providing runways, taxiways and shelters for those boarding aircraft or disembarking from them. Conservative Members are realising more and more that the Bill is nonsense.

If the subsequent owners of the BAA airports or local authority airports are to maximise profits, they will do so only by concentrating on non-landing charges. They will provide terminals as and when there is perceived demand. They will not start to build a terminal with the unlikely prospect that in 10 years more people will be using the airport. They will look to capacity, demand and projections. If we go through the procedure of a public inquiry — no one suggests that the public inquiry procedure should be dropped — it will take about 15 years from deciding to build a new terminal to its being in operation. The time scale might be a little shorter.

Neither of the new clauses will make any difference to what will happen in the future. I accept that they have been put forward to float ideas. The ideas have been floated, and in my view they have sunk.

8.30 pm

Mr. Ridley: The two new clauses are slightly different in content and I shall discuss them separately. I should like to pick up the point made by my hon. Friend the Member for Southampton, Test (Mr. Hill) who, quite professionally, destroyed the drafting of new clause 9. My hon. Friend the Member for Saffron Walden (Mr. Haselhurst) quite correctly said that it is not the drafting we are worried about but the principle. That may be perfectly right in relation to new clause 9 but the drafting of new clause 7, which my hon. Friend the Member for Southampton, Test could also have dealt with, leaves more than detail to be cured by the skill of the draftsman. It exposes the very difficulties which my hon. Friend the Member for South Hams (Mr. Steen) is encountering. They are not drafting difficulties, but difficulties of substance. Although my hon. Friend the Member for South Hams makes a brave attempt to impose a duty on airport operators to provide capacity and adequate services, he has no means of saying how much capacity or how adequate the services should be. We cannot ride out of that difficulty on the skill of the draftsman.

Looking at the practicality of the duty which my hon. Friend the Member for South Hams wishes to put on airport operators, its fulfilment may not be within an airport operator's power. He may be unable to obtain

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planning permission for a development which he considers necessary, or he may be unable to obtain finance for a new facility which he considers necessary.

How is a breach of such a duty to be judged? There are no objective criteria for the courts to apply. What sanctions could be applied? One could not have a court requiring a certain extra terminal to be built as part of the judgment as to whether the law that my hon. Friend proposes has been complied with. I shall take the notorious example of Stansted. I happen to believe that a limited expansion at Stansted is necessary. My hon. Friend the Member for Saffron Walden has consistently and courageously fought the opposite case — that no development, or much less development, was needed at Stansted. Will the dispute between us be arbitrated by a court? It is not a proposition that my hon. Friend the Member for South Hams could believe to be correct.

Mr. Haselhurst: I cannot let that aside go without comment. I have always argued in favour of limited expansion at Stansted. The argument has been about the degree.

Mr. Ridley: I accept that. The question is how limited is limited. We have a different view of the word. I cite that only as an example of how difficult it is to decide what capacity is necessary and to show that this is not a justiciable matter.

The new clause contains the phrase "in his opinion" —that is, the opinion of the operator. If we are to rely on his opinion he will always say, "Yes, it is my opinion that I have provided enough capacity." If we accept the amendment to new clause 7 of my hon. Friend the Member for Brentwood and Ongar (Mr. McCrindle) so that we cut out the words "in his opinion", it makes it more difficult for the court to interpret. There will not then be anybody's opinion, so the court will simply have to interpret whether adequate capacity or services are provided in vacuo, and without any guidance.

Mr. Robert Hughes: Why does the Secretary of State take such objection to the words "in his opinion" when the Bill is littered with his own phrase "as he thinks fit"?

Mr. Ridley: The hon. Gentleman may or may not be a lawyer; I do not know. He must realise that if I am in a court of law, all I have to do is say, "In my opinion, I did not steal the hon. Gentleman's wallet," if the charge is that I have stolen the hon. Gentleman's wallet and it is accepted that it is a matter of opinion whether the wallet was stolen. It is a very easy defence to say, "In my opinion, I did not steal the wallet." That is why those words are important.

My hon. Friend the Member for South Hams was concerned not so much about the failure to provide sufficient capacity as about the extreme case of an airport operator who decided to convert the airport to other uses such as housing. The answer was in his own speech. A change of use would require planning permission and it is not enough to suggest that the planning authority could simply grant it, as happened in the case mentioned by my hon. Friend the Member for Christchurch (Mr. Adley). If it was proposed to convert an airport to housing or any other non-airport purpose, my right hon. Friend the Secretary of State for the Environment might wish to call in the planning application and consider it in relation to airline policy.

I am not saying that he would do so in all cases, because some airports are tiny and not used at all, or very little. Clearly in such cases it would be right for those airports to be put to other uses. However, in the case of any sizeable or major airport I have no doubt that that would be the defence that would ultimately be open to the Government. If an airline operator were to buy houses surrounding an airport and claim that the houses would increase in value if the noise was stopped, that would be a strange plea for planning permission and could certainly be the subject of a call-in in the way that I have described.

My hon. Friend the Member for Brentwood and Ongar returned to the point about the need for consultation. I think that the Bill is littered with instances where airport operators have to consult and I think that he will find one or two more in the amendments before us tonight. It is difficult to think of other places in the Bill where requirements to consult could be placed. I think that the debate on the scheduling committees illustrated the extent to which the airlines, even if they are not consulted, make their views absolutely clear and well known to the airport operators. Therefore, I hope that my hon. Friend will not feel that we have neglected that.

My hon. Friend the Member for Tayside, North (Mr. Walker) tabled new clause 9. The belief which expressed itself in the debate on new clause 7 came through in new clause 9 — that it is possible that the BAA will not provide adequate capacity at some stage in some airport. New clause 9 seeks to allow airlines or others to provide extra terminal capacity, subject to them obtaining planning permission.

I promised to look at that again because I believe in competition as much as my hon. Friends have been kind enough to acknowledge. I wanted to ensure that we missed nothing. I said in Committee that I thought there was a one in a thousand million chance that it might be possible that an airport would be short of capacity, would refuse to build more and would seek to deny an airline or another developer the opportunity to provide that extra capacity. However, I do not believe that such an example of an airport deliberately starving itself of capacity is likely to occur. There are some reasons in the Bill for thinking that. I shall give one or two reasons why I do not believe that what is proposed would be the right solution, even if that were the case.

In clause 36 (2) there is a duty on the Civil Aviation Authority, while conducting its economic regulation, to encourage investment and make sure that the financing of investment is allowed for in price regulation. Secondly, it is very much in any airport operator's interest to seek to maximise traffic. If we are to get the profit motive into airports through the Bill at all, the way in which extra profits will be made, particularly with economic regulation, is partly through reduction of costs, but mainly through increase of throughput.

Every passenger who is contented, has enough space in the terminal, is not jostled, does not have to queue, and can sit down, will be likely to spend a little more in the shops. That is the way in which extra revenue will come to the airport operator. Therefore, deliberately to cramp, deny or restrict the space provided is deliberately to restrict

one's own profits. For those reasons, it is almost unthinkable that anybody would deliberately produce less capacity than was humanly possible.

I must give my hon. Friend the Member for Tayside, North the reason why I wonder whether it is a proper solution to give powers to other airlines or consortia to build extra terminals in defiance of an airport operator's wish. I think that the whole House will agree with me that if an airline or another operator agreed with the airport operator that extra terminal capacity would be provided, not by the airport operator but by somebody else, that would be ideal. That is what has happened in New York, as my hon. Friend knows. As a policy, the port authority there has agreed with other airlines that they should build their own terminal capacity. That is excellent. I hope that it happens here. However, there is not so much space here for every airline to have its own terminal as there is in airports abroad.

For example, if—it is a big "if"—British Airways were to build terminal 5 at Heathrow, after the problem of the sludge works had been conquered, and it provided terminal capacity for 15 million passengers per annum, presumably it would move out of terminal 4, leaving it virtually empty, with just the Dutch airlines and Air Malta there. Even if other airlines moved into terminal 4, they would leave a gap wherever they moved from. Therefore, there would be an inefficient and uneconomic use of the scarce facilities at Heathrow, where there is a limitation on space. Half the space would be taken up by terminals that were not full.

I owe British Airways an apology about the cargo sheds. There are 17 cargo sheds, which were not, as I said in Committee, all taken by British Airways; they were taken by airlines of all sorts. The point remains valid, however, that when British Caledonian wished to have a cargo shed at Heathrow, although there was plenty of spare capacity in those 17 cargo sheds, not one airline was prepared to make the necessary arrangement to accommodate British Caledonian, so another cargo shed had to be built. That is an illustration, on the cargo side, of the same point that I was making about terminals.

Mr. Wilkinson: Will not my right hon. Friend reconsider his somewhat unnecessarily negative statement about terminal 5 and the Perry Oaks site? Is not the important aspect of the matter the fact that there should be no inhibition on the potential development by the airport operator of such a valuable site for terminal facilities that might be desired by the airlines? For commercial reasons, the airport operator could have other intentions for the site, such as a waterfowl park. Is not what my right hon. Friend said much too negative? The development of a fifth terminal at Heathrow could not become a commercial proposition until there was sufficient demand by the air transport operators, who would be able to move in and fully occupy those facilities.

8.45 pm

Mr. Ridley: I have the greatest respect for my hon. Friend, but for once he is not right. If British Airways moved into a new terminal 5 and filled it, it would leave an enormous vacuum in the other terminals. The airport operator would have to forgo the rent for them, so that it would lose a lot of money, or other airlines would have to be surcharged to cover the cost of the empty space at the other terminals. That would not be at all fair on the other airlines.

It is worse than that. Supposing that the constraint on capacity at Heathrow is the runways—as I have always said—not terminal capacity, and supposing suddenly capacity for an extra 15 million passengers was provided at terminal 5, British Airways would say: "I shall put more flights through my terminal 5. Will you please chuck some of these people out of the lifeboat because I have a terminal. I do not care about the others. I shall monopolise the runway capacity." Out of the lifeboat would go all my hon. Friends who support the small airlines, which I too support. Therefore, there is a real risk. I hope that no one will take offence, least of all British Airways, because I have used it as an example to illustrate my point. I am sure that BA would not behave like that.

The policy of allowing extra terminal capacity at the will of an airline could severely disadvantage other airlines. As we are seeking to make airports open for all, without discrimination or favour, I believe that there are some fairly strong reasons why it would be better not to do that.

Mr. Bill Walker: My right hon. Friend is touching on a fundamental and important point. Let us consider the very fact that the site at Perry Oaks exists and that there will be a need to redevelop the central area of Heathrow. At some time there will be inadequate terminal capacity because of the need to redevelop the central area. That is what we have in mind. My right hon. Friend has grasped many of the nettles. The problem has been that Governments have refused to face up to the problems of looking ahead, in aviation policy. I believe that the development of our prime airport is one of those things. That is why it is necessary for there to be at least an opportunity for private capital to help the development.

Mr. Ridley: My hon. Friend is absolutely right. It would be useful if an opportunity could be found to redevelop the central area of Heathrow.

Extra terminal capacity might be required while it was being done. It is within the capability of the BAA successor company, in conjunction with the airlines, and with private capital, to do that by agreement, but my hon. Friend is seeking to give the airlines a right to do it in the absence of agreement with the airport operator. That would lead to the evils that I have just described. I would encourage and welcome co-operation between all concerned in providing the capacity that is thought to be necessary, but there should not be conflict leading to discrimination or favour.

Mr. Dicks: The weight of my right hon. Friend's argument would be increased if most Conservative Members were not aware of the fact that the BAA is determined to see Stansted advanced, at whatever cost. Therefore, there would not be fairness and compromise over the decision on the development of terminal 5 at Perry Oaks. There would be a feeling among the airlines and many people that the BAA is biased, as perhaps my right hon. Friend is, with respect, in favour of Stansted. Does not my right hon. Friend agree that the role of the airport operator is to give the airlines the facilities at an airport so that they can provide a service for their customers?

Mr. Ridley: I agree entirely with my hon. Friend the Member for Hayes and Harlington (Mr. Dicks) on his second point, but I found his first point confusing. My hon. Friends have expressed concern that insufficient

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capacity will be provided and that something should be written into the Bill to force airport operators to provide as much capacity as is necessary. When the airport operators have tried to do so at Stansted the same hon. Friends have been extremely alarmed. My hon. Friends cannot have it both ways. They would like to decide where and when capacity is reached, but the British Airports Authority has been trying to provide the extra capacity that is needed. Yet my hon. Friends have sought to criticise the authority for not doing that.

Mr. Jessel: My right hon. Friend said that the main limiting factor at Heathrow is the limitation capacity on runways. I would also ask him to consider that the highway capacity on the approach roads could become increasingly relevant. Despite the tremendous benefits conferred around London by the M25, that motorway already shows signs of being highly congested at peak hours. The A4 out of central London is also congested. Therefore one cannot go on for ever expanding capacity at Heathrow.

Mr. Ridley: I congratulate my hon. Friend on getting in a well deserved plug for extra infrastructure at Heathrow during a Bill which deals with aeroplanes rather than other forms of transport. My hon. Friend will be aware that we are deep into a study on how to improve access to Heathrow, though the report is not yet ready.

I do not consider that these amendments are necessary, although I have much sympathy with both the new clauses. When one comes to try to devise a statute, which we are now making, which holds up to the type of examination that the House would like to expose it to, I think one would find the amendments would be difficult to incorporate in a way that would improve the Bill. I think we have got it right and I hope my hon. Friends will not feel that they wish to press the new clauses.

Mr. Steen: With the leave of the House.

I am always moved when I hear the Secretary of State, because he is extremely persuasive and he puts his case very nicely. I feel sure that new clause 7 will not go well in the Bill if my right hon. Friend says that it will not do so. We have disagreed only on where the Okehampton bypass should go. My right hon. Friend wanted it to go south, and I wanted it to go north. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Mr. Deputy Speaker (Sir Paul Dean): Does the hon. Member for Tayside, North (Mr. Walker) wish to have a Division on new clause 9?

Mr. Bill Walker: With the leave of the House, I wish to——

Mr. Deputy Speaker: Order. The hon. Gentleman has had his say. If he wants a Division, he should move the new clause formally. If not, there is nothing more to be said.

Clause 1

POWER TO DIRECT REORGANISATION OF BAA'S UNDERTAKING PRIOR TO APPOINTED DAY

Mr. Alfred Morris (Manchester, Wythenshawe): I beg to move amendment No. 1, in page 1, line 14, at end insert—

'Provided that such proposals shall make provision for Stansted Airport to be operated as an independent free-standing company.'.

Mr. Deputy Speaker: With this it will be convenient to take the following amendments: No. 2, in page 2, line 17, at end insert—

'Provided that the Secretary of State shall not approve proposals in relation to Stansted Airport unless they provide for its operation as an independent free-standing company.'.

No. 3, in line 17, at end insert—

'(3A) The Secretary of State shall not approve proposals under subsection (3) if any company so nominated owns more than one airport serving the same area as defined by section 28(6) except that, for the purposes of this section, airports operating in Scotland shall not be regarded as serving the same area.'.

Mr. Morris: With very many others, I am most grateful to Mr. Speaker for selecting these important amendments. They have been signed by scores of hon. and right hon. Members from all parties and from every part of Great Britain over and above those whose names have appeared on the Amendment Paper today.

For several years Members from both sides of the House have fought long and hard to impress upon the Government the importance of Britain's airports outside the south-east. We did so not simply because of the stimulus that they bring to ailing regional economies in the regions devastated by unemployment, but also in the national interest, because of the way in which they can, given the growth of which they are capable, relieve pressure on the overburdened London airports.

Our demands were simple. We urged rejection of a massive expansion of Stansted airport. The decision to develop that airport to 15 million passengers per annum rising to 25 million passengers per annum was neither necessary nor desirable. We also urged the development of a coherent airport policy which would enable the regional airports to compete on equal terms with the London airports. Here I must emphasise that this did not, as some argued, involve the forced diversion of passengers.

What it required was a positive effort, first, to liberalise the network and make it easier for airlines to be allowed to operate direct to and from regions outside the south-east, and, secondly, to eliminate subsidy to Stansted. These demands were demonstrably reasonable. The Government endorsed them and, indeed, much to the credit of the all-party North of England Regional Consortium, they now form major tenets of Government policy, as explained in the 1985 White Paper.

The elimination of subsidy to Stansted is vital to airports outside the south-east. They have to operate as free-standing entities. Their charges have to reflect the cost of operating and developing their facilities. Stansted, on the other hand, is not subject to such disciplines. Charges at Stansted have been consistently low for some time, and are at their comparatively low level solely to attract traffic. In fact, charges at Stansted are, on average, four times lower than those employed at major airports like Manchester, Birmingham and Luton.

The Secretary of State suggested last year that he understood our concern. He promised that arrangements would be made to eliminate subsidy, so that if Stansted was to grow, the market alone would determine the pace of its development and not the motivations of the BAA to maximise the size of its asset base. These promises were generally welcomed by regional interests. Conservative Members from northern constituencies expressed their delight. Others were more cautious. They argued that promises were fine, but felt that action would be the test of the Government's sincerity. How wise they were.

The Government now seek to argue that subsidy to Stansted will, in the Secretary of State's own words, be "cut out", by ensuring that any transfer of funds between the holding company and its subsidiaries will take place only at the commercial rates of interest. This view is misconceived. Interest rates differ according to the risks involved. When capital is raised on the market by the holding company specifically for Stansted, the risks will not be attributable to Stansted, but will reflect the profitability of Heathrow. Therefore, the rate of interest will be lower than what it would otherwise be, and this will represent a hidden subsidy to Stansted — incapable of accurate definition. At the same time, there will be nothing to prevent the Stansted subsidiary not repaying the loan.

I fully understand that the Secretary of State will argue that the policing powers of the CAA will then come into play to combat predatory pricing behaviour. The central question here, however, is about the effectiveness of those powers and, more particularly, the extent to which it will be possible for all funding arrangements within the BAA group to be identified.

The North of England Regional Consortium asked independent accountants to examine part IV and to advise on whether the provisions were sufficient to achieve the objectives both of full transparency and resistance to predatory behaviour. I have to advise the Secretary of State that the Bill failed the test. His amendment, to be debated later, to clause 38 will improve the Bill, but it will still be riddled with deficiencies. The Government have shown no desire to correct them and tried to get by in Committee with assurances to the effect that we should not worry because the point is covered somewhere else or that everything will be all right on the night. That will no longer do. We are now at the Report stage and such empty assurances just will not wash.

9 pm

Let me make it clear that full transparency will not be achieved unless the following minimum changes are made to the Bill. The first is that there must be a specific and mandatory requirement for the holding company to produce detailed accounts for each of its subsidiary companies. The BAA can discharge its Companies Act obligations simply by producing group accounts. As the Bill is presently drafted, the CAA will have only a discretionary duty to seek detailed accounts. Unless separate accounts are produced, it will not be possible to identify contracts and accounting practices within the group, or to prevent a misuse of assets and resources. Subsidy to Stansted, as the Secretary of State knows only too well, will take place in forms other than inter-company loans.

The second minimum change required is the need to give the CAA a full picture of income and expenditure under all headings, yet clause 37(2) provides for only the production of "aggregate" information. There are many types of ancillary services subsidised at Stansted which would be concealed by such information. Examples are air traffic control, where Stansted records a loss of over £1 million, and central charges, where there are many staff based centrally serving all three London airports. Unless full details are available, it is simply not possible to ascertain a true picture.

The third and final minimum change required affects the power given to the CAA to insist upon minimum charges at the London airports. This does not go far enough. The CAA should be concerned to ensure not only that charges are reasonable, but that they are cost based. This, of course, has particular relevance to Stansted.

Our major concern with part IV, however, and indeed with the total arrangements for restructuring the London airports, is that subsidy will be perpetuated as clearly as night follows day. It will be for the CAA to try to ensure that it is kept to reasonable levels. This will be no easy task. Indeed, much of the damage will have been done before the CAA can act. The development of Stansted, which has now been approved for investment purposes, will be under way shortly and will be massively subsidised, despite the fact that the Government in their White Paper promised that charges would rise steeply in order to meet the cost of increasing capacity. In the peak period, the cost-based charge for a Boeing 747 should be £5,533. It is presently £1,422. That is a difference of £4,111, and a huge 75 per cent. reduction.

Mr. Adley: To confirm what the right hon. Gentleman says, is he aware that a major tour operator has told me that, if the charges remain as they are, once the motorway system is completed it will be able to tell the average family going to Majorca, presently flying from Manchester airport, that it can save them at least £15 per head on their package tour by putting them in a bus and taking them to Stansted? That will be at least £60 for a family of four. That is the sort of thing that will happen unless the right hon. Gentleman's points are met.

Mr. Morris: I much appreciate the hon. Gentleman's intervention. He will appreciate that I am trying to put the case in hard summary, since many other right hon. and hon. Members wish to speak.

Our concern in the House must increase when account is taken of the North of England Regional Consortium's most recent publication "Stansted and the Airports Bill", which I warmly commend to the House. It is a document which shows that there is no inherent reason why Stansted cannot operate on a free-standing basis. Indeed, there seems to be considerable scope for that airport to meet its own development costs. That must be so if traffic demand for Stansted grows at a pace which the Government believe to be reasonable.

The Government cannot have it both ways. They cannot argue that market forces will ensure that demand for Stansted will be so high as to make a development necessary, and at the same time argue that subsidy is required to ensure that demand is accommodated at the airport. The North of England Regional Consortium believes that a rate of return of at least 5 per cent. could be generated by a £200 million investment in the airport. Some will argue that that figure is too low, but I would ask the Government to show me what assumptions have been employed that can demonstrate that the approved strategy

[Mr. Morris]

is economic. I admit that there may well have to be savings if Stansted is to be free standing. Sir Norman Payne's objective of building the most substantial and lavishly equipped airport possible may have to be modified in the face of the commercial disciplines of the market place.

The amendments are crucial to a balanced national airports policy. That is the core of our concern. The aviation system is already over-regulated. Market forces are already distorted. Subsidy would only intensify those anomalies to the detriment of regions outside the south-east, and it is all the more unacceptable when it is not economically or socially justified.

I hope that the Secretary of State will now find himself able to accept the amendment. We could then agree across the Floor of the House a detailed definition of a free-standing airport. As I see it, such a definition would at the very least limit investment funds for Stansted to those coming from retained earnings or borrowings direct from the capital market. Loans from the holding company for the Stansted subsidiary would not be allowed. Does the right hon. Gentleman accept that definition?

In January of last year right hon. and hon. Members from all parts of the House rejected the Eyre report and its proposals massively to expand and subsidise Stansted. We did so for a variety of reasons, not the least being the way in which such a proposal would prejudice the north of England, and indeed all the airports outside the south-east. The vote on the amendments under discussion is just as important. I urge hon. Members on both sides of the House to join forces in the Lobby in support of the amendments.

Mr. Fred Silvester (Manchester, Withington): I support the amendment moved by the right hon. Member for Manchester, Wythenshawe (Mr. Morris), with which is grouped amendment No. 3. Amendment No. 1 would take Stansted out of the BAA's clutches; amendment No. 3 would remove Gatwick as well.

I am not perhaps the driest member of the Conservative party, in traditional terms, and it is perhaps curious that I should be making an appeal to a Secretary of State whose political reputation has been built on private enterprise and competition. My right hon. Friend was the scourge of monopoly in film distribution and, more recently, the lion of the buses. We need to know why, in the face of Norman Payne, he has become a lamb.

The situation is very odd. It is odder still because, according to the authority of my hon. Friend the Member for Worcestershire, South (Mr. Spicer), the original belief was that the best approach was to privatise the airports separately. In Committee, my hon. Friend said:

"my right hon. Friend the Secretary of State and I have an initial prejudice towards the separate privatisation of the British airport companies". — [*Official Report, Standing Committee J*, 20 February 1986, c. 200.]

That is odd, too. The Secretary of State, who is by temperament in favour of separate companies, and the Minister originally believed that that was the best way to proceed.

A third curiosity to be added to the list is the undertaking given by the Minister many times that there will be no subsidies or special concessions given to Stansted which are bolstered by the operations at Heathrow and elsewhere. In Committee, my hon. Friend said:

"It is totally accepted by the Government that none of the three London airports should be able to develop or trade unfairly against other United Kingdom airports." — [*Official Report, Standing Committee J*, 20 February 1986: c. 204.]

What is odd is that the most direct and simple way of achieving that would be to stick with the original proposition to treat Stansted as a separate airport. We would not then have to jump through so many hoops; it would have happened automatically.

Faced with those oddities, I looked carefully at my hon. Friend's speech to find an explanation. He gave various reasons why it was essential that the three airports should be privatised together. First, he said that there was no competition between the three airports in price, access or service. That is also an oddity. We, who believe in the drive towards free enterprise companies, are suggesting that, even within the constraints of civil aviation, there will be no difference between the management of differently owned companies, that somehow one company will not press for better access and that another will not offer different services.

Even that is not the key point. My hon. Friend was referring to competition between the three London airports. He forgets that there is wider competition—with Luton, Southend, Bristol, Manchester and other regional airports. My hon. Friend the Member for Christchurch (Mr. Adley) gave an example of how that would operate. It is not simply a carving up of those three airports; it would have a ricochet effect throughout Britain's airports.

Mr. Michael Spicer: Is not the greatest competition with Schiphol?

Mr. Silvester: That was my hon. Friend's second point in Committee. I am dealing with his points in order. He said that we must ensure that the 11 per cent. of passengers who interlink at Heathrow to continue their journey to other countries do not buzz off to Schiphol or Frankfurt. I do not want to go over the whole matter again. My hon. Friend has had many opportunities to explain what he means, but he has singularly failed to do so. The competition is between Heathrow and Schiphol, Heathrow and Frankfurt or Heathrow and somewhere else. It is not between Stansted and Schiphol or Gatwick and Schiphol. He has not explained why providing additional capacity at Stansted will save for the United Kingdom the traffic that is changing planes at Heathrow, which is the only place where passengers want to change planes.

My hon. Friend's third argument—he underlined it with some crossness—was that we should find ourselves in trouble with the small airlines and regional airports that would be gradually excluded because Heathrow was becoming too full and they would be the first to be booted out. Even if that were true, my hon. Friend is driving a coach and horses through the Bill. He is setting up a huge regulatory apparatus. He knows as well as I do that one of the primary considerations that the CAA would have to bear in mind is the proper servicing of the London system from the regional airports. The CAA is governed by regulations.

In Committee my hon. Friend said that regulations would have to be extended and would be more difficult. He did not elaborate on that. No evidence has been produced to show that that would be necessary. The regulations exist. I have been unable to determine why the smaller airports and the small airlines should be excluded under one system any more than under another.

We come at the end to the truth. The Minister makes no bones about it. It is all set out for us to read. He said:

"If the London airports were to be privatised separately, the development of Stansted might be delayed until a time beyond which the capacity was required . . . My hon. Friend—

that is, my hon. Friend the Member for Saffron Walden (Mr. Haselhurst)—

"accepted that a separate developer at Stansted might wish to pace his development leaving aside the question of how long it would take to sell the airport to a separate developer and from then on proceed with development. It is our view that development of Stansted must begin almost immediately."—[*Official Report, Standing Committee J*, 20 February 1986; c. 203-4.]

9.15 pm

That is the core of the argument. The core of the objection is fear of delay—delay in selling off the airport, delay between the sale of Stansted and the beginning of development, and delay because, in my hon. Friend's curious phrase, a separate developer might want to pace himself.

Mr. Haselhurst: Is my hon. Friend aware that, so eager is the British Airports Authority that there should be no delay, it has already issued official invitations to a ceremony next Tuesday to mark the start of the work?

Mr. Silvester: The BAA has never been known for its modesty. Its assumption that it will get its way here is part of history, is it not?

Let us consider the objections. As regards delay in selling off the airport, some Members—there were some in Committee—question the viability of Stansted as a saleable asset in its own right. I doubt whether that argument can be sustained for long. The right hon. Member for Wythenshawe has already drawn attention to the analysis by Peat Marwick, which shows quite clearly that it is a viable proposition. The question of what price is paid for any proposition is for the market to determine. Members on the Government Benches believe that, given an opportunity, the private enterprise system will provide the means for such an organisation to develop and to flourish, provided that there are no public restraints upon it.

My right hon. Friend the Secretary of State has removed the main public restraints. He has got the planning permission that has dogged private enterprise. British Rail can hardly wait to start work on its railway line. The Government, as I understand it, have either approved or are prepared to approve the necessary infrastructure. The forward estimates for the market have been well underlined by the Secretary of State, aiming at £8 million. It is not a tenable argument to suggest that, given all that, Stansted is not a commercial proposition for a potential purchaser, particularly as it is in the south-east. Many companies, such as Manchester airport, have been making profits for many years. Stansted could easily do so, too. Nor do I think that the amount of money that we would get for Heathrow be much affected. I cannot believe that hiving off Stansted will stop someone buying Heathrow, with or without Gatwick.

Mr. Wilkinson: Is not a further significant argument the fact that the subsidising of Stansted by a privatised BAA could inhibit further development at Heathrow and the exploitation of that airport's full potential? We should bear that in mind.

Mr. Silvester: It is true that, in so far as the accounts become transparent, any subsidy to Stansted would be a charge against the profits of Heathrow, and that would have to be borne in mind by the shareholders.

The second point that my hon. Friend made was the delay between the sale of Stansted and the beginning of development. A lot of work has already been done, as my hon. Friend the Member for Saffron Walden well knows. There is no lack of enthusiasm or assistance in the Department of Transport to help this along. I have no doubt that if we were prepared to speed the thing along, we could get it moved in a way that everyone would find satisfactory. In passing, the disaster of British Airways may provide a window for the earlier launch of the British Airports Authority.

The last point that my hon. Friend made was that a separate developer might want to pace himself. That is where we should focus our attention. That is the nub; that is what it is all about. Pacing himself means responding to the market and not providing over-capacity, but fully utilising the assets. It means considering the various alternatives. In this case, the capital market exercises a discipline. I give my right hon. Friend full credit for having sought to provide non-subsidisation within the limits that he has set himself. He has done that in good faith, but from an impossible starting point. I have met nobody who can show me how, given a group company structure, it is possible to prevent Norman Payne and his boys from controlling Stansted in the manner which they wish.

The difficulties of finding a commercial rate of interest on capital have been outlined. The ease of raising capital will be substantially affected. On this basis of expenditure, Stansted will lose money for many years and will be a loss-making airport attracting business from other airports. The only way that my right hon. Friend will be able to meet his obligation is by imposing an extraordinary level of regulation. The Bill is full of regulations to which we are adding tonight.

If we approach the matter more directly and simply say that all the airports should be dealt with separately, we will meet the problem immediately and in full. It mystifies me why my right hon. Friend has not done that. He may be worried that, when we get down to the nitty gritty, Stansted will not be big enough soon enough, but he is putting before us a dubious proposition which at best will mean a short-term gain. In return we will have a long-term problem in dealing with a growing and powerful monopoly which will sit upon British civil aviation for many generations.

Mr. Lewis Carter-Jones (Eccles): I am delighted that the Secretary of State has returned to the Chamber. I cannot understand why he does not save the time of the House by accepting amendment No. 1. I shall read it out so that the House may agree that it accords totally with the political philosophy of the Secretary of State:

"Provided that such proposals shall make provision for Stansted Airport to be operated as an independent free-standing company."

That is what the Secretary of State has been advocating year after year. Why does he not save time by interrupting me now to say, "Of course we accept it," so that we can get on to other issues of greater import?

The fact is that Payne's panzers have got at him. Payne has made a pre-emptive strike. The hon. Member for Saffron Walden (Mr. Haselhurst) said that, despite the fact

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that we have not yet completed consideration of the legislation, all the plans are laid and everything is ready. It is a classic pre-emptive strike in the true panzer sense. We are allegedly discussing a development which, in effect, is already taking place. The Secretary of State should in honesty accept the amendment or tell us clearly that he is Payne's man. What we have is the voice of the Secretary of State but the hand of the chairman of the British Airports Authority.

I would not have accepted a clause of this type if it had applied to Manchester airport. If support is to be given, it should be given to those parts of the country which are in the greatest need. In Manchester we have a superb airport, capable of reinvigorating a depressed region. If the Secretary of State has changed his mind and is prepared to accept subsidies, why is he prepared to allow Stansted to be subsidised but not Manchester, where the greatest need lies?

Mr. Haselhurst: I am well aware that the House has been tolerant with me on a number of occasions when I have spoken about airports and Stansted. I think I am able to say that this is positively the last occasion on which, in a major debate, I shall be heard pontificating on this subject.

This debate is not a rehash of the question of the third London airport. When all other arguments failed, the BAA believed, and I think persuaded my hon. Friend to some extent, that this was really an attempt to undo the decision on Stansted. I say again that that is certainly not the intention behind these amendments.

It could be said that Stansted, as a free-standing airport, might be rather more of a success, to the chagrin of at least some of my constituents. I am looking at this matter on the basis of what is right for civil aviation. I also support the amendments on the basis of the political philosophy that, on the whole, more competition is better than less competition.

The case for separate ownership and the maximisation of competition ought to be self-evident, at least to my right hon. and hon. Friends. My right hon. Friend the Secretary of State has confessed his attraction to it on a number of occasions. Indeed, one feels that my right hon. Friend is philosophically drenched in the doctrine of more competition and more adherence to market forces. Yet somehow he has allowed himself to be overborne and all his instincts to be suppressed by the argument, one suspects, of the British Airports Authority that it should maintain a monopoly in the London airports system.

The arguments that have apparently persuaded my right hon. Friend have been referred to already by my hon. Friend the Member for Manchester, Withington (Mr. Silvester). There is the argument that the three airports cannot really compete. That is a contestable proposition. It is true that there is not scope for competition over 100 per cent. of the activities, but there is still some scope for competition between the airports.

However, the real point, and the one that I do not believe my right hon. Friend has properly addressed, is that there would be a quite different approach to the running of the airports by an operator who had all three of them as compared with operators who had one each. The whole attitude would be bound to be different. The owner of all three would not be under any great pressure to maximise the improvement of services at Heathrow and Gatwick when he had plenty of spare capacity at his disposal at a third airport in the system.

Anyone can run airports in that situation; it is the easiest thing in the world. Any half dozen of us could take charge of an airports authority which was in that happy situation because it would be almost impossible to fail to make money. But if there is competition, one airport against another, it becomes a harder and tighter game. That is what it should be, and that is what Conservatives, on the whole, tend to believe is the right way of running almost any organisation. We are prepared to introduce competition into the supply of water, gas and so on, where it might be argued that there is quite limited scope for competition, because we believe that it is right to do so. Therefore, why we cannot do it with airports simply baffles me.

There is the international competition argument, that London needs to be a system in order to compete with Amsterdam. My hon. Friend the Member for Withington has referred to that. It is most misleading to argue that, in order to expand facilities in London, Stansted, in particular, is necessary so that London can retain its competitive position. London can be competitive only through the maximisation of facilities at Heathrow. That is the test. If an international business man travelling to Europe has to interline and can do so on the one route at Amsterdam, he will do that. He will look twice at anything that is not as good as that. Therefore, we must maximise the facilities at Heathrow. The idea that people should come on a bus from Stansted round the M25 in order to satisfy London's competitive position is both laughable and ludicrous. It is astonishing that my right hon. Friend the Secretary of State should use that as a serious argument.

9.30 pm

I now come to the hearts and flowers bit. It is said that if we do not go along with this monopoly, the small airlines—those dearest to our hearts—will be squeezed out. But I do not see why the operator at Heathrow should want to squeeze out small airlines which are a valuable source of his interlining business. Moreover, the charges for large and small aircraft can be, and are being, regulated in order to close the gap between them. But even if the operator at Heathrow wanted to behave like that, my right hon. Friend the Secretary of State would have the power to ensure that no such unfair or discriminatory policy was allowed.

The back-up to that argument is that it would be extremely complicated for my right hon. Friend the Secretary of State to use the powers in the Bill and that it would be difficult to write the prospectus. But there is no point in having powers if they are so complex that they cannot be used. Furthermore, in taking those powers, my right hon. Friend must have some idea of how he might use them.

In, I believe, its policy document CAP 517, the CAA has put forward a proposal for distributing the traffic round London's airports. It is not necessarily the last word on the subject, but it represents a sensible and coherent approach. My right hon. Friend the Secretary of State might favour another approach, but the CAA has shown that it is possible to produce a document explaining how the traffic could be distributed. Therefore, it is not impossible to get

over the legal obstacles. The Secretary of State cannot say that he wants the powers but would not know how to use them.

There is then the argument over the delay in development. Whether someone believes that there is a risk of delay in development depends on whether he believes in the forecasts. The present forecast is that the London airports system will be saturated by 1991 unless extra capacity is provided, but if that is proved right it will be the first forecast to come true. I understand that Stansted is losing business on a year-on-year basis. For the sake of British avaiation, I hope that there will be a steady improvement in our position. However, it is unlikely that the forecast for 1991 will prove any more accurate than its predecessors.

Mr. Adley: Is not my hon. Friend perhaps a little too polite? He really means what many of us feel, which is that, regardless of transport and regional policy interests, the Government are trying to boost the notional value of Stansted as part of the privatisation of the BAA in order to achieve a quick return on capital regardless of the long-term effects on the country.

Mr. Haselhurst: My hon. Friend may be right about the intention, but it would be an extraordinary intention. It presupposes that people are incapable of reading a prospectus and do not understand what is happening about airports. They must know perfectly well the demand for the airports; and they must know the present profitable sectors in the London airport system. Stansted cannot be hidden if it is a loss maker. Its potential is the same under any ownership; it has a certain potential or no potential. It cannot be hidden in a basket of airports and flogged off to an unsuspecting customer.

Mr. Wilkinson: Does my hon. Friend agree that, if the privatised BAA operated entirely commercially, perhaps the most sensible thing it could do would be to sell Stansted as soon as it got it?

Mr. Haselhurst: That is possible but unlikely. The record of BAA shows that it has believed in building up its empire. I cannot believe that on the morrow of privatisation it will change its habits quite that quickly; in time it may do so, but not immediately. As my hon. Friend the Member of Withington pointed out, would anybody buy Stansted if it were offered separately? It is a commercial risk, but it is hardly for my right hon. Friend, on behalf of the Government, to try to argue that point, because he and the Government have convinced themselves that demand will be such that Stansted is vital to the capacity of the London system. If they believe that and know there will be this demand, and if we accept the forecast that Stansted will operate for 7 million to 8 million passengers per annum by 1995, it does not lie with them to argue that no one will buy an airport with that potential.

Mr. Dicks: Is it not shameful for the Government to support the BAA investment plans for Stansted by an input of many millions of pounds, when we have yet to get the Bill through the House?

Mr. Haselhurst: The BAA is ever hasty. It surprises me that the ceremonies should be going ahead so quickly. If the Government are right about the traffic forecast, Heathrow's ultimate capacity is 38 million to 40 million passengers per annum, and Gatwick may take as many as 25 million. However, thereafter any excess that wishes to go to London will have to go to the only other airport where capacity has been provided. It is the decision of the Government, endorsed by the House, that that capacity will be provided at Stansted. On that basis, people in private industry will be interested in taking the opportunity to exploit that potential and to make Stansted a successful airport.

The recurring point throughout our debates on this subject has been the question of cost subsidy, which was dealt with in some detail by the right hon. Member for Manchester, Wythenshawe (Mr. Morris). My hon. Friend the Under-Secretary has said that the Government are determined that there shall not be unfair trading between airports. Great efforts have been made—I am thankful for this—to put tighter clauses in the Bill to ensure full transparency. Transparency is one thing; effective prohibition of the practices is quite another. It may be perfectly all right to see something going on; the question is whether anything can be done about it in time. There will be a possibly destructive competitive effect on other airports in the meantime.

There is one sure way of dealing with the question of unfair trading without any ifs or buts and that is simply to have separate ownership of the airports in question; then unfair trading cannot happen. My right hon. Friend should trust his instincts and recognise that there is more than one way of effectively running an airport. We should not cut ourselves off from the possibility of an alternative method of management in the London system. This is an opportunity to create a regime which maximises competition instead of snuffing it out. We should not forgo it.

Mr. Litherland: To make blood curdle in the north-west of England one has only to mention subsidy to Stansted. There is a deep anxiety, especially in the north of England that, if Stansted is developed, it will be at the expense of regional airports. Many colleagues could speak on behalf of their regional airports, but I am most concerned with Manchester international airport, which is now known as Manchester airport since becoming a public limited company on 1 April.

There is a deep and widespread anxiety about the proposals to construct new rail links to Stansted, highway schemes costing about £30 million and infrastructure such as housing surrounding such a development as the extension of Stansted. With the Channel tunnel in the offing, a bright future is forecast for the south of England, but at whose expense?

Emotions are aroused on this subject. Investment in the south-east is viewed with scepticism as it is seen to prejudice jobs and prosperity in the regions. I refer to regions where closures in manufacturing have been relentless. Nearly 750,000 jobs have been lost in the north since 1977. The experience has been heartbreaking and demoralising. People in the regions want hope and a future.

I realise that we do not extend airports just to provide jobs. There must be a demand for the airport and its services. There is such demand at Manchester, so the airport acts as a catalyst in the region. Any diminution of the airport's role would be disastrous for the area. We have had today a lobby by trade unionists and workers from various airports. They told us in no uncertain terms of their prospects if there is any subsidy to Stansted. They fear for their jobs and their families. It is not that I or any of my

[Mr. Litherland]

colleagues oppose cross-subsidy. We made that clear in Committee. We oppose unfair and hidden subsidy that would create demand that is not true market demand. That is what will happen at Stansted.

It is feared that many regional airports are at a critical stage of redevelopment and that any massive subsidy to Stansted would create an imbalance. The Government have not reassured us that Stansted will not receive excessive subsidy. Emotions are aroused in the north because the issue is seen as another example of the great divide between the haves and the have-nots in the north and the south. The divide is getting wider. There is more deprivation in the area that I represent.

The North of England Regional Consortium can find no justification for supporting the continuation of any subsidy and argues most strongly that Stansted could stand on its own feet. We have heard from across the political spectrum that Stansted could and should stand alone. The consortium has led a campaign suggesting that Stansted should operate as a free-standing airport.

In that respect, there is great support from the Joint Airports Committee of Local Authorities and the Air Transport Users Committee. The need for Stansted to operate in that way relates to one objective — that of securing equal competition. We believe that, with subsidy to Stansted, there will be no equal competition. The throughput at Stansted, is about 500,000 passengers — well below the capacity of the existing terminal of 2 million passengers. Yet the terminal is to be expanded, initially to 7 to 8 million passengers, rising to 15 million passengers, at an initial capital cost of £200 million.

9.45 pm

Funding of that magnitude is incapable of being secured from surplus profits generated at Stansted. Therefore, we must conclude that the BAA approach is that cross-subsidy from profits generated at Heathrow airport must continue to support the operation of Stansted airport and to fund the development of Stansted's facilities.

The consortium accepts that there is a general case for subsidy in the transport sector. This acceptance is conditioned by two factors. The first is that it forms part of a coherent policy and the second is that it does not cause detrimental effects to the remainder of the system. The problem with subsidies to Stansted is that neither of those conditions is met.

Mr. Couchman: I shall detain the House only briefly. To judge from what my hon. Friend the Member for Saffron Walden (Mr. Haselhurst) said, it is clear that this is his last stand on the issue for some time. This is, indeed, the last battle by those who are against — [HON. MEMBERS: "No."]—the development of Stansted. They have realised that fact, and they have tabled the three amendments that we are discussing.

It is equally obvious from what the hon. Member for Manchester, Central (Mr. Litherland) said, that he believes this to be a battle between north and south over where investment should be directed. He talked of cross-subsidy and unfair trading, yet he will not acknowledge that the retained income from Heathrow should be used to invest in new facilities at Stansted.

It is obvious that the British Airports Authority, as it is constituted, and the future plc, would wish to be retained as an unfragmented whole, to be able to attract money from the market, to be able to retain greater income from the successful airports in the London hub to invest in Stansted, and to be able to create facilities which it believes to be necessary. I am persuaded of its arguments and from the beginning I have supported the development of Stansted.

My hon. Friend the Member for Manchester, Withington (Mr. Silvester) spoke of this being a case of Heathrow versus Schiphol, but if London is to maintain its pre-eminent position, it is more a case of the London hub versus Schiphol.

Mr. Silvester: I would genuinely like some information from my hon. Friend. No one has ever explained to me how expanding the capacity at Stansted will enable people wishing to interline at Heathrow to continue to do that rather than go to Schiphol. How will that happen?

Mr. Couchman: There will be some redistribution of traffic from Heathrow to Stansted. No one has suggested that that would not happen. That will create additional capacity at Heathrow, which will be necessary for the increasing interlining trade. I support Stansted and will vote against the amendments if they are put to the test.

As I have said, I do not wish to detain the House for very long. I understand that many hon. Members wish to contribute to the debate. I merely add that it is curious that the right hon. Member for Manchester, Wythenshawe (Mr. Morris), who asked for your judgment, Mr. Speaker, on whether the Bill was hybrid, should associate himself with amendments which make clear the degree of hybridity which those who are opposed to Stansted would wish to build into the Bill.

Mr. Robert N. Wareing (Liverpool, West Derby): The hon. Member for Gillingham (Mr. Couchman) could not be further from the truth when he argues that the amendment is an attempt to prevent any progress being made with the development of Stansted airport. The hon. Member for Saffron Walden (Mr. Haselhurst) demonstrated that that is not the purpose of the amendment.

Some of us wonder whether the Secretary of State listens to the arguments of his hon. Friends, let alone of Opposition Members. The right hon. Gentleman is usually regarded as the high priest of free market economics, but he will not allow free market competition to stand in the way of the privatisation, as rapidly as possible, of all the London airports. That is the real reason for the Secretary of State having wandered away from his own theories. He has extolled the virtues of the free market economy so often in the House, yet he has succumbed to the pressures of the chairman of the BAA. It is unfortunate that he never succumbs to the democratic pressures of hon. Members in this place. He has decided to give way and to allow, albeit by artificial processes, the unfair subsidisation of the third London airport.

As my hon. Friend the Member for Manchester, Central (Mr. Litherland) has said, we are not against subsidy. Indeed, we often argue the need for subsidy as a vehicle for planning — in this case the planning of airport development. I am, however, against unfair subsidy. That is what is creating the divide between north and south in this instance.

We are often told that we cannot allow undue development of airports at the expense of the London airports and that Londoners must not be expected to go to

Manchester or to regional airports to start their journeys, but that is the usual process for so many who reside in northern Britain. London airports are being subsidised, yet Liverpool faces the prospect of administration by a joint board over the next three years, and rate capping. Incidentally, we do not regard Liverpool airport as being in competition with Manchester airport. We consider the airports to be complementary and believe that their development must proceed hand in glove.

If a public limited company is created, it will be subjected to all the costs that such companies face, including corporation tax, VAT and stamp duties. I advanced this argument in Committee, but never received a proper answer from the Minister. It seems that the assistance given to Liverpool airport will be on nothing like the scale that is now being offered to Stansted and the other London airports.

There have been developments at Liverpool airport in recent times as a result of co-operation between the then Merseyside county council and central Government. The demise of the county council will be a sad loss to many in that part of the country. As I have said, we face the prospect of a joint board structure. Investment in Liverpool airport has resulted in a new runway, airport terminal, apron and air control tower. Those developments have been funded by taxpayers' money. We are bound to ask ourselves whether taxpayers' money is being wasted. Liverpool, along with Manchester and other regional airports, will now be asked to compete at an unfair disadvantage with the London airports. That is totally wrong, and it is seen to be totally wrong by Conservative as well as by Labour Members.

I believe that airports such as Liverpool are facing a major disaster because the legislation will deprive them of any democratic structure and will pass them into the private sector at a time when they will be most disadvantaged. The Bill should be allowed to pass only if the amendment moved by my right hon. Friend the Member for Manchester, Wythenshawe (Mr. Morris) is accepted.

In the north-west of England there is a strong feeling that the Government are biased towards the south. That feeling cuts right across party barriers.

In the area that I represent, 150,000 people are unemployed, of whom 54,000 are young people. We are seeing businesses disappear, but we are told by the Government that free enterprise zones and free ports are the way to the future. However, just, round the corner from the enterprise zone at Speke—not that I am a great supporter of enterprise zones—is Liverpool airport, now to be disadvantaged by the Bill.

I hope that Conservative Members will take into account not only this measure, but the burdens which are now being thrown on regional airports, such as Manchester and Liverpool, by other legislation, and that unfair competition is not what they were elected to pursue. I hope that they will join us in the Lobby on this group of amendments.

Mr. Adley: My hon. Friend the Member for Gillingham (Mr. Couchman) was not a Member some years ago. I think that it is now more than 13 years since, in the memory of some of my colleagues around me, the late Anthony Crosland, my right hon. Friend the Secretary of State for Transport and others of us took our decision on Maplin for many reasons, including the regional policy reasons. If my hon. Friend the Member for Gillingham and the BAA think that this is the last they have heard of the Maplin story, to paraphrase another politician, they ain't heard nothin' yet.

I intervened in the speech of the right hon. Member for Manchester, Wythenshawe (Mr. Morris) to recount the brief story of a conversation with a tour operator operating package tours to Majorca and elsewhere using Manchester and other northern airports. The effect of the development of Stansted is deliberately to drag business to the south of England. The dragging of the business will be aided and abetted by the Government's policy over Stansted unless these amendments are accepted.

I have to say to my right hon. Friend the Secretary of State that I regard this as little less than a piece of financial jiggery-pokery to maximise the value of the British Airports Authority in its immediate pre-privatisation period. I do not believe that the Government are honouring the spirit of the agreement that was reached with the House over the way to deal with Stansted. I regard the insult to the regions as something up with which I am not prepared to put as a Conservative Member. There is no doubt that what we are doing will disadvantage the northern regional airports. I regard it as shameful, and I shall certainly vote for the amendment.

Mr. Frank Cook: I am fairly confident that the words that I have to offer will not be taken well by the Secretary of State, nor even by the Under-Secretary, because they have been paying scant attention for the past 30 minutes. However, I hope that the hon. Member for Gillingham (Mr. Couchman) will pay close attention, because either he is incapable of understanding the points at issue, or he chooses deliberately to misrepresent them.

The point is not that Stansted might receive subsidy but that other airports throughout the provinces, which are already functioning effectively, have achieved that status and efficiency by dint of effort over previous years——

It being Ten o'clock, the debate stood adjourned.

BUSINESS OF THE HOUSE

Ordered,

That, at this day's sitting, the Airports Bill may be proceeded with, though opposed, until any hour. — *[Mr. Archie Hamilton.]*

Bill, as amended (in the Standing Committee), again considered.

Question again proposed, That the amendment be made.

Mr. Cook: The provincial airports have achieved their efficiency and effectiveness without any subsidy, and by dint of hard work and effort. That would not be so if Stansted could be cross-subsidised by other airports within the BAA. We are told, reliably, that the counter to any possible cross-subsidy would be the business of transparency. Presumably one would be able to identify the event if it took place.

I say to the Secretary of State, as he now appears to have perked up a little and may be paying closer attention, that in the days when Black Bess was the animated flying machine travelling between York and London it was small consolation to the passengers in the stage coach that the name of the robber was Dick Turpin.

Mr. Wilkinson: My hon. Friend the Member for Manchester, Withington (Mr. Silvester) made a speech of

[Mr. Wilkinson]

the highest quality. He has a Rolls-Royce of a mind, and those who, like myself, have to make do with jalopies or bangers as mental equipment are full of admiration for the way in which he moved the amendment. It goes to the heart of the matter. I even wonder whether my hon. Friend was being too politically candid and intellectually honest for his own good.

The truth is, first, that the BAA is hell-bent on having Stansted and develop it rapidly regardless of the environmental consequences, and perhaps even regardless of the actual air transport need. As my hon. Friend the Member for Saffron Walden (Mr. Haselhurst) said, it is great at empire building. However, I doubt whether that is in the national interest. The fact is that, for scheduled traffic, the airports that people want to go to most in the London area are Gatwick and Heathrow. Our policy should maximise the fullest utilisation of those airports. If my right hon. Friend the Secretary of State were to accept the amendment and permit Stansted to be sold separately, the maximum profits from Gatwick and Heathrow could go towards the development of those two airports to the full, not only in their interests, but in the interests of the travelling public from the regions. There are people, such as those who come down from Liverpool, who need to go to Heathrow to interline with intercontinental flights.

Inclusive tour, charter traffic is the main traffic that is likely to be attracted to Stansted. It could be attracted to Stansted only by virtue of the ultra-low charges there, to which my hon. Friend the Member for Christchurch (Mr. Adley) referred, to the detriment of the airports near the towns from which the holidaymakers wish to fly. It is beneficial to the holiday-making public that they should be able to go on holiday from a local airport. Any policy which derogates against that is detrimental to the convenience of passengers in their precious holiday time, but, more important, it is detrimental to good regional development in Britain.

I believe that the policy stinks. The north of Britain is woefully economically deprived. There is a huge economic gulf between the south-east and the north. Why should people be artificially attracted to airports such as Stansted, which they do not wish to use, when the north is crying out for the jobs and the infrastructural development that is associated with airports?

I hope that my right hon. Friend the Secretary of State will think again. Many airports, such as nearby Luton, run the risk of seeing the developments which they have initiated over the years being negated by the artificial development of Stansted. I am convinced that if Stansted were to operate independently, that would be in the national as well as the local interests, which were so eloquently set out by my hon. Friend the Member for Saffron Walden.

Mr. David Madel (Bedfordshire, South West): It is not just a matter of the inconvenience to the travelling public if Stansted were subsidised to a low level. Such subsidy jeopardises many thousands of jobs at Luton airport which are vital to Bedfordshire. In view of all the difficulties last month about another industry, I need hardly stress the importance of keeping jobs at Luton airport.

Mr. Wilkinson: I am sure that my hon. Friend is right.

Mr. Lambie: I am a Scottish Member of Parliament and a representative of the regional airports in Scotland. I believe that the future of the four Scottish airports—three Lowland airports and Aberdeen airport — will depend upon tying up with the London airports: Heathrow, Gatwick and Stansted.

There is no competition between the Scottish and London airports. If we are to maintain the United Kingdom as a centre of international air transport, the competition will be between London airports and the continental airports. I have enough confidence in the future growth of international air traffic to believe that there is enough traffic to sustain not only Heathrow and Gatwick but Stansted.

We can develop the northern airports by utilising the facilities that we have. Unfortunately, in Scotland we have three Lowland airports which serve a population of only 5 million. We cannot compete with London. Indeed, we cannot compete with Manchester airport, which serves an area with a population of 20 million. Glasgow and Prestwick airports cannot compete with Manchester, but they can be complementary to Manchester. We cannot compete for traffic with the London airports, but we can be complementary to them.

Due to the lead up to privatisation, British Airways is being forced to subsidise the development of independent airlines to and from the Scottish airports. Every day in the newspapers we see new airlines being designated to serve Glasgow and Edinburgh airports and to build up communications with the continental airports. The latest airline link is between Glasgow airport and Dusseldorf. A new company is being developed to link Edinburgh and Glasgow airports with continental airports. Therefore, there is a future for the Scottish airports. If one has confidence in the growth of international and national air transport, there is a piece of the cake for every airport in the United Kingdom.

In the United Kingdom both Labour and Conservative Governments have prevented people in some areas from developing their native talents in the hope that other areas would develop in their place. Even a Labour Government stopped development in the south of England in the hope that that development would shift to the north of England and to Scotland. That has never happened. It might happen in a period of economic growth, but in times of economic restraint companies which have moved to Scotland and to the north of England move back to the midlands and the south-east of England.

We must now support policies based on confidence in Britain's future and the growth of national and international airlines serving the United Kingdom. That is why, as a Scottish Member of Parliament, I do not object to the build-up of Stansted. The south-east of England needs Stansted, as it needs Heathrow and Gatwick. But I want the Government to change their economic policy and to go for growth not only in airlines and airports but in economic activity. If they do that, there will be a share of the cake for everyone.

I see the future of the Scottish airports being tied to the airports in the south of England. Let us go for growth. Let us develop the airports in the south-east of England. If that happens, Manchester and the Scottish airports will develop and we shall all be lucky. Let us not repeat the policies that have been carried out over the past 45 years of stopping developments in certain areas in the hope that they would move to other areas. That has not happened in the past and it will not happen in the future.

I am against the amendments. If they are accepted, they will be bad not only for the Scottish airports and their future, but for the future of the aerospace industry in the United Kingdom.

Mr. Bill Walker: I shall not take up in detail what the hon. Member for Cunninghame, South (Mr. Lambie) has been saying, but I too am a Scottish Member of Parliament and I was disappointed that we were unable to debate new clause 10 which related almost exclusively to Scotland and the Scottish airports. But amendment No. 3 deals with the airports operating in Scotland and says that they should not be regarded as serving the same area. Of course, anyone who knows the four airports in Scotland knows that they do not serve the same area and in that sense they do not compete with each other.

The nub of the issue is whether one accepts that, according to the Government, the London airport system consists of Stansted—the lowest in the order of priority—Gatwick, and then Heathrow, which is the jewel in the crown. It could be argued that, looking at a map, Luton is close enough to London also to be considered as a London airport, but it is not, conveniently, owned and operated by the BAA. Otherwise, the probability is that it too would belong to that so-called system.

Anyone who studies that so-called system will realise that the airports have evolved because airlines wish to go there. That is important. The airlines wish to go to those airports and there were inducements to the airlines to do certain things. It was suggested initially that Gatwick would be largely a charter operation and it was developed extensively by the charter operators. Subsequently, however, non-charter services have gone there. The scheduled services have gone there, and there is the beginning of a hub and spoke operation. It is believed that it is possible simply to decant airlines from Gatwick or Heathrow into Stansted and, as if by magic, produce a hub and spoke operation. Those who believe that do not realise how airports have developed and are likely to develop, or how much damage such management can do to the free market forces that the Government support.

10.15 pm

I believe that Stansted will develop because charter airlines will want to go there. The question is whether they will have been persuaded to go there. In the absence of real direction, the usual persuasion is the offer of lower landing charges, and other facilities that are much cheaper than those offered by the obvious competitors.

The first airport to be at risk in that respect must be Luton. Other airports will be affected, too. Birmingham, for instance, services a similar catchment area. When one considers all that, one realises that the system is designed to enable the BAA to do what it wants with its empire. It has little to do with the needs and wishes of air transport itself. Left to its own devices, air transport would develop without anyone directing anyone else to go anywhere. The main airports are not yet saturated.

I therefore approve of amendment No. 3, to which I have put my name, and I am prepared to support it in the Division. I believe that anyone who tries to make comparisons among airports is comparing apples with oranges. We cannot run an airport transport system in that way.

I am pleased that my right hon. and hon. Friends on the Front Bench are attempting at last to give us a comprehensive and understandable aviation policy. In doing so they are bound to make some friends and, indeed, some enemies. It has become clear this evening that there are many who would favour allowing Stansted to operate independently rather than in some sort of transparent accounting framework. Anyone who knows anything about accounts knows that things that are supposed to be transparent often turn out on closer inspection to be rather opaque. It is possible to fudge.

I hope that those on the Front Bench have heard the message. There is deep concern in the House that we should not privatise the airports as a group simply because we think that we would get a better deal by doing so. I commend my right hon. Friend for grasping the nettle. I hope that the endeavour will no falter because we find ourselves doing what the BAA wants and not what we believe is best for competition, the airlines, the airports and customers.

Sir Ian Percival (Southport): This is a strange debate. In common with my right hon. and hon. Friends on the Front Bench, all my hon. Friends who have spoken really believe in the need for, and the desirability of, competition. We really believe that the enterprises that succeed should be those that provide services that people want at a price that they are willing to pay. We also believe in the other side of the coin. We deplore monopolies and unfair competition.

Damascus had nothing in comparison with tonight. We are happy to be joined in these beliefs by right hon. and hon. Members on the Opposition Benches. What we do not understand is why the Government do not share those views with us this time.

I do not want to make this a dispute between the north and the south. Manchester must compete with Stansted, Luton and everywhere else. We can and will compete. However, we are entitled to expect that we will not be disadvantaged in doing so. We are entitled to expect that in absolute and general terms. We are especially entitled to expect it because, as everyone knows, we do have some problems that other places do not have. We are doing our best to fight them, and we deserve to be supported rather than disadvantaged.

I do not think that the division between the north and the south is anything like as great as some people suggest. However, I warn my right hon. and hon. Friends that the provisions in the Bill are likely to make any division there is greater, and none of us wants that. That is another reason for accepting our proposal.

It is plain that unless Stansted is a free-standing operation we shall be disadvantaged. No one can disguise that. I give my right hon. Friend credit because he has recognised that danger and has gone some way to try to find a solution. That makes it even more difficult to understand why he will not come this one further step with us. He has recogised the danger that we will be disadvantaged and has tried to find a solution. It is clear that he has not succeeded, despite his efforts. What we are asking for would provide a solution.

If it is free-standing, the airport will grow at the rate required if it responds to market forces. If there is the need that there is said to be, and if somebody is efficient in meeting that need, there will be the necessary growth. If someone provides the services that are required—or so we are told—at a price which people are willing to pay, it will survive as a free-standing operation. If it cannot so survive, by our test it should not survive.

[Sir Ian Percival]

We are told that the need is so great that it must be met quickly or there will be trouble. If that is not true, what are we worrying about? If it is true, and if I were a buyer who believed that I could run an efficient operation, I would not have too much trouble in selling shares. So why is it feared that the so-called demand will not be satisfied quickly enough? It is because it is believed that it can be met quickly enough only if it is subsidised. It cannot be met on commercial lines, only on non-commercial lines.

I do not like to see my right hon. and hon. Friends supporting that proposition. They know that I am not a rebel; I am not one who goes into the Lobby for the fun of it or to get my name in the newspapers. However, I shall go into the Lobby tonight because I do not think that the fate of the Government hangs on this issue. I wish that they would come with us and say, "We are persuaded, too, like some others on the road to" — [AN HON. MEMBER: "Mandalay."] That is an insight into what is required. I wish that the Government would come with us on this issue.

I hope that my hon. Friends who support the amendment will press it to a Division. It is the only way to show the strength of our feeling. As I have said, I do not regard it as an issue likely to bring down the Government. Our object is to bring home to the Government that we respect their desire to meet the difficulty, we do not think that they have met it, and so we want them to come a stage further with us to meet it. We are prepared to back that view with our votes, even though there is a three-line Whip.

Mr. Tony Lloyd: Since the Secretary of State is making one of his rare appearances on this Bill I would ask him to justify the things that he has not so far taken the trouble to justify — should he be courteous enough to listen to me as he has not done to anyone else so far. How is it that, of his hon. Friends who have spoken tonight, only the one who is a Parliamentary Private Secretary has spoken in support of what he intends to do? We have not had answers to any of the questions raised in Committee or beforehand about the whole issue of cross-subsidisation. Will the Secretary of State give a simple answer to one question? Should he resist these amendments tonight, what requirement will he insert to guarantee that the accounts of Stansted airport are publicly available? The Secretary of State has come alive! What guarantee will he give that the accounts of Stansted airport will be publicly available, so that hon. Members can draw their own conclusions about the basis of the subsidisation that will take place?

Mr. Robert Hughes: There have been two main strands in this very interesting debate. The first has come mainly from Conservative Members who have argued that the Bill as it stands is inadequate because it fails to reflect their wish for a proper policy on private competition; the second strand has come primarily from the Labour Benches, expressing the belief that fairness and equality are necessary in the discussions and in the competition between the regional airports and the London airports, particularly Stansted.

I am totally in favour of a balanced airport development. I want to see encouragement of the growth of regional airports — Manchester, Birmingham, Newcastle, Prestwick or wherever. They should all have a fair chance to develop. They should certainly not be starved of funds: they should be in a position to provide adequate facilities, comparable with those provided by other airports.

Patently, Government policy is against fair competition. As the Bill stands, and if it passes through this House and the other place without amendment, regional airports will have to operate with one hand tied behind their backs: as long as the majority ownership is in the hands of local authorities, the airports will be subject to local government expenditure restraints. The Government will be able to control the pace of development at regional airports by keeping the purse strings tight.

The Government's answer to that is simple. They say that under the new structure the local authority airports can escape from controls by selling equity capital to a total of more than 50 per cent. At that point they will be free of restraint as regards raising money in the private market. This is one of the most reprehensible parts of the Bill, because it is nothing less than blackmail. It is compelling local authorities to undertake a course with which they do not want to proceed. It is quite disgraceful that the Government should operate in this way.

The regions have cause for concern. That is what is at the heart of this debate. Their concern is about what will happen to traffic and to development. I agree with my hon. Friend the Member for Cunninghame, South (Mr. Lambie) that the growth in international traffic is likely to be of an order to satisfy everyone, that the regional airports, the London airports and Stansted can get a proper and fair share of the available traffic, and that, all things being equal, there is not necessarily a contradiction between development at Stansted and development at regional airports. But that will only be the case, if there is fair competition and if there are no restraints on the development of regional airports. In the short term, I fully understand why the regional airports should be concerned that Stansted will drain traffic away, that it will not only inhibit growth at Manchester and elsewhere, but will actually take away some of the existing traffic.

If we look at the recent Civil Aviation Authority report on access to Heathrow from regional airports, we have grounds for concern. It is reported, for example, that because of the heavy congestion at Heathrow the first of the services to be taken out of Heathrow will be the links between Dundee and Inverness. Next there is a threat to services from Guernsey, the Isle of Man, Plymouth, Newquay and Jersey. It is further proposed that if that does not deal with the congestion, there will be restrictions on flights to Heathrow from all the United Kingdom regional airports with the exception of Glasgow, Edinburgh and Belfast. If there is restriction of traffic into Heathrow, the extra traffic will have to go to Stansted. Therefore, there is a strong feeling among many hon. Members that Stansted will disturb the efforts of regional airports to maintain or improve services.

10.30 pm

The problem arises because the Government do not have an airport policy. They simply say, "Leave it to the free market and it will all sort itself out." The fact that there may be casualties on the way is just too bad. The curious thing is that while the Government are saying that, on the one hand, in other parts of the Bill a labyrinth of controls is being built up to inhibit competition. The Government are trying to have their cake and eat it. It is

not surprising that many Members in all parts of the House are concerned for different reasons about the effects of Stansted and the way it will develop.

I cannot ask my hon. Friends to support amendment No. 3. As I understand it, it would mean that the three London airports would be sold off to totally independent companies. I am totally opposed to that. I want one company to be responsible for the seven main airports; whoever owns them, they must stay together. That is my view not just because of my Scottish connections but because of general future development.

My right hon. Friend the Member for Manchester, Wythenshawe (Mr. Morris) has put forward a full and fair case on amendment No. 1. All my hon. Friends representing regional airports are asking for no more than fair treatment. They are entitled to such treatment. For that reason, I shall certainly ask them to support amendment No. 1 in the Lobby tonight.

Mr. Ridley: We have had a full and high quality, if not totally unfamiliar, debate on this issue, which has been before the House for nearly a year. Little new argument has been put forward, but old arguments have been repeated with renewed force and skill.

I take exception to one speech, that of my hon. Friend the Member for Christchurch (Mr. Adley), who said that the tacit agreement that had been reached last June when the airports White Paper was published had not been kept. That I must repudiate. I believe that the contents of the Bill are almost identical in every material respect both to the statement that I made on 5 June and to the White Paper that was issued on that day, towards which hon. Gentlemen felt less unenthusiastic than they appear to feel tonight.

My hon. Friend the Member for Manchester, Withington (Mr. Silvester) made an accomplished speech; so accomplished that he managed to accuse me of being a wet. If bringing massive help to Manchester airport is the tactic of a wet, I plead guilty. I have presided—if that is the right word — over a period when massive investment—far greater than under the Labour party—has taken place in all the regional airports. I have done everything that I could to promote the real source of growth for regional airports — the provision of more traffic by the opening up of more routes.

I persuaded British Airways to subsidise 14, I think it was, routes out of regional airports by new operators. I allowed many international routes into Manchester. I think that 14 extra routes are now operating from Manchester. It is that traffic that brings the prosperity, that brings the extra jobs. That is not what we are talking about today. The debate today is about how we should treat Stansted. If that is the sort of thing that a wet does, I plead guilty, with pleasure, to my hon. Friend.

Mr. Churchill (Davyhulme): It would be churlish of those of us who represent north-west constituencies not to pay a tribute to my right hon. Friend for the tremendous work that he has done on behalf of Manchester, from which today one can fly to twice as many scheduled destinations as one could this time a year ago. None the less, does my right hon. Friend deny that Stansted, over the years, has been built up by a system of cross-subsidies from Heathrow and Gatwick, at the expense of Manchester and other regional airports? And is it not the purpose of the Bill as it is drafted to allow this cross-subsidisation to continue?

Mr. Ridley: If my hon. Friend and the right hon. Member for Manchester, Wythenshawe (Mr. Morris) will allow me, I have a lot to say on this matter of the alleged cross-subsidy, on which they concentrated, but I would rather take my speech in my own order, and I must try to be as brief as possible.

The best speech was that by the hon. Member for Cunninghame, South (Mr. Lambie), who only asked one thing of the Government, and that was a high rate of economic growth. He will be delighted to know that we are now into our fifth consecutive year of growth, but that perhaps is outside the scope of this debate.

I am not proposing to keep the seven airports together in order to maximise profits so that we can get the most out of the sale. Nor am I doing it because I have given way, as has been alleged, to the BAA or its chairman. I am doing it because I am trusting my instincts, as my hon. Friend the Member for Saffron Walden (Mr. Haselhurst) asked me to do.

I shall make three points in passing. First, the amendments are technically defective, but I shall not rest on that. Secondly, the hon. Member for Liverpool, West Derby (Mr. Wareing) said that he saw Liverpool and Manchester as an airport system. They are in competition, close together as they are, but they are an airport system. Thirdly, and most astonishing of all, amendment No. 3 exempts the four Scottish airports from the requirement to be privatised separately. Three of them at least — Glasgow, Prestwick and Edinburgh — can be regarded only as a system. Thus, when it comes to Scotland and the north-west, airports are a system and cannot be made to compete, but when it comes to London, the biggest conurbation, the biggest system of the lot, everything is different.

Mr. Tony Lloyd: I am amazed at the Secretary of State's seeming ignorance of the airports system in Britain. Is he suggesting that the argument about cross-subsidisation applies between Manchester airport and Liverpool airport? If he is, he is even more ignorant than I thought he was.

Mr. Ridley: I hesitated before I gave way, and I made a mistake. I should not have given way, because I have made it clear that I am coming to the cross-subsidy argument. If hon. Gentlemen will be patient, I shall give way after I have dealt with that point.

Mr. Bill Walker: I hope that my right hon. Friend will not suggest that the three London airports which form a system into which all international flights can fly can be compared to Scotland. In Scotland, that is not the case. That cannot be done in Scotland. In fact, trans-Atlantic flights can fly only into Prestwick.

Mr. Ridley: The Scottish airports operate as a system, as indeed do the London airports, and that is why they should stay together.

Why is it that all airlines want to serve Heathrow? It is considerably more expensive than Stansted or Gatwick. It is much harder to get the slot that one wants at Heathrow. The standards, to be polite, are no higher than at Gatwick, and the roads and car parks are congested at Heathrow. Yet all airlines and passengers want to go to Heathrow rather than to any of the other London airports. The reason is that it accommodates the maximum number of interlining aircraft. Also, Heathrow is thought, not

[Mr. Ridley]

always truthfully, to be the quickest and easiest London airport to get to. It follows from that that one really cannot believe that there is any form of meaningful competition between Heathrow and, say, Gatwick or Stansted, in the sense that one could increase or decrease prices at Heathrow, or improve the services or cause them to deteriorate, and by that means affect the natural and enormously strong preference, or even prejudice, that exists for using Heathrow out of the three airports in that system.

As the hon. Member for Cunninghame, South said, the competition is not between Heathrow, Gatwick and Stansted. It is between the London system, the Paris system, the Amsterdam system, and so on. Of course, 20 per cent. of Heathrow traffic is interlining traffic. Why else do the Dutch mount a roadshow to try to show the advantages of Schiphol? Why does Frankfurt advertise in *The Times* its advantages at such expense if not to try to take the lucrative interlining traffic away from the London system?

The hon. Members for Dundee, West (Mr. Ross) and for Workington (Mr. Campbell-Savours), and people from many other parts of the country, are alarmed that the Civil Aviation Authority, in its first draft review of the traffic distribution policy, has suggested that certain domestic air flights should not go into Heathrow, but should go elsewhere. Whatever is decided about these matters—the interlining or the routes into Heathrow—it affects the profitability of Heathrow and the profitability of the other airports.

How can one write a prospectus for Heathrow, Gatwick and Stansted if we first decide the question of domestic flights and later decide what the traffic distribution policy will be? We will affect profitability. This constant change in emphasis in aviation policy must be accommodated within three airports. It is easy if it is a system, but if each airport's fortunes depend on each decision, and if the competition is upset by each decision, it becomes impossible both to write a prospectus for privatisation and to justify the changes which affect the profitability of each airport.

I must ask the House why there is so much concern. Over the past six years, when Stansted has veritably been heavily subsidised, Manchester's traffic has grown from 3·5 million passengers per annum to 6 million, whereas the number of Stansted's passengers has remained at 500,000. Despite the massive subsidy, it is Manchester that has grown and not Stansted. Therefore, it is difficult to complain particularly if I now give the House the assurance it has sought that there will be no subsidy from the other London airports to Stansted. The hon. Member for Manchester, Central (Mr. Litherland) talked about a massive subsidy, but this will not be the case.

I shall now consider what is in the Bill.

The accounts must, under clause 37, be transparent and apply to each separate airport company. They will be Companies Acts accounts, audited by auditors, and, in answer to the hon. Member for Stretford (Mr. Lloyd), they will be publicly available for all to see.

10.45 pm

There can be cross-investment only at commercial rates. Perhaps I might quote the chairman, Sir Norman Payne, who said:

"The 1986 charges are the first step in a series of steps which the BAA intends to take to raise Stansted's charges to a level which reflects the cost of the new development, in order that a proper return is achieved on the new investment."

That policy is already in effect.

There are other amendments which will not, as my hon. Friend the Member for Withington suggested, underpin the defences against transparency. They will give the CAA fuller powers still to prevent predatory pricing. The CAA will police matters to ensure that there is no subsidy to Stansted. There will be investment only in the initial loss-making period.

Mr. Geoffrey Dickens (Littleborough and Saddleworth): My tendency at the moment is to vote against the Government, because I have not been satisfied thus far. Gatwick, Stansted and Heathrow could raise money as a block because of their profitability. They would therefore have the advantage over Manchester for expansion. The regional airports are worried about the London airports' ability to raise cheap money because they are being sold as one big block.

Mr. Ridley: I should very much like to get the weight of my hon. Friend on my side in the Division Lobby, so I shall explain the matter to him. Manchester and other local authority airports have been able to raise money through local authorities at rates which have been close to the Government's borrowing rate, and considerably cheaper than the rate at which any private sector company would be able to raise money. The security of Manchester airport, when owned by the local authority, is the same as the security of the Government, so in terms of security and cheapness of borrowing Manchester airport will have the edge over the BAA.

It is time that I asked the House to reject these amendments. I have put up arguments which I hope will be found convincing in all quarters of the House.

Mr. Alfred Morris: With permission, Mr. Deputy Speaker, I should like to reply. The Secretary of State has manifestly disappointed his right hon. and hon. Friends, not to mention my right hon. and hon. Friends. He was virtually friendless in the debate, and wholly unconvincing in his reply. We have won the debate. Let us hope that we can win the vote.

Question put, That the amendment be made:

The House divided: Ayes 203, Noes 266.

Division No. 128] **[10.50 pm**

AYES

Adams, Allen *(Paisley N)*
Adley, Robert
Archer, Rt Hon Peter
Ashdown, Paddy
Ashley, Rt Hon Jack
Ashton, Joe
Atkinson, N. *(Tottenham)*
Bagier, Gordon A. T.
Banks, Tony *(Newham NW)*
Barnett, Guy
Barron, Kevin
Beckett, Mrs Margaret
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Bidwell, Sydney
Biggs-Davison, Sir John
Blackburn, John
Blair, Anthony
Boyes, Roland
Bray, Dr Jeremy
Brown, Gordon *(D'f'mline E)*
Brown, Hugh D. *(Provan)*
Brown, N. *(N'c'tle-u-Tyne E)*
Brown, R. *(N'c'tle-u-Tyne N)*
Buchan, Norman
Buck, Sir Antony
Caborn, Richard
Callaghan, Rt Hon J.
Callaghan, Jim *(Heyw'd & M)*
Campbell, Ian
Campbell-Savours, Dale
Canavan, Dennis
Carlile, Alexander *(Montg'y)*
Carlisle, John *(Luton N)*
Carlisle, Rt Hon M. *(W'ton S)*
Carter-Jones, Lewis
Cartwright, John
Churchill, W. S.
Clark, Dr David *(S Shields)*
Clarke, Thomas
Clay, Robert
Clelland, David Gordon
Clwyd, Mrs Ann
Cocks, Rt Hon M. *(Bristol S)*

Cohen, Harry
Cook, Frank *(Stockton North)*
Cook, Robin F. *(Livingston)*
Corbett, Robin
Corbyn, Jeremy
Craigen, J. M.
Cranborne, Viscount
Cunningham, Dr John
Dalyell, Tam
Davies, Ronald *(Caerphilly)*
Davis, Terry *(B'ham, H'ge H'l)*
Dewar, Donald
Dickens, Geoffrey
Dicks, Terry
Dixon, Donald
Dormand, Jack
Douglas, Dick
Dubs, Alfred
Duffy, A. E. P.
Eastham, Ken
Evans, John *(St. Helens N)*
Ewing, Harry
Farr, Sir John
Fatchett, Derek
Faulds, Andrew
Favell, Anthony
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Foot, Rt Hon Michael
Forrester, John
Foster, Derek
Franks, Cecil
Fraser, J. *(Norwood)*
Freeson, Rt Hon Reginald
Galley, Roy
George, Bruce
Godman, Dr Norman
Golding, John
Gould, Bryan
Gourlay, Harry
Grant, Sir Anthony
Griffiths, Sir Eldon
Hamilton, James *(M'well N)*
Hamilton, Neil *(Tatton)*
Hamilton, W. W. *(Fife Central)*
Hampson, Dr Keith
Hargreaves, Kenneth
Harrison, Rt Hon Walter
Haselhurst, Alan
Hayes, J.
Haynes, Frank
Hicks, Robert
Hind, Kenneth
Hogg, N. *(C'nauld & Kilsyth)*
Home Robertson, John
Howarth, Gerald *(Cannock)*
Howells, Geraint
Hughes, Dr Mark *(Durham)*
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
Hughes, Sean *(Knowsley S)*
John, Brynmor
Jones, Barry *(Alyn & Deeside)*
Kaufman, Rt Hon Gerald
Kellett-Bowman, Mrs Elaine
Kennedy, Charles
Kilroy-Silk, Robert
Kirkwood, Archy
Knox, David
Lambie, David
Lamond, James
Leighton, Ronald
Lewis, Terence *(Worsley)*
Livsey, Richard
Lloyd, Tony *(Stretford)*
Loyden, Edward
McCartney, Hugh
McCrindle, Robert
McCurley, Mrs Anna
McKelvey, William
McNamara, Kevin
McTaggart, Robert
McWilliam, John
Madden, Max
Madel, David
Marek, Dr John
Marshall, David *(Shettleston)*
Martin, Michael
Maxton, John
Maynard, Miss Joan
Meadowcroft, Michael
Michie, William
Mikardo, Ian
Millan, Rt Hon Bruce
Miller, Dr M. S. *(E Kilbride)*
Mitchell, Austin *(G't Grimsby)*
Montgomery, Sir Fergus
Morris, Rt Hon A. *(W'shawe)*
Morris, Rt Hon J. *(Aberavon)*
Nellist, David
Oakes, Rt Hon Gordon
O'Neill, Martin
Orme, Rt Hon Stanley
Park, George
Parry, Robert
Patchett, Terry
Peacock, Mrs Elizabeth
Penhaligon, David
Percival, Rt Hon Sir Ian
Pike, Peter
Powell, Raymond *(Ogmore)*
Prescott, John
Pym, Rt Hon Francis
Radice, Giles
Redmond, Martin
Rees, Rt Hon M. *(Leeds S)*
Rhodes James, Robert
Richardson, Ms Jo
Robertson, George
Robinson, G. *(Coventry NW)*
Rogers, Allan
Rooker, J. W.
Ross, Ernest *(Dundee W)*
Ross, Stephen *(Isle of Wight)*
Sedgemore, Brian
Sheerman, Barry
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Short, Mrs R.*(W'hampt'n NE)*
Silkin, Rt Hon J.
Silvester, Fred
Skeet, Sir Trevor
Skinner, Dennis
Smith, C.*(Isl'ton S & F'bury)*
Snape, Peter
Stevens, Lewis *(Nuneaton)*
Stott, Roger
Strang, Gavin
Straw, Jack
Thomas, Dafydd *(Merioneth)*
Thomas, Dr R. *(Carmarthen)*
Thompson, J. *(Wansbeck)*
Thorne, Stan *(Preston)*
Tinn, James
Torney, Tom
Walker, Bill *(T'side N)*
Wardell, Gareth *(Gower)*
Wareing, Robert
White, James
Whitfield, John
Wigley, Dafydd
Wilkinson, John
Williams, Rt Hon A.
Wilson, Gordon
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Robert Litherland and
Mr. Malcolm Thornton.

NOES

Aitken, Jonathan
Alexander, Richard
Alison, Rt Hon Michael
Amess, David
Ancram, Michael
Arnold, Tom
Ashby, David
Aspinwall, Jack
Atkins, Rt Hon Sir H.
Atkins, Robert *(South Ribble)*
Atkinson, David *(B'm'th E)*
Baker, Rt Hon K. *(Mole Vall'y)*
Baker, Nicholas *(Dorset N)*
Baldry, Tony
Beaumont-Dark, Anthony
Bellingham, Henry
Bendall, Vivian
Benyon, William
Best, Keith
Bevan, David Gilroy
Biffen, Rt Hon John
Blaker, Rt Hon Sir Peter
Bonsor, Sir Nicholas
Bottomley, Mrs Virginia
Bowden, A. *(Brighton K'to'n)*
Bowden, Gerald *(Dulwich)*
Brandon-Bravo, Martin
Brinton, Tim
Brooke, Hon Peter
Browne, John
Bruinvels, Peter
Bryan, Sir Paul
Buchanan-Smith, Rt Hon A.
Budgen, Nick
Bulmer, Esmond
Burt, Alistair
Butcher, John
Butler, Rt Hon Sir Adam
Butterfill, John
Carlisle, Kenneth *(Lincoln)*
Carttiss, Michael
Cash, William
Chalker, Mrs Lynda
Channon, Rt Hon Paul
Chope, Christopher
Clark, Hon A. *(Plym'th S'n)*
Clark, Sir W. *(Croydon S)*
Clarke, Rt Hon K. *(Rushcliffe)*
Cockeram, Eric
Colvin, Michael
Conway, Derek
Coombs, Simon
Cope, John
Couchman, James
Currie, Mrs Edwina
Dorrell, Stephen
Douglas-Hamilton, Lord J.
Dover, Den
du Cann, Rt Hon Sir Edward
Dunn, Robert
Durant, Tony
Dykes, Hugh
Eggar, Tim
Emery, Sir Peter
Eyre, Sir Reginald
Fairbairn, Nicholas
Fallon, Michael
Fenner, Mrs Peggy
Finsberg, Sir Geoffrey
Fletcher, Alexander
Fookes, Miss Janet
Forth, Eric
Fowler, Rt Hon Norman
Fox, Marcus
Fraser, Peter *(Angus East)*
Freeman, Roger
Fry, Peter
Gardiner, George *(Reigate)*
Gardner, Sir Edward *(Fylde)*
Garel-Jones, Tristan
Gilmour, Rt Hon Sir Ian
Goodlad, Alastair
Gow, Ian
Gower, Sir Raymond
Greenway, Harry
Gregory, Conal
Griffiths, Peter *(Portsm'th N)*
Grist, Ian
Ground, Patrick
Grylls, Michael
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hanley, Jeremy
Hannam, John
Harris, David
Hawkins, C. *(High Peak)*
Hawksley, Warren
Hayhoe, Rt Hon Barney
Heathcoat-Amory, David
Henderson, Barry
Heseltine, Rt Hon Michael
Hickmet, Richard
Higgins, Rt Hon Terence L.
Hill, James
Hogg, Hon Douglas *(Gr'th'm)*
Holland, Sir Philip *(Gedling)*
Holt, Richard
Hordern, Sir Peter
Howard, Michael
Howarth, Alan *(Stratf'd-on-A)*
Howell, Ralph *(Norfolk, N)*
Hubbard-Miles, Peter
Hunter, Andrew
Jackson, Robert
Jenkin, Rt Hon Patrick
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
Jones, Robert *(Herts W)*
Joseph, Rt Hon Sir Keith
Key, Robert
King, Roger *(B'ham N'field)*
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Lamont, Norman
Lang, Ian
Latham, Michael
Lawler, Geoffrey
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lewis, Sir Kenneth *(Stamf'd)*
Lightbown, David
Lilley, Peter
Lord, Michael
Luce, Rt Hon Richard
Lyell, Nicholas
Macfarlane, Neil
MacKay, Andrew *(Berkshire)*
McNair-Wilson, M. *(N'bury)*
McNair-Wilson, P. *(New F'st)*
Major, John
Malins, Humfrey
Malone, Gerald
Maples, John
Marland, Paul
Marlow, Antony
Mates, Michael
Mather, Carol
Maude, Hon Francis

Mawhinney, Dr Brian
Maxwell-Hyslop, Robin
Mayhew, Sir Patrick
Mellor, David
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Miscampbell, Norman
Mitchell, David *(Hants NW)*
Moate, Roger
Monro, Sir Hector
Moore, Rt Hon John
Morrison, Hon C. *(Devizes)*
Morrison, Hon P. *(Chester)*
Moynihan, Hon C.
Mudd, David
Neale, Gerrard
Nelson, Anthony
Neubert, Michael
Newton, Tony
Nicholls, Patrick
Norris, Steven
Oppenheim, Phillip
Oppenheim, Rt Hon Mrs S.
Ottaway, Richard
Page, Richard *(Herts SW)*
Parris, Matthew
Patten, Christopher *(Bath)*
Patten, J. *(Oxf W & Abgdn)*
Pattie, Geoffrey
Pawsey, James
Pollock, Alexander
Portillo, Michael
Powell, William *(Corby)*
Powley, John
Price, Sir David
Prior, Rt Hon James
Proctor, K. Harvey
Raffan, Keith
Rathbone, Tim
Rees, Rt Hon Peter *(Dover)*
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Roberts, Wyn *(Conwy)*
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rossi, Sir Hugh
Rowe, Andrew
Rumbold, Mrs Angela
Ryder, Richard
Sackville, Hon Thomas
Sainsbury, Hon Timothy
Scott, Nicholas
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Shersby, Michael
Sims, Roger
Smith, Tim *(Beaconsfield)*
Soames, Hon Nicholas
Speed, Keith
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Squire, Robin
Stanbrook, Ivor
Stanley, Rt Hon John
Stern, Michael
Stewart, Allan *(Eastwood)*
Stewart, Andrew *(Sherwood)*
Stewart, Ian *(Hertf'dshire N)*
Stokes, John
Stradling Thomas, Sir John
Sumberg, David
Tapsell, Sir Peter
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Temple-Morris, Peter
Terlezki, Stefan
Thatcher, Rt Hon Mrs M.
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thurnham, Peter
Townend, John *(Bridlington)*
Townsend, Cyril D. *(B'heath)*
Tracey, Richard
Trippier, David
Trotter, Neville
Twinn, Dr Ian
van Straubenzee, Sir W.
Vaughan, Sir Gerard
Viggers, Peter
Waddington, David
Wakeham, Rt Hon John
Waldegrave, Hon William
Walden, George
Wall, Sir Patrick
Waller, Gary
Walters, Dennis
Ward, John
Wardle, C. *(Bexhill)*
Watts, John
Wells, Sir John *(Maidstone)*
Wheeler, John
Whitney, Raymond
Wiggin, Jerry
Wolfson, Mark
Wood, Timothy
Woodcock, Michael
Yeo, Tim
Young, Sir George *(Acton)*
Younger, Rt Hon George

Tellers for the Noes:
Mr. Peter Lloyd and
Mr. Robert Boscawen.

Question accordingly negatived.

11 pm

Mr. Ridley: I beg to move amendment No. 4, in page 2, line 24, leave out 'and' and insert 'or'.

Mr. Deputy Speaker (Mr. Ernest Armstrong): With this it will be convenient to take Government amendment No. 5.

Mr. Ridley: These are technical amendments, but I shall explain their effect if the House wishes me to do so.

Amendment agreed to.

Amendment made: No. 5, in page 2, line 35, leave out 'and' and insert 'or'.—*[Mr. Ridley.]*

Clause 12

TRANSFER OF AIRPORT UNDERTAKINGS OF LOCAL AUTHORITIES TO COMPANIES OWNED BY SUCH AUTHORITIES

Mr. Ancram: I beg to move amendment No. 7, in page 10, line 25, leave out subsection (5) and insert—

'(5) References in subsection (1) to carrying on the business of operating an airport as a commercial undertaking include references to carrying on any activities which, at the time when the direction in question is given, are carried on at the airport or on airport land—

(a) by the principal council, or (as the case may be) any of the principal councils, who control the airport,

(b) by any subsidiary by whom the airport is owned as mentioned in section 11(3),

(c) by any person managing the airport under the terms of any lease or other arangement made by or on behalf of the principal council or councils who control it or by any such subsidiary, or

(d) by any person who has been granted a right to carry on activities there by any council, subsidiary or person falling within any of the preceding paragraphs,

with the exception of any activities which the Secretary of State has, before the date referred to in subsection (2), agreed with the principal council or councils who control the airport should not be carried on by the company to be formed in pursuance of the direction.

(5A) In subsection (5) "airport land", in relation to an airport, means land which is attached to the airport and was on 1st April 1986 administered with the airport as a single unit.'.

Under clause 12(1) the Secretary of State may require a principal council controlling an airport to form a company for the purpose of operating the airport as a commercial undertaking and carrying on

"any activities which appear to the council to be incidental to or connected with carrying on that business".

We are concerned that, left as it is, the present wording might allow a principal council—perhaps inadvertently—to take a too narrow view of what activities fall within either clause 12(1)*(a)* or 12(1)*(b)* and draw up, accordingly, a narrow memorandum for its public airport company. As a result, the company might be prevented from undertaking the full range of activities that the Government would expect it to undertake and would, indeed, prevent the transfer under clause 14 of the assets used in those activities. Hon. Members concerned will remember the assurances that were given by the Government in Committee that any facility which is part of the necessary equipment of the airport, such as the car park, terminal, duty-free shop or any matter to do with the operation of the airport, such as the fire station, baggage facilities or the freight cargo terminal, will be included in the scheme.

The proposed amendment, by requiring that the business of operating the airport as a commercial undertaking should include any activities carried on at the airport or on airport land, whether by the council, its subsidiary, or manager or a concessionaire, at the time when the direction to form an airport company is given, avoids a too narrow view being taken with the consequence either that the principal council is frustrated in that it cannot transfer relevant activities to the company, or the Government's intention is frustrated for the same reason. Conversely, should the council wish to bring within the ambit of the airport company any activities incidental to or connected with the airport business, but not at the time of the direction part of the airport business,

it may do so under the provisions of clause 12(1)*(b)*, subject, of course, to the Secretary of State's approval of the scheme under the provisions of clause 14.

The provision is necessarily widely drawn, and it is recognised that in some cases it might be better to exclude a particular activity which would fall within the provision. In such a case the activity may, by agreement between the Secretary of State and the controlling authority or authorities, be excluded.

I believe that that clarifies the situation that was referred to in Committee. I ask the House to support the amendment.

Amendment agreed to.

Clause 13

AIRPORTS TO WHICH SECTION 12 APPLIES

Mr. Teddy Taylor (Southend, East): I beg to move amendment No. 9, in page 10, line 36, at end insert

'and if the local authority owner has not already made arrangements for the airport to be managed on a commercial basis by a suitably qualified and experienced operator who is not an employee of a local authority.'.

I am grateful for the opportunity of raising a minor amendment which is vital to the borough of Southend and to at least one other airport owned by a local authority in this country. I am particularly grateful for the support given by my hon. Friend the Member for Tiverton (Mr. Maxwell-Hyslop).

The Minister will be aware that I and my colleague in Southend, the Secretary of State for Trade and Industry, have expressed concern over a small aspect of the Bill. However, I should like to make it abundantly clear that I fully support the objective of the Bill, which is to privatise the British Airports Authority and, more importantly, to bring commercial criteria into the management of services provided by local authorities.

The amendment is simply designed to exempt from the plc requirements those airports, I believe only two in number, which have already been transferred to full commercial and profitable management by the local authority owners. The Minister will be aware from his recent visit that Southend airport is managed commercially and profitably, to the advantage of Southend and its ratepayers, by British Airports International. We have a superb manager, Mr. Gareth Evans, who has transformed the finances of our airport. It is running successfully, profitably and well, and in the interests of the travelling public and the ratepayers of Southend.

The Minister will be fully aware that Southend borough council does not interfere in any way with the running of the airport. I am sure that that will be confirmed by my right hon. Friend the Secretary of State for Trade and Industry who has been constantly in touch with the Department as, of course, have I and Southend borough council. I am sure that my right hon. Friend would also confirm that, far from being opposed to privatisation and commercial practices, the Southend borough council is, in some ways, the ideal borough for those who think that we should have commercial management of our activities. We led the privatisation of local authority services. We introduced the first major privatisation of the cleansing department. That saved the ratepayers about £500,000 in its first year. We have also privatised many of our services. Believe it or not, we have even privatised our successful and world-famous pier. There has been a major new investment in it, a new train has been established and we are delighted that Princess Anne is opening our new, modernised pier in a few weeks.

Southend has led the field in privatisation and I think that hon. Members will be delighted to hear that, while other councils have been shoving up their rates time and again, Southend borough council reduced its local rate burden this year and I think that it should be congratulated on that.

When we have an airport running commercially by commercial managers without interference from Southend borough council I appeal to the Minister and ask what possible advantage there can be to Southend, the airport, the ratepayers or the travelling public in forcing the council to establish a plc. It seems to be utterly pointless. On Second Reading the Minister told us not to worry because all the shares could be retained by the local authority. It will be a rather strange company with only one shareholder, but the Minister said "Do not worry, all the shares can be retained by Southend borough council."

As you are well aware, Mr. Deputy Speaker, setting up a plc is an expensive business. In Southend, we like to watch our pennies and we ask the Minister what possible advantage there can be to anyone in forcing Southend to establish a plc. I fully accept that in other areas where the local authorities run the airports and perhaps do not do it very successfully or do it at a considerable loss, there is a case for telling them that they have to change and that they have to privatise, put in a plc and change their ways. But why on earth should we in Southend be forced to do that when the airport is already run commercially and profitably?

It is only fair to say to the Minister that in Southend we are becoming a bit worried about the attitude of the Department of Transport to Southend borough council. We have asked it to do only three things recently, and we have got egg on our face every time. We appealed to the Minister on this issue. One of our most successful services was that from Southend to Frankfurt in Germany. There was a plane to Ostend and then a bus from Ostend to Frankfurt. Despite the wonderful Common Market, which is appreciated by many Ministers, the German Government withdrew the licence for the bus service. We appealed to the Government and asked whether they could get any bus service, run by Germans, French, Austrians or Italians. Sadly, the Government were unable to do so, and the service folded. We were rather unhappy in Southend that when we asked, "Could you please do what we are always told the Common Market can do and give us a bus service run by anybody from Ostend to Frankfurt?" the Government were unable to help.

We appealed to the Government again, saying, "Can you help our transport by getting a third Dartford tunnel?" Instead we find the Government expending all their energies on building the silly Channel tunnel, which nobody wants.

Thirdly, we asked the Government whether we could privatise one of our two railway lines to London. We said, "We are so keen on privatisation in Southend: one of our services is run by British Rail. Can a private firm do the rest?" In their manifesto, the Government said that they would encourage British Rail to privatise passenger services. We wanted a little information from British Rail about the figures. We said to the Government, "Will you

[Mr. Teddy Taylor]

ask BR to give us the figures?" The Government said no and that BR was too busy. The privatisation scheme collapsed.

We have had those three refusals from a Minister whom we regard as a real Tory, who believes in privatisation and enterprise. We are beginning to wonder why the Government are picking on us and not helping us in any way in our requests. In this case we ask why we are included in the provision. Why not leave us out?

I should like to know what the Secretary of State meant on Second Reading by saying:

"The directors of the airport company will have a duty under the Companies Acts to act in the best interests of the company, which may not necessarily coincide with the interests of their own local authority." — [*Official Report*, 27 January 1986; Vol. 90, c. 695.]

That is what sends a shiver down our spines. The one thing that we have asked our airport and our commercial managers to do is have some regard for the people of Southend in the way in which they operate the airport.

Of particular concern to my constituents and those of my right hon. Friend the Member for Southend, West (Mr. Channon), who has taken such an interest in the matter, as he always does in Southend affairs, is the possibility of increased night flights and increased airport noise. Obviously my right hon. Friend the Secretary of State for Trade and Industry, cannot speak on the matter, although I am sure that he would love to do so, but I am sure that we would both like to say: can we have an assurance that, if we are forced to set up a plc, the local authority will still have the power, as a local authority, through planning procedures, to control any upsurge in night flights, which would cause serious concern to the people of Southend? That is one thing on which we need an assurance.

Will the Government put any pressure on Southend borough council, if it is forced to become the sole shareholder of this remarkable new plc, to sell the shares to anybody else? Having built up a successful airport, managed privately and profitably, will we be forced to sell the shares to anyone else?

In view of the great confusion about what is required by the Government and why it has been required, will the Minister be willing to have a discussion with us so that we in Southend could try to find out from him what is involved? I may have been slightly unfair, because it may all be a misunderstanding. Perhaps the Government intend to accept my sensible amendment. We in Southend do not object to the Bill. It is a policy that we have been applying. It is a move towards commercial practice, privatisation and so on. We accept this. We do not oppose this, but we have gone ahead of the Government and have decided that our airport should be managed commercially and privately by and organisation which is not controlled in any way by the Southend borough council and does not have any employees of the Southend borough council.

11.15 pm

What possible advantage can there be in forcing the borough council to spend some of its carefully collected resources on setting up a plc? I know what the Government are trying to do in this clause and I support it but I think they may have made an error in including Southend.

Mr. David Ashby (Leicestershire, North-West): Never.

Mr. Taylor: I can think of no possible argument——

Mr. Ashby: Does my hon. Friend agree that the job of the local council is to provide services and that it is not part of a local council's duty to start providing and running businesses? An airport is run as a business and therefore is it not right that the business should be floated off and not run by the local council?

Mr. Taylor: We do provide commercial services. If my hon. Friend had a local authority which was as successful as Southend, he would have a greater smile on his face. I wonder whether his local authority cut its rates this year? Has his local authority privatised most of its local services?

Mr. Ashby: No.

Mr. Taylor: My hon. Friend would be better employed in inviting his local authority to come on an official visit to Southend to see how a local authority should be run instead of criticising what I am saying.

Southend is a loyal supporter of the commercial policies of the Government and we believe we have given a lead to local authority management in privatisation, profitability and commercial practice. We ask the Government to relieve us of this nonsensical duty to establish a plc with one shareholder. It will bring no benefits to Southend, to the travelling public or to the ratepayers. I hope the Minister will accept this minor amendment.

Mr. Robin Maxwell-Hyslop (Tiverton): My hon. Friend the Member for Southend, East (Mr. Taylor) has deployed the general case which could be applied with equal force to Exeter airport, which is owned by Devon county council.

Exeter airport is extremely ably managed by a commercial company, British Airports International, under an able and experienced manager. It is not only run as an excellent and increasingly excellent business, but it ties in with the policies of the county council under successive administrations — first Conservative and presently a coalition between the Liberals and the Labour party. The county council's policy on this issue has not changed with the change in political control.

All that will be achieved by including Exeter airport within the scope of the Bill will be to interpose an expensive company structure between the present extremely efficient commercial management and the county council. The county council needs to work closely with the airport's commercial management for the purpose of road improvements and the supply of facilities such as policing, through the police authority.

There is bound to be a necessary and close link between the two. Exeter airport may be taken within the ambit of the Bill. Neither the amendments which would have removed it in terms of turnover — the £6 million turnover amendment or the £3 million turnover amendment—have been selected. That is not an avenue open to us to debate or indeed to divide on. Instead, on page 10, after line 36, our amendment states:

"and if the local authority owner has not already made arrangements for the airport to be managed on a commercial basis by a suitably qualified and experienced operator who is not an employee of a local authority."

The Government ceaselessly enjoin on local government, including Devon county council, the utmost economy in its administration. That is the posture that is achieved at the moment vis-a-vis Exeter airport. So, to

reject the amendment would be to go counter to the explicit injunctions of my right hon. Friend the Secretary of State for the Environment upon Devon county council as to how it is to arrange its affairs so as to run them at minimum cost.

I am not disputing the suitability of the Bill for the great London airports and many large airports throughout the country. However, it is too often a bad habit of the Government to look at structures in London or the great conurbations and, having satisfied themselves that those require a certain legislative solution and framework, to apply that willy-nilly throughout the United Kingdom, whatever the local conditions may be.

It is most probably the case that when the Bill was drafted the Government did not have in mind Exeter and Southend airports and their particular circumstances, and, of course, officials in Departments never like making exceptions. We would not wish to hybridise the Bill by making the exceptions by name. That would have been an extremely mischievous form of amendment and it would rightly have been rejected on those grounds. But the amendment does no violence at all to the purpose of the Bill. It is the best solution for efficient commercial management of the airports concerned and that is why, if my hon. Friend the Under-Secretary — I see that my right hon. Friend the Secretary of State is not with us— is not empowered to accept it, we shall seek to divide the House.

Mr. Snape: I am fascinated by the view expressed by the hon. Member for Southend, East (Mr. Taylor) in pleading exemption for his airport. That argument is fairly familiar to me. I went to Exeter—I include the hon. Member for Tiverton (Mr. Maxwell-Hyslop) in this—in November last year to speak at the national conference of the Joint Airports Committee of Local Authorities, and a Conservative councillor from Southend made virtually the same points as the hon. Member for Southend, East, although not as well, but one would not expect that.

That councillor asked what a Labour Government would do about an airport such as Southend, which, as the hon. Gentleman has said, has been virtually privatised by the decision of the local authority. While commiserating with that councillor and the hon. Gentleman on the lack of business acumen of Conservative councillors in Southend, who evidently lost an arm and a leg, as the saying goes, trying to run an airport, I said then, and I say now, that a Labour Government would leave the decision on how its airport was run to Southend council. If it felt that the private sector could better run that airport, that is what local government is about.

We do not fear our political opponents making such decisions, but why should Conservative Back Benchers, no matter how distinguished, make special pleas on behalf of their airports? To use the phrase of the hon. Member for Tiverton, to interpose an expensive company structure on the airport to which he referred applies equally to other parts of the country. I do not see why we should specifically exempt the two airports to which the hon. Members for Southend, East and for Tiverton have referred.

We come back to the central question of principle. One either believes in local government democracy, or one does not, and the Government do not. They do not believe in local democracy even in a fairly Right-wing pro-privatisation council such as Southend. The hon. Member for Southend, East read out a litany of allegations against the Government's attitude and their interference in decisions taken by a Conservative-controlled council in a town which has, I am sure, been under Conservative control for many years, if not for ever. That is a salutary lesson for the hon. Gentleman. I feel sorry for him. Life would have been easier for him in many ways if the electors of Glasgow, Cathcart had kept faith with him. He would have been Secretary of State for Scotland now. Instead, as the representative of an English constituency, he has to learn that the Government have no faith in the principles of local government democracy. Regardless of the policies pursued by a local authority, the Secretary of State for Transport knows best. He will ensure that Southend and Exeter airports fall within the remit of the Bill, regardless of the wishes of members of his own party in those areas.

The hon. Member for Gedling (Sir P. Holland) is not with us at present. A few years ago he made his reputation, such as it is, by talking about the number of quangos in Britain, how deplorable they all were, and how the Labour Government persisted in adding to their number. I hazard a guess that if the hon. Member for Gedling was still pursuing that political ploy he would be able to compile a list of quangos created and appointed by the Secretary of State that would exceed the number of quangos created by the last Labour Government. It does not suit his political views for the attention of the public to be drawn to such matters at present, but the hon. Gentleman and his hon. Friend are having to learn a bitter and salutary lesson. Their Government have no faith or interest in local government democracy, and that applies to Conservative-controlled councils as much as to Labour-controlled councils.

The Labour party has no fear of local democracy. Under a Labour Government, if Southend council decided to operate its airport in line with the decisions of locally elected councillors, it would do so with our blessing. The Conservative party has spent most of its largely dishonourable history talking about decentralisation. It is a pity that the Government do not put those ideas into practice, instead of insisting on nationalising airports that are run by their political friends—and, as we have just heard, very properly run.

Sir Peter Emery (Honiton): Exeter airport was in my constituency before the most recent alteration of boundaries moved it into the constituency of my hon. Friend the Member for Tiverton (Mr. Maxwell-Hyslop). The airport has been privately managed, and managed very successfully, with the co-operation of Devon county council. The Government have not enabled it to be as much improved as we would have wished, but it has built up a great degree of business. It is establishing a record of service to the south-west, especially in the summer months when international airlines now fly there for the holiday trade.

I can understand the Government's wishes to have powers within the Bill which they could implement if management was not good, or if the operation was unsuccessful or was held by the county and was not working well. However, I would have hoped that the Government would be wise enough to see that where local authorities with airports under their control have put them out to private management, and, as my hon. Friend the

[Sir Peter Emery]

Member for Southend, East (Mr. Taylor) said, really privatised them in form, the powers under the Bill should not be used for those airports.

I hope that the amendment will not be necessary, and that instead we may have an assurance from the Minister that where we have a properly operating commercial organisation running a local airport he will encourage it to continue, without have to use any "draconian" powers to force it to do things which might be unnecessary. I hope that we may have that assurance, because it would be very helpful.

11.30 pm

Mr. Stephen Ross: I have great sympathy with these amendments, but, like the hon. Member for West Bromwich, East (Mr. Snape), having been a member of the Select Committee on Transport and having visited Manchester and Birmingham often, as indeed other airports, I have to admit that they are extremely well run. Anyone who has been to Birmingham recently will say that the management of Elmdon airport is of the highest calibre. These organisations are being forced to set up plcs. It is an expensive operation. I have seen what I think was merchant bankers' advice to Manchester. There was a substantial figure involved and their advice was not to do it. Obviously, Manchester will be forced to do it by this Bill.

I ask the Minister to think again about the other amendments—which were not called tonight but which were debated in Committee—putting a limit on the throughput, or on the £1 million or £2 million turnover. I do not know the figure for Southend or for Exeter. I am sure that they are extremely well run. They should not be forced to change their present structure, when they have been run in a way which is considered very satisfactory by both local Members and the councils involved. I hope that one day we shall even manage to do something in the Isle of Wight; we are hoping to get Brymon to join us with one of the planes from Exeter or Plymouth.

I would ask the Minister, when he replies, to give some undertaking to reconsider this and try to introduce amendments in the other place to cover the issue. It is wrong to force these people into this sort of expenditure when they have done a perfectly good job, and are running the airports efficiently, either personally or through subsidiary companies.

Mr. Steen: I agree with the comments of my hon. Friends, particularly in relation to Exeter airport, which I use fairly frequently.

If the Minister feels that he cannot go along with these amendments, what we would like him to say is that a way can be found whereby Exeter and Southend, among others, which are, in effect, already privatised, can become plcs without extra expense. The Government must not encourage further public expenditure on operations that are already privatised. The Government are, quite rightly, very concerned to cut public expenditure. They should not now force more public expenditure on local authorities and airports which are, in effect, already privatised. We want to hear from the Minister tonight that he will find some formula, by the time this Bill gets to another place——

Mr. Ashby *rose*——

Mr. Steen: I will give way in a moment. I hope that the Minister will find some formula whereby the extra costs which must be incurred by these two airports, at least, do not fall upon the ratepayers.

Mr. Ashby: Would my hon. Friend not agree that if these local airports were properly privatised, with their equity placed on the market and offered to the public, such expenditure would not fall on the public purse but on the private purse, and all the problems which he envisages would go away?

Mr. Teddy Taylor: Mr. Deputy Speaker——

Mr. Deputy Speaker: Order. The hon. Member must confine himself to one speech. He cannot intervene on an intervention.

Mr. Steen: Before I respond to my hon. Friend, Mr. Deputy Speaker, I am sure that my hon. Friend the Member for Southend, East (Mr. Taylor) can help me.

Mr. Taylor: Does my hon. Friend the Member for Leicestershire, North-West (Mr. Ashby) appreciate that once again his intervention has been inadvertently designed to mislead the House? The Minister made it abundantly clear on Second Reading on 27 January that these companies would continue to be wholly owned by the relevant local authorities. So we are not selling to different shareholders. We will have one shareholder company owned by the ratepayers of Southend. To that extent once again the intervention is mischievous and designed simply to delay the House.

Mr. Steen: Rather than get involved in the dispute between my hon. Friends, I shall sit down because it may be a suitable time to hear what the Minister has to say.

Mr. Tony Lloyd: The Minister may save himself some anxiety because I shall come to his aid by saying how much I endorse the amendment proposed by the hon. Member for Southend, East (Mr. Taylor). Irrespective of whether it has much to commend it in the interests of Southend as an airport, it certainly has a great deal to commend it in regard to Manchester airport. It will not have escaped the Minister's notice that Manchester airport is run by a private company totally at arm's length from the local authority. The local authority made arrangements for the airport to be managed commercially by a suitably qualified and experienced operator who is not an employee of the local authority.

I welcome the amendment and look forward to the hon. Gentleman pressing it to a vote. He would have the support of all hon. Members who have the interests of Manchester at heart because it would take Manchester airport outside the Bill. I have considerable sympathy with what the hon. Gentleman is trying to do, which is to defend the interests of the area which he represents. I endorse that because that is his role in the House. I wish to do the same for the airport in my area. The hon. Gentleman and I are at one in recognising that the effect of the Bill will be totally mischievous. It has little merit for the airports at Southend, Manchester and Exeter.

Mr. Snape: I do not seek to interrupt the able speech of my hon. Friend without good reason. Is he aware that the hon. Member for Tiverton (Mr. Maxwell-Hyslop) has said that the Bill will impose an expensive company structure on Exeter? Does my hon. Friend agree that it will also impose something similar on Manchester and other

airports unless the amendment is accepted because considerable extra corporation tax and value added tax will result as a direct consequence of the airports being included in the Bill? Where is the efficiency there?

Mr. Lloyd: My hon. Friend has made an important point. What makes it even more ludicrous than Conservative Members may realise is that Manchester has already incurred considerable expense because of the Government's action in having driven it to set up its present structure. Despite the fact that Manchester has paid for some of the best—qualified company lawyers in Britain to give advice on the optimal structure to serve the interests of shareholders, the travelling public and the nation, the Government are not satisfied. They have a doctrinaire view of airports policy.

The Government have a particularly peculiar view of a company's relationship with a local authority. They do not accept that an airport run by a company at arm's length from a local authority should have a company structure which is recognisable in any shape or form as being equivalent to a company which ordinary company law establishes. The Government have a warped view of a company. They insist that local democracy is as nought and that the local authority—be it Southend, Exeter or Manchester—is not in a position to make arrangements for its own area and community. Because the Government do not trust local democracy, the owners of Manchester airport, who are the ratepayers in the former Greater Manchester area, will be put to considerable expense.

I endorse the views of the hon. Gentleman in moving this amendment. I only regret that the Government do not wish to recognise that there will be burdens on the smaller airports. The hon. Member for Isle of Wight (Mr. Ross) raised the point in Committee that we should do something for the smaller airports. Because the Government do not accept those arguments and because they will impose these costs on smaller airports and in no circumstances allow a loophole which would operate in the interests of Manchester, I regret to have to say that I suspect that the hon. Gentleman's amendment, ingenious as it is, will get very short shrift from the Minister.

Mr. Michael Spicer: I concede straight away that, as my hon. Friends the Members for Southend, East (Mr. Taylor) and for Tiverton (Mr. Maxwell-Hyslop) have said—and I know that this view is held by my right hon. Friend the Member for Southend, West (Mr. Channon) and by my hon. Friend the Member for Honiton (Sir P. Emery) — British Airports International has done a remarkable job at the two airports referred to. The achievement at Southend is particularly remarkable because a loss-making airport has been turned into a profit-making airport. That is a very successful operation, and I certainly want to associate myself with the tributes that have been paid in this connection.

I am quite sure that Exeter is doing a good job. I have visited the airport and, like the hon. Member for West Bromwich, East (Mr. Snape), I have been impressed by what is happening there. It must be said, however—and I am sure that this will be conceded by my hon. Friends from the west country—that the Exeter airport is still making a loss of about £360,000 out of an annual income of approximately £1 million. My hon. Friend the Member for Tiverton says that it is just under £2 million. His information may be better than mine, but I shall get confirmation of my figures.

My view is that there is still some considerable way to go at Exeter. It is quite remarkable that a city in the heart of one of Britain's great tourist areas should have only a minimal amount of inbound, particularly foreign, tourists coming through its airport.

Mr. Maxwell-Hyslop: One of the reasons is that my hon. Friend refused permission for this. The Spanish tourist company that wanted to put down there before going on to Cardiff was refused permission to do so by him. Therefore, it does not lie in his mouth to criticise the absence of foreign tourists.

Mr. Spicer: My hon. Friend is not living up to his normal standards of fairness in this matter. What he said is perfectly true, but the reason is that the Spanish do not give us comparable rights to pick up people at their airports and take them on to different points. The normal rules under which European traffic is conducted provide that one is not allowed to pick up passengers in another country and carry them on within that country. That is standard practice, even if Exeter thinks that its future lies in breaking those rules. To some extent I would accept that our objective is to get far greater freedom in picking up and putting down passengers within other countries, but that is a long way off. My hon. Friend has not put forward a very strong point there.

It is one thing for me to congratulate the airports on what they have achieved through contracted managment, but my hon. Friends go on to ask why the matter should not be left there. Why do they insist on setting up these companies as public limited companies? The answers are very clear. First, it is only if they are set up as public limited companies that they come under the disciplines of the Companies Acts. Involved here is the Companies Acts accounting system.

11.45 pm

More important is the matter to which my hon. Friend the Member for Southend, East referred — the responsibility of directors. He said, somewhat strangely for him, that he could not see that there would necessarily be any distinction between the objectives of a director operating on behalf of his airport company and the objectives of the local authority. I should have thought there might be many places where the commercial interests of an airport were at variance with the interests of the local authority. For example, in investment, dividend and other policies a distinction might well be made. Under the Companies Acts, the directors of a company have a duty to act in the interests not of the local authorities which are the owners but of the company for which they are responsible.

Mr. Teddy Taylor: As a company director myself, I ask whether there is not an obligation to the shareholders of the company. If the Government are going to set up a company, in which the only shareholder is the Southend council, where is the difference?

Mr. Spicer: The interest ultimately comes back to the shareholders, but a distinction has to be drawn. I am sure my hon. Friend, when he thinks this through, will accept that there may well be cases where the council will wish, for instance, to cream off all the income from the airport, whereas the directors, acting as directors responsible for the well-being of the company and of the shareholders, would wish to retain and reinvest those profits. The hon.

[Mr. Spicer]

Member for Stretford (Mr. Lloyd) referred to Manchester in this connection. On this point, I do not think there can be a great difference between us. There may well be a conflict of interest between the financial policy of a council and that of a company.

A more substantial point is that one of the unashamed reasons for the Government wanting to set up public limited companies is that we think that that would make it easier—and it would be beneficial for it to be made easier—for those shares to be sold to the private sector. There is nothing in the Bill and it is not our intention to force local authorities to sell shares, although later amendments ask us to do precisely that. Unless the Government are defeated on that issue, they do not intend to compel the sale of shares. However, we shall deal with that matter soon.

We certainly intend to set up structures with shareholdings which will make it easier to sell those companies to the private sector. There is nothing in our proposals that will make contracted management difficult. We think that our proposals will encourage airports to contract management. One of the incentives may well be the ability at some time for the managers of contracted management companies to have a stake in the airports. That could be a great incentive for them. My hon. Friend will be aware that the arrangements at Southend involve management in the airport's finances and future. We certainly see no reason why that should not be extended to shareholding. That would be a good way for a successful management company to be involved in the future of an airport.

Mr. Steen: Does my hon. Friend believe that if Exeter were privatised, as the Bill would have it, instead of losing £300,000, it might make a profit?

Mr. Spicer: I am sure that it was a slip of the tongue which made my hon. Friend talk of privatisation. We are talking not of privatisation at this stage but of a transfer to Companies Acts companies. I envisage Exeter continuing as it is. Through a contracted management team, which knows an awful lot about running airports, the airport's finances will improve, one hopes rapidly and, once it moves into profit, the contracting management may well wish to take a shareholding. That could well be good for Exeter and the airport's future.

Mr. Snape: For the enlightenment of the Minister's colleagues from that part of the world and us, will he say whether he believes that there is something inherently inefficient in how Exeter is run at present and whether something that is being done wrong has made it lose £330,000 in the current year?

Mr. Spicer: That is not for me to say with precision, but I am happy to answer the hon. Gentleman. He might have talked to the managers. I suspect that they would say that Exeter's capability to market itself in, perhaps, foreign countries, exists. I think I am right in saying that an airport that does not receive any direct flights from overseas has some scope in terms of marketing its services.

Sir Peter Emery: Although not on a scheduled service, the airport receives direct flights from Spain by the Spanish national airline. The service has been developed by the present contracting company.

Mr. Spicer: I am grateful to my hon. Friend. I should have said scheduled services. I am trying not to imply criticism. I was asked whether there was any scope for improvement, and my humble opinion is that there probably is.

I am confident that the hon. Member for Stretford was not trying to be helpful when he said that if the two aiports were exempted, we would be making two classes of airport above the £1 million turnover threshold. I shall deal with the argument of the hon. Member for Isle of Wight (Mr. Ross) about raising the threshold shortly. A business with a turnover of £1 million is reasonable. Airports of that size employ an average of 40 people. In the private sector, there is not much problem about a business of that size being subjected to Companies Acts disciplines. We do not think that it is unreasonable to ask such businesses to become Companies Acts companies. Of course, the higher the threshold, the greater the number of anomalies.

Before BAI took over, Southend was open 24 hours a day. The new management has cut the hours of opening from 6 am to 10 pm. The new management has discretion over hours, and that is part of the contract that it has with the local council. I assume my hon. Friend is correct in saying that the local council is the planning authority and that the planning authority would ultimately have the power to impose any night bans.

Mr. Teddy Taylor: My hon. Friend must be aware that Southend airport is in the borough of Rochford.

Mr. Spicer: If that borough is the planning authority, it will have the power to impose night bans. The planning authority has the power to impose whatever restrictions it desires.

There is nothing in the Bill to prevent my right hon. Friend from designating these airports, if he so wishes, to be under the direct control of the Secretary of State. I hasten to add that he has no intention of doing that. He has only designated London airports for that purpose. There is nothing in the Bill that would change the present position in connection with control over night flights.

With that assurance and in view of my answers to the various points that have been raised in this important debate, I hope that my hon. Friend the Member for Southend, East will feel able to withdraw the amendment.

Question put, That the amendment be made:—

The House divided: Ayes 32, Noes 187.

Division No. 129] **[11.56 pm**

AYES

Alton, David	Lloyd, Tony *(Stretford)*
Ashdown, Paddy	Loyden, Edward
Banks, Tony *(Newham NW)*	Marek, Dr John
Brown, N. *(N'c'tle-u-Tyne E)*	Morris, Rt Hon A. *(W'shawe)*
Bruce, Malcolm	Nellist, David
Campbell-Savours, Dale	Parry, Robert
Canavan, Dennis	Patchett, Terry
Craigen, J. M.	Penhaligon, David
Emery, Sir Peter	Pike, Peter
Fisher, Mark	Ross, Stephen *(Isle of Wight)*
Foster, Derek	Snape, Peter
Foulkes, George	Stott, Roger
Hannam, John	Taylor, Teddy *(S'end E)*
Howells, Geraint	Wallace, James
Hughes, Robert *(Aberdeen N)*	
Hughes, Simon *(Southwark)*	Tellers for the Ayes:
Lewis, Terence *(Worsley)*	Mr. Robin Maxwell-Hyslop and
Litherland, Robert	Mr. Bill Walker.

NOES

Alexander, Richard
Alison, Rt Hon Michael
Amess, David
Ancram, Michael
Arnold, Tom
Ashby, David
Aspinwall, Jack
Atkins, Rt Hon Sir H.
Atkinson, David *(B'm'th E)*
Baker, Nicholas *(Dorset N)*
Baldry, Tony
Batiste, Spencer
Bellingham, Henry
Best, Keith
Bevan, David Gilroy
Biffen, Rt Hon John
Biggs-Davison, Sir John
Blackburn, John
Blaker, Rt Hon Sir Peter
Boscawen, Hon Robert
Bottomley, Mrs Virginia
Bowden, A. *(Brighton K'to'n)*
Bowden, Gerald *(Dulwich)*
Brandon-Bravo, Martin
Brinton, Tim
Bruinvels, Peter
Burt, Alistair
Butcher, John
Butler, Rt Hon Sir Adam
Carttiss, Michael
Cash, William
Chope, Christopher
Clarke, Rt Hon K. *(Rushcliffe)*
Conway, Derek
Coombs, Simon
Cope, John
Couchman, James
Currie, Mrs Edwina
Dorrell, Stephen
Douglas-Hamilton, Lord J.
Dover, Den
Dunn, Robert
Fairbairn, Nicholas
Fallon, Michael
Favell, Anthony
Fenner, Mrs Peggy
Fookes, Miss Janet
Forth, Eric
Fowler, Rt Hon Norman
Franks, Cecil
Freeman, Roger
Galley, Roy
Garel-Jones, Tristan
Goodlad, Alastair
Gow, Ian
Gower, Sir Raymond
Greenway, Harry
Gregory, Conal
Griffiths, Peter *(Portsm'th N)*
Ground, Patrick
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Jeremy
Hargreaves, Kenneth
Harris, David
Hayes, J.
Heathcoat-Amory, David
Heddle, John
Hickmet, Richard
Hicks, Robert
Hind, Kenneth
Holt, Richard
Howard, Michael
Howarth, Gerald *(Cannock)*
Howell, Ralph *(Norfolk, N)*
Hubbard-Miles, Peter
Jenkin, Rt Hon Patrick
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
King, Roger *(B'ham N'field)*
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Knox, David
Lamont, Norman
Lang, Ian
Lee, John *(Pendle)*
Lennox-Boyd, Hon Mark
Lilley, Peter
Lloyd, Peter *(Fareham)*
Lord, Michael
Lyell, Nicholas
McCurley, Mrs Anna
Macfarlane, Neil
Malins, Humfrey
Marland, Paul
Mates, Michael
Mather, Carol
Mawhinney, Dr Brian
Mayhew, Sir Patrick
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Miscampbell, Norman
Mitchell, David *(Hants NW)*
Moate, Roger
Morrison, Hon C. *(Devizes)*
Morrison, Hon P. *(Chester)*
Moynihan, Hon C.
Neale, Gerrard
Nelson, Anthony
Neubert, Michael
Newton, Tony
Nicholls, Patrick
Norris, Steven
Oppenheim, Phillip
Oppenheim, Rt Hon Mrs S.
Page, Richard *(Herts SW)*
Patten, Christopher *(Bath)*
Patten, J. *(Oxf W & Abgdn)*
Pawsey, James
Peacock, Mrs Elizabeth
Pollock, Alexander
Portillo, Michael
Powell, William *(Corby)*
Powley, John
Raffan, Keith
Rathbone, Tim
Rees, Rt Hon Peter *(Dover)*
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rumbold, Mrs Angela
Ryder, Richard
Sackville, Hon Thomas
Sainsbury, Hon Timothy
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shepherd, Colin *(Hereford)*
Sims, Roger
Smith, Tim *(Beaconsfield)*
Soames, Hon Nicholas
Speed, Keith
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Squire, Robin
Stanbrook, Ivor
Stanley, Rt Hon John
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Allan *(Eastwood)*
Stewart, Andrew *(Sherwood)*
Stradling Thomas, Sir John
Sumberg, David
Taylor, John *(Solihull)*
Tebbit, Rt Hon Norman
Terlezki, Stefan
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thornton, Malcolm
Thurnham, Peter
Townsend, Cyril D. *(B'heath)*
Tracey, Richard
Trotter, Neville
Twinn, Dr Ian
van Straubenzee, Sir W.
Waddington, David
Wakeham, Rt Hon John
Walden, George
Wall, Sir Patrick
Waller, Gary
Wardle, C. *(Bexhill)*
Watts, John
Wells, Sir John *(Maidstone)*
Whitney, Raymond
Wiggin, Jerry
Wilkinson, John
Wolfson, Mark
Wood, Timothy
Yeo, Tim
Younger, Rt Hon George

Tellers for the Noes:
Mr. Francis Maude and
Mr. Gerald Malone.

Question accordingly negatived.

Clause 14

TRANSFER SCHEMES

Mr. Ashby: I beg to move amendment No. 71, in page 11, line 20, after 'providing', insert '*(a)*'.

Mr. Deputy Speaker: With this we may take the following amendments:

No. 72, in page 11, line 23, at end insert—

'*(b)* for the placement on offer to the public of not less than two-thirds of the equity of the company.'.

No. 73, in page 11, line 29, at end insert

and to any employees' share scheme as defined in section 19(6).'.

Mr. Ashby: The effect of the amendments is to force municipal authorities that are the owners of the airport plcs to provide within the scheme for the Secretary of State to offer to the public not less than two thirds of the equity of the company. Within the scheme there should be included an employees' share scheme as defined in clause 19(6).

There is a provision in part II of the Bill which has been described as having the effect of privatising municipal airports, but it will do nothing of the sort. It will merely make the companies subsidiaries of the councils. They will be quasi quangos and they will be 100 per cent. owned by the councils. Many of the councils are of a political nature which is such that they will never give up one share or ever introduce any private capital into the airports.

I heard the speech of my hon. Friend the Member for Southend, East (Mr. Taylor), and I praise the Southend council. It must be a sheer delight to have a council which has reduced rates and is running its affairs as well as has been described by my hon. Friend. However, councils throughout the country, left, right and centre, are not doing what they are supposed to be doing, which is providing services. They are straying more and more into areas to which they are not suited. If an airport company is well run, it is wrong that it should be a subsidiary of the council and part of the services of the council. That is not what a council is supposed to do. The airport company should be floated and should go properly into the private sector, which is what my amendments propose.

Unlike Southend, I suffer in Leicestershire from a hung county council where the Conservatives wanted to put up rates by 10 per cent. but the Liberals combined with Labour to put them up by 31 per cent. I suffer from a hung district council within which is the East Midlands airport, where the Conservatives wanted to put the rates up by a

[Mr. Ashby]

modest 9 per cent. and the Liberals combined with Labour to put them up by 28 per cent. I applaud the Southend council, but my hon. Friend the Member for Southend, East must realise that not all councils are run like the Southend council. The Bill has to make provision for everyone if it is not to be a hybrid Bill, which is why I propose my amendments.

On Second Reading the Secretary of State set out the objectives for privatising the British Airports Authority. He said:

"It is high time that we changed the regime under which it operates to liberate management from the constraints of public ownership. Our objective must be to remove the burden of political interference and state control so that airports, airlines and their customers can reap the benefits."

I fail to understand why there should be one rule for the BAA and another for the municipally run airports. In the public's eye, there is little difference between a Government-run airport and municipally-owned airport. If those are the reasons for privatising BAA, how much more must those reasons prevail in the case of most of the municipal airports?

Many of the municipal airports are run by local authorities which are Labour controlled and will perhaps remain Labour controlled for some time. The Labour party is a byword for "political interference" in commercial decisions. What hopes are there of no "political interference" in the running of the airports under a Labour-controlled council? The phrase

"to liberate management from the constraints of public ownership"

has little meaning when we look at Labour-controlled councils up and down the country. We never see a liberated management. We see control after control.

Therefore, the Bill as drafted gives very little hope for the plcs and airports. They will not have liberated management or be free from political control. Most airports will be run in much the same way as they have been hitherto. I can see no logical or coherent reason why those airports should not be privatised.

12.15 am

On Second Reading, the Secretary of State said:

"The Bill also ensures that there is a proper ars's length relationship between the new airport companies and their parent authorities".

As I know that *Hansard* is always totally correct, I must assume that that is a proper reflection of what the Minister feels about that part of the Bill. I agree with him that there is

"a proper ars's length relationship between the new airport companies and their parent authorities".—[*Official Report*, 27 January 1986; Vol. 90, c. 691-5.]

Frankly, that reflects the way that I feel about the Bill. That was no Freudian slip. Truth will out in the end.

Let us consider the many measures that have been taken. The local authorities are always servants of Government and subject to the law. The Government have done a great deal, rightly, to control local authorities. They have attempted to control some of their most profligate expenditure. In council housing, legislation has forced local authorities to sell local authority housing——

Mr. Deputy Speaker: Order. The hon. Gentleman must relate what he is saying to the amendment.

Mr. Ashby: With great respect, I am referring to the sale of a council's shares to the public.

Mr. Deputy Speaker: The hon. Gentleman is referring to the sale of council houses, as far as I can hear.

Mr. Ashby: With respect, I am relating the sale of council shares to, and comparing it with, the Government's legislation that has ordered local authorities to sell houses. Obviously, I expressed myself very badly. I shall start again.

If there is any complaint that my amendment forces local authorities to sell property that is theirs, one has only to look at housing legislation to see that there are precedents for that. The Government have forced local authorities to sell houses to those who live in them. There are many precedents. My amendment provides for an employees' scheme, which is almost exactly the same as the sale of council houses.

Mr. Robert Hughes: If I follow the hon. Gentleman's analogy correctly, is he arguing that the people who work at the airports should be sold the airports at discount prices?

Mr. Ashby: Employees at an airport should be part of any such scheme. There is provision for it in clause 19(6) of the Bill. I am merely asking that any sale of the shares should embrace clause 19(6). It is already in the Bill. I am asking for nothing more than is in the Bill. There is plenty of precedent for such sales. The inclusion of an employees' scheme is almost exactly as provided in the sale of council housing.

I refer to my authority, the East Midlands airport authority. In north-west Leicestershire, we have East Midlands airport owned by Derbyshire, Nottinghamshire and Leicestershire county councils—not in equal shares. It is largely owned by Nottinghamshire and Derbyshire. Leicestershire owns only a few shares. The benefit for Leicestershire is that it gets the rates from the airport.

The East Midlands airport makes a profit of about £2 million, but what happens to that money? Most of it goes to Derbyshire or Nottinghamshire and little stays in north-west Leicestershire. It appears that Nottinghamshire county council has spent £20,000 on CND and £600,000 on revamping the market square—it is a fine market square and I do not see the need for the work. That is an absolute disgrace. It is also spending £120,000 on modernising the already fine council offices. They are examples of the recent profligacy of the Nottinghamshire county council.

Where does Derbyshire's share of the £2 million go? It has taken on 700 new staff. It has spent £50,000 on recalling the school stationery to overprint on it "Derbyshire supports a nuclear free zone". It has circulated a free newspaper, a party political paper, called Insight. That is where the money is going.

Those councils pay lip service to the airport and they are creaming off the profits and using them to offset their profligate spending. There are no benefits for the people living in the area.

The councils will argue that there has been some capital investment, but it is always too little too late. The airport is in the centre of a road network—just off the M1 and close to the M6. It is in the centre of England and is ideally placed to be a cargo airport. It is a successful airport, but it could be more successful. It needs a dynamic approach. A plc with a number of councils as shareholders and directors will not do much good.

What sort of people will be the directors of the company? Largely they will come from the Derbyshire and Nottinghamshire county councils. They will be social workers who have never run a business in their lives and who do not have a clue how to do so. It is wonderful to be a bus driver, but one has to know something to be a director.

Mr. Snape: I notice from one of the reference books that the hon. Gentleman is a company director. Perhaps he could tell us what qualities he possesses which make him more suitable to be a company director than, for example, a bus driver or a social worker?

Mr. Ashby: My qualification is that I have some experience of running a business.

The directors of the plc must have experience of running a business. We are told that some of the existing directors of the airport will be on the board, but there will be others representing the owners, the shareholders. They have control, but they have no business experience. The present chairman of the joint airports authority is a very nice man with "love" and "hate" written on the knuckles of each hand. I often wonder what the airport director feels when he sees those words when decisions are being taken. We must have people with business acumen and experience.

Mr. Deputy Speaker: Order. I am having great difficulty in relating what the hon. Gentleman is saying to the amendments. We are discussing not the principles of the Bill but the amendments.

Mr. Ashby: If the shares are offered to the public, the directors will reflect the ownership of the shares. In the natural course of events, like any public limited company, one would expect to see directors with a wide range of business experience; people who have put money into the company. That is why I say that the sort of people who will be on the board will be people with that business experience. That is what the airports will require. They will require the business experience which they do not have at the moment. Being run as a service at the moment is doing them a disservice because they are not able to achieve their full management or investment potential. There are great limitations on the investment which they can get unless they are prepared to go out for private investment. Unless they are prepared to do that, they will have no future.

As the airports are set up at the moment, there is little hope for them. We see no change, just disadvantage. We simply have to make those local authorities part with their shares to the general public to be able to free the airports from their constraints, otherwise we are wasting our time.

Mr. Tony Favell (Stockport): I rise to support my hon. Friend the Member for Leicestershire, North-West (Mr. Ashby). I have been consistent from the time that the Bill was first published and debated within the Department in suggesting that the municipal airports should be released from the dead hand of the local authorities.

The Bill is a great missed opportunity for the municipal airports. Its main thrust has my heartfelt support. One of the Government's great achievements has been their privatisation programme. That will go down in history. The privatisation of the BAA will go down as an enormous success. But success for the BAA will mean dismal failure for the municipal airports which are being put at an enormous disadvantage as a result of the Bill.

Stansted, Gatwick and Heathrow, in the hands of Sir Norman Payne and his gang will be an enormous success. They are all good business men who know what they are doing. The running of an airport is big business. It is not like running a bus station or even a small railway station. It needs to be run by people who know the business intimately and know what they are doing.

Mr. Stephen Ross: Will the hon. Gentleman give way?

Hon. Members: Oh no.

Mr. Ross: Yes, because it is about time somebody stood up for local government. What is wrong with the present management of Manchester or Birmingham or Newcastle airports? Answer that.

Mr. Favell: They are run as good municipal airports at the moment. They are run for the benefit of the local people. But the people who run them do not have the expertise to run airports as big business and to attract business from elsewhere in the country.

Let us take the example of Atlanta in the United States. That has a population of about 1 million, yet the airport sees 12, 13 or 14 times as many people go through that airport each year because it is run as a business. The people who run it bring prosperity, people and jobs to the area. For Manchester, the Bill is a great lost opportunity. Enormous employment opportunities could be brought to Manchester airport if only it was run as a business, not merely as a municipal facility.

There are other disadvantages in the Bill for the municipal airports. For example, being turned into plcs, they will now have to pay corporation tax. That will be an enormous disadvantage. They are being put at great disadvantage as against the BAA airports. It is a tragedy. If there was any chance of Ken Livingstone running Heathrow, Gatwick or Stansted, all hell would be let loose. There would be no question of the GLC or its successors running the three main airports of the south-east. It is a tragedy that Manchester and other municipal airports should be put in the hands of Left-wing authorities such as Manchester city council. We shall live to rue the day. We are giving the south-east an advantage over the regions. I support my hon. Friend's amendment.

12.30 am

Mr. Michael Spicer: The Government sympathise very much with what my hon. Friends are saying. In particular the Government agree about the desirability of privatisation. We have already made that clear. Clause 24 makes it clear that the local authorities, when they sell their shares in airports, cannot impose within the memorandum and articles of association restrictions on who may buy the shares. One of the aspects of the original Manchester scheme with which we were not happy was the fact that it seemed to restrict the sale of shares to the public sector. We agree, therefore, about the objective.

I am not as pessimistic as my hon. Friends about the possibility of even Labour councils eventually seeing some of the benefits of privatisation. The development of the airport would be outside public sector controls. There could be employee participation in shareholding. It would be possible to attract capital and turn loss-making airports into profit-making ones, and to use the moneys currently used to subsidise airports—10 out of 16 make losses at

[Mr. Michael Spicer]

the moment—for better social purposes. Even Labour councils may eventually see the advantages of either partial or total sale of shares in their airports.

My hon. Friend the Member for Leicestershire, North-West (Mr. Ashby) asked why there should be one rule for the BAA and another rule for municipal owners. The answer is that the Government own the BAA and therefore have the right to sell the airports. Depending on one's view about local authority independence, one may or may not take the view that one should compel local authorities to act against their will. I concede that that is a matter for debate among my hon. Friends. However, giving people the right to buy the houses they live in is a different matter from compelling airport owners to sell their assets when, for instance, there may not be a ready buyer. That may well be the case with the 10 airports that are making a loss. For those reasons, I would——

Mr. Ashby: I thought that I had covered that. It would be part of the scheme, would it not? If the airport was a loss-maker, that would be part of the scheme, and there would have to be provision perhaps for the sale of the shares in two or three years' time on a given scale, when one could see the way in which things were going.

Mr. Spicer: My hon. Friend must at least concede that he made a direct comparison with the sale of council houses and that, in that case, it is a question of the right to buy. There is implicit in that system a buyer. Such a buyer is not implicit in the compulsory sale provisions that he wishes to introduce. So because we have taken the view that we cannot, to this extent, interfere with the independence and autonomy of local authorities—and that is a pretty fundamental decision that we have had to take—we could not, therefore, go along with these amendments, which are aimed precisely at compelling local authorities to sell.

Having said all that, however, I must repeat to the House and to my hon. Friends that it is, of course, our objective—and it is one of the reasons for setting these companies up as public limited companies—that a very large proportion of the shares should be owned by the private sector.

I hope, therefore, that on the basis of what I have said my hon. Friend will feel able to withdraw his amendment.

Mr. Ashby: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 16

CONTROL OVER CONSTITUTION AND ACTIVITIES OF PUBLIC AIRPORT COMPANIES

Mr. Michael Spicer: I beg to move amendment No. 10, in page 13, line 14 after '(1)', insert 'Subject to subsection (1A),'.

Mr. Deputy Speaker: With this it will be convenient to take Government amendments Nos. 11 and 12.

Mr. Spicer: Because these are simple amendments, perhaps I can address myself briefly to amendments Nos. 11 and 12, which are the substantive ones.

The purpose of amendment No. 11 is to ensure that the minimum number of directors who are employees and are to be appointed to the board of a public airport company under subsection (1) are suitably experienced in airport management. The whole purpose of the subsection is to ensure that airport company boards contain a minimum element of practical airport experience. It would be in the interests of neither the company, the employees nor the ratepayers if this important objective were to be frustrated by the appointment of employees who lacked experience of airport management. I hope that the House will be able to accept the amendment.

Amendment No. 12 is a rather different proposition. In Committee, in response to an amendment proposed by my hon. Friend the Member for Tayside, North (Mr. Walker) I undertook to look again at the provision in subsection (1) for a minimum number of public airport company directors to be drawn from full-time employees. My hon. Friend pinpointed the problem, which is that a local authority which had contracted out the management of its airport—the issue which we have just debated, and I should perhaps have said earlier that we wanted to make to this concession those who had contracted-out management—would be unlikely to have sufficient qualified employees within the public airport company to satisfy the requirement in the subsection that three, or one quarter of the directors should be full-time employees.

We have considered the problem carefully and we believe that it can be tackled by providing that if the Secretary of State is satisfied that appropriate arrangements for the management of the airport have been made, he may direct that an exemption from the provision of subsection (1) be granted to the controlling authority concerned. That is precisely in response to the point raised by my hon. Friend in Committee, and what this amendment aims to do.

Amendment agreed to.

Amendments made: No. 11, in page 13, line 18 at end insert

'who are suitably qualified to act as directors of the company by virtue of their experience in airport management'.

No. 12, in line 18 at end insert—

' (1A) Where at any time it appears to the Secretary of State—

(a) that a public airport company has made arrangements for the management of the airport operated by it to be carried on otherwise than through its officers or employees and

(b) that any such arrangements are adequate to secure that those participating in the management of the airport under the arrangements are suitably qualified to do so by virtue of their experience in airport management,

the Secretary of State may direct that subsection (1) shall not apply in relation to that company.

(1B) Any direction given by the Secretary of State under subsection (1A) may provide—

(a) that it is to have effect only for such period, or in such circumstances, as may be specified in it, or

(b) that its continuation in force is to be subject to compliance with such conditions specified in it as the Secretary of State thinks fit.'. — *[Mr. Michael Spicer.]*

Clause 17

DISABILITIES OF DIRECTORS OF PUBLIC AIRPORT COMPANIES

Mr. Snape: I beg to move amendment No. 13, in page 14, leave out lines 13 and 14.

The effect of the amendment would be to limit the constraints imposed on directors under subsection (2) to

abandoning their participation in discussions on contracts between the company or a subsidiary and the council and voting on any such contract. In response to a similar amendment that we moved in Committee the Under-Secretary of State for Scotland said that the Bill

"will allow members of principal councils, who are also airport directors, to take part in the consideration of matters relating to their airports, other than matters of contracts or proposed contracts between the airport company and the council. This was done deliberately to allow the maximum informed discussion on airport matters."—*[Official Report, Standing Committee J,* 6 March 1986; c. 411.]

He later said that the Government would consider whether they could move some way in the direction suggested by the amendment. The Minister implied that the part of the clause which the amendment would delete applied only to subsection (2)*(b)*. Confirmation is required from the Under-Secretary.

There are similarities between what the Government seek to do in this Bill and the Transport Act 1985, which requires the establishment of operating companies for the provision of bus services and places similar constraints to those in this Bill on the ability of elected councillors who are directors of the operating company to discuss and to vote at council meetings on matters related to the company. The Transport Act includes a section which enables the Secretary of State for Transport to issue a dispensation from those constraints. The Under-Secretary replied in Committee to an amendment designed to insert a similar clause in the Bill.

Sir Peter Blaker (Blackpool, South): I intervene briefly to seek clarification of the effect of the clause as it stands, because of my interest in Blackpool airport, which has not been mentioned today. Like many other holiday resorts, Blackpool has an airport. Historically, holiday resorts have provided the infrastructure for their regions for the benefit of tourism and more recently for conference business. This goes back to the last century, and is not confined to airports.

Sometimes, the airports run at a deficit. Blackpool airport runs at a loss, although this year the loss is very small. We hope to move more regularly into profit in future if the exploration for further gas resources and oil in the Irish sea is successful.

The consequence of Blackpool running its own airport in the circumstances and for the purposes that I have described is that it is frequently discussed by Blackpool borough council. It is not irrelevant either that the airport provides more than 300 jobs. Therefore, it is important to Blackpool council and to the airport to know exactly the effect of the clause. As I understand it, while the clause means that a councillor who is also a director of the airport may not take part in discussions on a proposed contract between the council and the independent airport, and may not vote on a question involving a contract, he may take part in discussions which involve other airports matters; for example, airport policy, which is discussed frequently by Blackpool council.

This is an important question, not only on its own merits, but especially because of the point made by my hon. Friend the Member for Southend, East (Mr. Taylor) when he referred to what the Secretary of State said on the Second Reading about the duty of directors lying principally to the company and not necessarily to the council, if they are councillors. I should be grateful if my hon. Friend would confirm that my understanding of the clause is correct.

12.45 am

Mr. Ancram: It might be helpful to my right hon. Friend the Member for Blackpool, South (Sir P. Blaker) if I briefly restate the purpose of the clause, although his reading of it was very accurate.

The purpose of clause 17 is to safeguard the highest standards of probity in the conduct of public business as it relates to public airport companies. Clause 17(2) is concerned with maintaining those standards at meetings of councils when the affairs of airport companies are under discussion.

Like the Transport Act—the hon. Member for West Bromwich, East (Mr. Snape) is correct in saying that there are some similarities—the clause prohibits councillors who are also directors of associated public airport companies from voting when matters of contract between their council and their company are under discussion. Like the Transport Act, it prohibits their taking part in discussion on any such contracts, but, unlike the Transport Act — and my right hon. Friend the Member for Blackpool, South made this distinction—it allows them freedom to take part in discussion and consideration of matters other than matters of contract—indeed, the sort of matters to which he was referring. This was a deliberate change to allow the maximum informed discussion on airport matters. I hope that that will satisfy my right hon. Friend's constituents.

I have to say to the hon. Member for West Bromwich, East that I think that we have gone far enough. I do not think that we should remove the prohibition on councillors, who are also directors, voting on airport matters other than contracts. I apprciate that I undertook in Committee that the Government would consider whether we could move towards providing a path for the Secretary of State to issue exemptions from the provisions of clause 17(2). We gave very careful consideration to that matter. Having listened carefully to the arguments in Committee and to the arguments put forward by the hon. Gentleman tonight, I do not think, on balance, that the potential benefits outweigh the dangers of enhanced liability to conflicts of interest. It is for that reason that we do not propose to amend the clause.

Like the hon. Gentleman, I re-read the debate in Committee. It appears to me that the misunderstanding that may have given rise to the debate in the Committee was that there was no distinction between this Bill and the Transport Act. I hope that tonight I have at least cleared that up. In the light of what I have said, I hope that the hon. Gentleman will withdraw the amendment.

Mr. Snape: The Department of Transport's circular 4/1985, which deals with these matters, says:

"Members wishing in exceptional circumstances to vote on any matter or to speak on a matter excluded from the dispensation . . . may apply to the Secretary of State".

What is the difference between the two pieces of legislation so far as this dispensation is concerned? Why is it regarded as permissible under the Transport Act 1985, but as something perhaps dangerous—if that is the right word—under this Bill?

Mr. Ancram: I do not want to rehearse the arguments that we had in the Committee on this subject. I think it was

[Mr. Ancram]

a matter of agreement between the two sides in Committee that this is an area in which probity is very important. The Transport Act was rather stricter in these terms than this Bill. It was felt that in terms of the management of airports councillors who were directors should be allowed to take part in discussions relating to airports, but where voting is concerned — and obviously voting has some implications in itself—the restrictions should be made.

Mr. Snape: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 20

Local authority financial controls in England and Wales

Mr. Snape: I beg to move amendment No. 14, in page 16, line 19, after 'company', insert 'formed under section 12'.

Mr. Deputy Speaker: With this we may take the following amendments:

No. 15, in page 16, line 22, after 'of', insert 'such'.

No. 16, in page 16, line 27, after 'company', insert 'formed under section 12'.

No. 17, in page 16, line 29, after 'of', insert 'such'.

No. 18, in page 17, line 3, at end insert—

'(3A) Where any public airport company is not formed under section 12, then, for the purposes of Part VIII of that Act—

(a) any amount—

(i) being an advance of capital nature made to the company or a subsidiary of subsidiary of the company by the controlling authority of that company, or

(ii) raised by the issue of any securities by the company or a subsidiary of the company to the controlling authority of that company,

shall be treated as prescribed expenditure of the controlling authority of that company, and

(b) any amount repaid by the company or a subsidiary of the company in respect of any such advance as is mentioned in paragraph *(a)*(i) shall be treated as a capital receipt of the controlling authority of that company in accordance with subsection (2), but

(c) no expenditure incurred or amount received by the authority for the purposes of or in connection with the company other than such expenditure or receipts as are mentioned in paragraphs *(a)* and *(b)* shall be treated as prescribed expenditure or capital receipts of the authority;

Provided that such a public airport company shall not borrow or raise any amounts other than as mentioned in paragraph *(a)* without the consent of the Secretary of State who shall exercise the power of giving consent to any borrowing in the national interest.'.

Mr. Snape: The purpose of this amendment and those associated with it is threefold. First, it is to preserve the local authority's right to form proper independent companies. This would overcome what we consider to be the ludicrous argument that a company is independent only when shares are vested in the private sector. We believe that the private sector's willingness to invest in any trading undertaking is dependent upon the viability and status of that undertaking and not on who owns the shares. We can give as an example the success of private involvement in Manchester airport plc.

The second purpose of the amendments is to free such independent companies from the constraints of local authority capital expenditure controls. We believe it is nonsense that an independent company should compete for borrowing power approvals with highway authorities, for example, up and down the country. Building terminals at airports surely should not be equated with maintaining roads. The existing funding arrangements for airports in fact acknowledge this point.

Thirdly, we recognise that the Secretary of State will not wish to give up some control over the activities of independent companies. That is the sentiment behind this Bill, as it is behind other privatisation measures that the Government have introduced. These amendments are designed to provide for advances made to an independent company other than by a local authority. We accept that as prescribed expenditure. The Secretary of State should be asked for his consent to such expenditure. He could exercise his power to consent to such borrowings in the national interest in exactly the same way as is provided for in clause 9(1) in connection with the BAA holding company when it is wholly owned by the Government. We believe that such an approach would have the virtue of consistency and would go a long way to meet the criticism that the Secretary of State is being less than even-handed in his approach to local authority airports compared with his approach to those airports owned by the British Airports Authority.

Sir Peter Blaker: I have a relatively brief point of clarification. This clause tightens up the rules relating to what will be treated as prescribed capital expenditure by a local authority when it comes to capital expenditure for its airport. Again, this is relevant to Blackpool airport. I would like from the Minister an assurance that the airport pool will still be available for the local authorities for the purposes of borrowing for capital spending. I am thinking particularly of smaller local authorities such as Blackpool. Will the Government also give an assurance that they will do what they can to ensure that the airport needs of the smaller local authorities, such as Blackpool, are born in mind when the borrowing requirements are being discussed. I have it in mind that Blackpool airport will need soon to spend a large sum on renewing the runway, if it is to remain effective.

Mr. Ridley: The hon. Member for West Bromwich, East (Mr. Snape) moved his group of amendments, the main purpose of which is to allow public airport companies not set up under clause 12 to obtain private capital without that finance counting against the controlling authority's capital allocation. I point out that there is only one such public airport company — Manchester. I do not know why this series of benefits should be extended to Manchester rather than to any other local authority. I do not really need to know why. The reason may be obvious. We hope all our airport companies will look to the private sector to help finance investment, but so long as those companies are subject to local authority control capital finance from any external source, whether from the authority itself or from private sources, counts against the public sector borrowing requirement. This is not because the company may or may not be viable. It is because local authorities enjoy the same credit-worthiness as the Government because of their taxing powers. An investor in an airport company and an authority controlling an airport company will know that the authority stands behind it and guarantees it, as it were, in the same way as the

Government stand behind public corporations. Therefore, the clause provides that private capital counts against the controlling authority's capital allocation in the same way as any loan that it might make to the company. There is no difference between the local authority borrowing and the company borrowing because, ultimately, the local authority stands behind both.

Mr. Snape: What is the difference between a plc such as that set up to run Manchester airport and the BAA holding company which, at least initially, is wholly owned by the Government and will presumably be outwith the public sector borrowing requirement? Is the right hon. Gentleman saying that the BAA holding company will still be part of the PSBR for financial purposes?

Mr. Ridley: As long as the BAA holding company is in the public sector, it will be part of the PSBR and any borrowing that it undertakes will count against public expenditure. The same applies to any local authority airport company or bus company. As long as the authority holds 51 per cent. or more of the company, its investment will count towards the PSBR. If the company went bust and lost all of the money that had been lent to it, the Government, in the case of the BAA, or the local authority would have to pay off the debt.

The amendment acknowledges that there should be a borrowing consent system. That involves no significant change in the way the system will be now operated. The necessary capital allocations will be given when we judge such loans to be in the national interest and an affordable charge on the PSBR. An authority can enable a company to escape the control on local authority capital expenditure by removing the need—by transferring control to the private sector.

If Blackpool airport has to make investments and the council applies in the normal way for investment control, the projects of national or regional importance system will apply. We have very nearly always authorised airport investment under the PONORI system, and we always will, provided that it appears to be viable and is within what the public sector can afford. It is not an area where there have been complaints of the Government holding back consents.

Amendment No. 14 would also enable controlling authorities to incur capital expenditure in connection with airport companies not set up under clause 12 without that expenditure counting against their capital expenditure allocations. As such, it represents a widening of the scope of an amendment that the hon. Member for West Bromwich, East moved in Committee to enable companies to borrow from the private sector for capital expenditure associated with the setting up of the company without that expenditure counting against allocations. It was withdrawn because the hon. Gentleman recognised its narrowness and failed to give any examples of such capital expenditure. He has made it wider this time, but I see no reason why, if an authority chooses to incur capital expenditure in connection with an airport company, it should receive special treatment.

We have already made a concession to enable the internally generated funds of airport companies to be reinvested outwith the controls. The amendment would go further and abolish those capital controls. That would be going too far, and I cannot advise the House to accept the hon. Gentleman's amendment.

Amendment negatived.

Clause 27

DIRECTIONS TO AIRPORT OPERATORS IN THE INTERESTS OF NATIONAL SECURITY ETC.

Mr. Steen: I beg to move, amendment No. 21, in page 19, line 36, leave out from 'security' to end of line 38.

Mr. Deputy Speaker (Sir Paul Dean): With this it will be convenient to consider the following: Government amendment No. 22.

Amendment No. 23, in page 20, line 2, leave out 'copy' and insert 'draft'.

Amendment No. 24, in page 20, line 2, after 'direction', insert 'proposed to be'.

Amendment No. 25, in page 20, line 30, at end add—

'(8) A direction under this section shall not be given unless a draft of the direction has been approved by a resolution of each House of Parliament.'.

1 am

Mr. Steen: At this time of night I am sure that most hon. Members would like me to make a short but pithy speech on the remaining amendments in my name and in the names of my hon. Friends. However, it would be less than appropriate at this time of night to skirt over important amendments that could affect the history of the aviation industry.

Amendment No. 21 would leave out the proposed power of the Secretary of State to give particular, as distinct from general, directions to an airport operator requiring him to do or not to do a specific thing or to discharge, or facilitate the discharge of, an international obligation of the United Kingdom. The amendment would leave untouched the proposed power for the Secretary of State to give general or particular directions to airport operators in the interests of national security under subsection (1) and (2).

The amendment seeks to limit the Secretary of State's enormous powers under clause 27. If one examines the whole of the Bill, it is evident that there is little that the Secretary of State cannot do in connection with airports or the aviation industry. He has enormous powers and the amendment seeks to ensure that, in connection with matters of national security, the Secretary of State has general and particular powers but where national security is not at issue, he should not have such enormously wide, unfettered powers.

If the Bill had been introduced by the Opposition, one would expect them to be seeking more centralised power for the Secretary of State. It is, therefore, not appropriate for Conservative Members to introduce a Bill that gives such enormous powers to a Secretary of State of this or a future Government. The amendment suggests that the Secretary of State's powers should be clipped and he should not have powers of a particular nature but of a general nature.

The provision that the amendment would remove probably serves no purpose, as the Secretary of State can achieve the same result under existing legislation. He has power under section 6 (2) of the Civil Aviation Act 1982 to give the Civil Aviation Authority a direction to insert in an aerodrome licence a condition that the holder will not perform specified actions in the interests of discharging the international obligations of the United Kingdom. Section 6 (2) of the Civil Aviation Act 1982 states:

"The Secretary of State may, after consultation with the CAA, give it directions to do a particular thing which it has

[Mr. Steen]

power to do or refrain from doing a particular thing, if the Secretary of State considers it appropriate to give such directions."

It is difficult to know what the Government have in mind. They may be contemplating the abolition of aerodrome licences and perhaps that is what the Secretary of State is intending. Does he intend to do that and restrict matters of safety? *[Interruption]*. Mr. Deputy Speaker, I wonder whether you heard a noise in the Chamber? Perhaps it was simply my faulty hearing.

As I was saying before I was disturbed, I am not sure what the Government intend to do. The Minister must tell us why he is introducing a clause that gives the Secretary of State not only particular powers but general powers in relation to national security and all other matters. The purpose of the amendment is to tease out of the Government information on why they insist on such wide powers. If the Government's true purpose could be extracted from the Under-Secretary of State, the amendment could be treated as a probing amendment.

The related amendments to clause 27 require the Secretary of State to lay a draft of his proposed direction, whether it be general or specific, before each House of Parliament and to obtain approval for the draft by a resolution of each House. The requirement of an affirmative resolution would ensure that the direction could be debated in Parliament. The enthusiasm with which that suggestion has been greeted by my hon. Friends shows that they would wish for an affirmative resolution procedure to ensure that the House debated the matter properly.

I shall not detain the House any further on this complicated, technical point, which I see that my hon. Friends have grasped. There seems to be no point in the Secretary of State having those powers, except in cases of national security. However, national security is already enshrined in the 1982 Act. Why does the Secretary of State want those wide powers? What does he have in mind? I rest my case there.

Mr. Deputy Speaker: Mr. James Couchman.

Mr. Nicholas Soames (Crawley): Briefly!

Mr. Couchman: I shall take note of the strictures of my hon. Friend the Member for Crawley (Mr. Soames) to be brief. I shall be much briefer than my hon. Friend the Member for South Hams (Mr. Steen).

The Secretary of State is taking considerable powers under clause 22, and Government amendment No. 22 takes him further down that road. The effect of amendment No. 22 is to put beyond doubt the fact that a direction to give effect to an international agreement would override the provision on economic regulation contained in part IV. That makes it even more imperative that the Secretary of State should take a discretionary power, written into statute, to pay compensation if such a direction meant that an airport would sustain a substantial loss.

Under part IV, a comprehensive regulatory structure will be created to control airline charges at the major airports. In making their investment decisions, investors will be substantially influenced by the terms of the permit, especially the terms relating to price. Once they have made their decision, they are at risk that the Government will enter into a new international agreement or obligation or reinterpret an existing obligation in a way that would lead to losses. That causes considerable concern to those who might invest in airports. Such a direction could undermine a regulatory regime and lead to significant losses for investors.

I draw the attention of my hon. Friend the Under-Secretary of State to that matter and ask him whether he believes that there should be a discretionary power—no more than that—to pay compensation if such a direction led to such losses.

Mr. Michael Spicer: I am advised that amendment No. 21 would seriously impair the Government's ability to meet their international obligations. A direction to the CAA under section 6 of the 1982 Act might allow the Secretary of State to include a condition in a licence in connection with an international obligation, but I am advised that we could not force the airport operator to comply. We feel that the subsection dealing with international obligations that my hon. Friend the Member for South Hams (Mr. Steen) would wish to delete is important. We have little doubt that failure to meet a treaty obligation could result in reciprocal action being taken against United Kingdom interests in the international forum. I am sure that that is not what my hon. Friend intends. I hope, therefore, that he will not press the amendment.

My hon. Friend the Member for Gillingham (Mr. Couchman) asked whether there would be any compensation arrangements following a direction. We discussed this matter in Committee. We would not envisage any compensation arrangements being made. The owners of international airports benefit considerably from the internationalism of their airports. That is one of the factors that will have to be taken into account, certainly in the prospectus, when BAA airports are sold.

Amendment No. 22 is purely technical. I believe that it answers the second of the issues raised by my hon. Friend the Member for Gillingham. Clause 27(2)*(b)* overrides the terms of part IV, which puts in place a system of economic regulation of airports which have a turnover of more than £1 million a year. It provides for the CAA to administer that system. It has always been our intention that paragraph *(b)* should override part IV. The amendment, which is purely technical, is designed to make that clear.

My hon. Friend the Member for South Hams mentioned amendments Nos. 23, 24 and 25. He would wish to introduce the affirmative resolution procedure in cases where the Secretary of State considers it necessary to use the powers of direction. We consider that that would be inappropriate, and, in certain limited circumstances involving national security, positively dangerous. If in the long summer recess an emergency arose — such circumstances would be limited — and it became necessary to issue directions for reasons of national security, it might be necessary to act very quickly. Therefore, we feel that it would be inappropriate to require the affirmative resolution procedure to be employed.

Mr. Steen: I think that my hon. Friend may have been briefed wrongly on this issue. It would be possible to act under the Civil Aviation Act 1982 if national security were involved. I am concerned about circumstances in which issues other than national security are involved. Particular and general directions should be brought to the House so that they can be debated. I wish to restrict the power of the

Secretary of State to do whatever he likes without submitting the matter to the House, other than when national security is involved.

Mr. Spicer: My hon. Friend makes his point, but I am advised that the effect of the amendment would be as I have described. On that basis, I hope that he will not pursue his amendment and that the House will accept Government amendment No. 22.

Amendment negatived.

Amendment made: No. 22, in page 19, line 43, at end insert

'; and it is hereby declared that nothing in Part IV of this Act is to be construed as prejudicing the generality of subsection (2)(b)'.—*[Mr. Michael Spicer.]*

Clause 28

TRAFFIC DISTRIBUTION RULES

1.15 am

Mr. Steen: I beg to move amendment No. 26, in page 20, line 35, leave out 'appropriate' and insert 'necessary'.

Mr. Deputy Speaker: With this it will be convenient to take the following amendments:

No. 27, in page 20, line 35, at end insert

'in order to satisfy the demand in the near future for the use of one or more of those airports, having regard to the efficiency, economy and safety of civil aviation.'.

Government amendment No. 28.

No. 76, in page 20, line 39, at end insert

'taking into account the advice provided by the CAA'.

Government amendment No. 29.

No. 30, in page 21, line 2, leave out paragraph *(a)*.

No. 31, in page 21, line 6, leave out from 'traffic' to the end of line 7 and insert

'to, from or within countries or territories specified in the rules, but shall not discriminate among aircraft or operators of aircraft, or among classes of aircraft or of operators of aircraft.'.

Government amendment No. 32.

No. 47, in clause 30, page 23, line 41, leave out paragraphs *(b)* and *(c)* and insert—

'(4A) A scheme under this section shall not discriminate among aircraft or operators of aircraft or among classes of aircraft or of operators of aircraft.'.

Mr. Steen: It is unfortunate that these important amendments to critical clauses should be debated at 1.15 am. I am delighted to see so many of my hon. Friends here, but it is regrettable that there are present only two Labour Members and no members of the Liberal and Social Democratic parties. Debate on these critical clauses occupied a great deal of time in Standing Committee.

Amendments Nos. 26 and 27 relate to clause 28. They propose to reduce the powers of the Secretary of State. The Bill gives the Secretary of State enormous powers to do any number of things in relation to airports and the aviation industry. These amendments, taken together, are directed to avoiding the making of unnecessary traffic distribution rules. Under the Bill, as it stands, the Secretary of State can make rules whenever he considers it appropriate to do so. That gives him total discretion without having to find any criteria for the exercise. I do not know whether my hon. Friends realise how enormous his powers are. In theory, if the clause goes through unamended, he will be able to move any airline from any airport in any part of Britain. He can direct that an airline route should be changed. He can direct that an airline should move to any airport and do anything he chooses. It may be said that the Minister would never do such a thing. However, that is what he would have power to do if the amendments are not approved.

The amendments require my right hon. Friend to satisfy himself that the proposed rules are necessary for meeting the demand for facilities at one or more of the airports serving the same area of the United Kingdom when the airport is, or is likely to be, overloaded beyond capacity. In satisfying himself, the Secretary of State will be required to have regard to the efficiency, economy and safety of civil aviation, which includes the needs of air traffic control.

The amendment seeks to provide some objective criteria which the Secretary of State would have to consider before he exercised his enormous powers. I think that the Secretary of State will agree that they are sensible criteria of efficiency, economy and safety, whereas at the moment there is no limitation on his powers.

The airline industry as a whole—that is, most of our British carriers—is very troubled about what clause 28 could enable the Secretary of State to do. The amendment, as drafted, would stop him moving airlines around without any reason for doing so. It provides that if there is still room at an airport he cannot move them. He would be able to move them only when more than one airport in the same area was overloaded.

Perhaps in that context one should deal with some of the smaller independent airlines—not just the scheduled airlines, but charter airlines. I should declare that I am advising one of the small charter airlines, British Island Airways, which is concerned about the possibility of being moved, lock, stock and barrel, out of Gatwick. The airline says that there is nothing to stop that now that CAP 517 has been produced. It is remarkable that it was produced just before the Report stage. It gives an insight into what the Civil Aviation Authority has in mind.

The CAA has in mind some schedule airlines, including the Brymon service from Plymouth to Heathrow. Part of the runway is in my constituency—it depends which way one lands and what the wind is like. Part of the airport at Plymouth abuts on my constituency. The Brymon flight from Plymouth, and Newquay to Heathrow would be affected. The CAA is clearly on the move, and the Minister needs the powers to move airlines from Heathrow to Gatwick. Once he does that, he will displace airlines from Gatwick, and they will come to Stansted.

I mentioned British Island Airways because it is the fifth largest carrier into Gatwick. It had the great privilege of flying the Prime Minister at the general election. It is one of the great success stories. It, along with other charter airlines, fears that it will be moved into Stansted. Clause 28 would give the Secretary of State just the powers that he needs. It allows him to do the very things that he needs to do—to allow CAP 517 to take effect.

Clause 28 gives the Minister great powers. Amendments Nos. 30 and 31 would restrict his power, in making traffic distribution rules, to discriminate between different classes of air traffic, by limiting that to discrimination between the destinations to which the aircraft may fly from the airport to which the rules apply. But the discrimination must be on a country by country basis—for example, all destinations in Spain, Scotland or the United Kingdom, or any other country or territory specified in the rules. The Secretary of State would no longer be able to discriminate between one airline and another, as he could under the Bill.

[Mr. Steen]

It is a pity that this is not realised. In theory, under clause 28, without amendment, the Minister could direct any aeroplane to go anywhere, whereas under the amendment he must discriminate fairly, on a country by country basis. For example, he could say that all 'planes flying to Spain out of Heathrow would be moved to Gatwick. He could not simply say that Iberia should be moved to Gatwick. Similarly, he could not move British Midland from Heathrow to Glasgow; he would have to move the British Airways shuttle as well. He could not discriminate against one airline, as CAP 517 has done, by moving the Dundee service. He could not do that if the amendment was carried.

Under the Bill as drafted, the Secretary of State can do anything he wishes. He need have no regard to different types of aircraft.He need have no regard to whether the aircraft are on scheduled or non-scheduled flights, public transport or private flights. There is a feeling in the airline industry that here again the Minister has enormous powers. In fact, he could run the whole aviation industry. He could direct everybody to do whatever he felt like doing. Of course, the present Secretary of State may not wish to do that, but he is taking reserve powers for the future. Many hon. Members believe that my right hon. Friend is giving to himself powers which are not needed. He must justify to the House why he needs such enormous reserve powers.

The Secretary of State can give directions that any aircraft should fly from anywhere to anywhere or move anywhere. Under the amendments my right hon. Friend must have regard to various factors. For example, he may say that all domestic feeder services must move from one airport to another. He may invent a class of aircraft and say that they must move. He may say that airlines with names beginning with the letter B should be moved or that captains who do not have yellow parrots on their shoulders when they take off should be moved. There are no limitations on the powers of the Secretary of State.

Apart from the Bill there are existing powers for the Secretary of State to regulate these matters, but only on a case to case basis. With regard to foreign aircraft my right hon. Friend can achieve the same result by refusing or imposing conditions upon the permit which is required by such aircraft to entitle them to carry passengers or cargo abroad, to or from the United Kingdom. The rule-making powers on British aircraft would be circumvented, to some degree, through existing air transport licensing procedures, which confer on aircraft operators the right to a hearing by the CAA and the right of appeal to the Secretary of State.

We are trying to provide an objective test in these amendments. As the Bill stands, there is no objective test. Clauses 28, 29 and 30 give the Secretary of State such power that he could distort the market forces of the airline industry and the airports. That could have a debilitating and devastating effect upon the course of the airline industry.

Mr. Bill Walker: My hon. Friend the Member for South Hams (Mr. Steen) has clearly spelt out the concern that is felt on the Conservative Benches with regard to the powers in clause 28. I wish to make my own position clear.

I favour a situation where the Secretary of State is the final arbiter. It is his responsibility to resolve matters. I have always felt that it should be Parliament's right to get at any Secretary of State. That is what lay behind my amendments relating to air navigation orders and other matters of that nature.

In the previous debate the Minister gave the usual Front Bench reaction to the House being given the opportunity to pray against orders. That is the great failing today. Too often we bring in legislation which effectively goes through on the nod, and the House cannot do anything about it. That is where the weakness lies in the powers that the Government are taking. Parliament is no longer able to act as a check and balance. That is the true function of Parliament. It is the means by which the electorate can get at Ministers and get things done or changed.

Amendment No. 26, to leave out "appropriate" and insert "necessary", is sensible. One ought not to have things which are considered to be appropriate. That is not good enough. What does it mean? When something is necessary, it is clear that there is no alternative and that something must be done.

1.30 am

It is important that the advice of the CAA should be heeded. I say that knowing full well that the CAA has put out a consultative document which effectively would remove Dundee flights from entry into Heathrow airport. I have explained to the people running that airline that it was not the intention of that document to bring that into being immediately, if ever. I underline that because it may never happen.

I have faith in the democratic parliamentary system. Where it is allowed to operate, it provides the necessary checks and balances. The important and missing ingredient is that which allows the House to pray against any decisions which are effectively fundamental to what is happening. It is fundamental to move any class of aircraft or carrier from one airport to another. One can imagine the situation in Scotland—although I realise that the problem will probably arise in the London network initially — and the difficulty one would have of explaining it to people in the east and west of Scotland. Anyone who understands the politics of Scotland will know that those regions are quite different. If an individual were faced with that it would be difficult. It is like making a choice between Hearts and Celtic or Hibernian and Rangers.

If the orders or any decisions affecting them were to come before the House in a manner in which the House could pray against them, that would make all the powers that are being requested so much more acceptable to Parliament, because at the end of the day that is what the public is looking for. The House of Commons should be able to reach Ministers and change things which the House believes is wrong.

Mr. Robert Hughes: I intervene simply to ask the hon. Gentleman what has brought about his blinding conversion to parliamentary control after what he said in Committee? I do not recall him voting in Committee for Opposition amendments which sought to secure precisely that all the various orders should be subject to parliamentary scrutiny.

Mr. Walker: The hon. Gentleman's memory is not good. I have all the records here. I ask the hon. Gentleman to look carefully at what I said in Committee, and indeed at what I have said about air navigation orders. The whole of the airline industry is affected by air navigation orders

and the House has no means of praying against them. I have a six-and-a-half year record of speaking on that subject. I have had Adjournment debates and I have voted on more than one occasion. I hope that the hon. Gentleman will withdraw the suggestion that somehow I am changing course. I have been consistent from the beginning on how the House should deal with matters as fundamental as air navigation orders, which cover most of the areas where decisions are taken on the movement and positioning of aircraft and what can be done with aircraft. That is what is missing throughout the Bill, and it is missing from clause 28.

The amendments owe their origins to the fact not that the House is against the Secretary of State — any Secretary of State—making the final decisions, because it is right that he should be the final arbiter, but that the Secretary of State, whoever he is, should be accountable to Parliament.

Mr. Steen: That is the gist of all the amendments. The Bill gives the Secretary of State complete freedom and discretion with no criteria against which we can judge him. He can do whatever he likes. For the Government to give such powers to a centralised adminstration seems to conflict with their policies of decentralisation, deregulation and of laying down criteria to judge their performance. Does my hon. Friend agree that we are entirely behind the Bill and 100 per cent. in support of what the Minister is trying to do, but that we are not in favour of giving unfettered powers at the centre?

Mr. Walker: Yes. That sums up the mood on both the Opposition and the Government Benches. There is a recognition that if at sometime our airports should become completely clogged—if there were no scope to land more aircraft on the runways, nowhere to park on the tarmac, no access to gates and so on—and the system in operation could not resolve that situation, it would still have to be resolved. I understand that and believe that in the final analysis the Secretary of State is the right person to take decisions in such circumstances. I also believe, however, that no Secretary of State, regardless of his political colour, should be allowed to take such decisions without first referring to the House of Commons. I think that all Back Benchers would agree that we want to be the check and balance, so that there shall never be any suggestion that the decision has been a political rather than a proper democratic one.

Mr. Gerald Howarth: I support the amendment in the name of my hon. Friend the Member for South Hams (Mr. Steen), and I support what my hon. Friend the Member for Tayside, North (Mr. Walker) has said. The powers to be taken by the Secretary of State are very extensive. I think that they derive substantially from the principle behind the Bill, which I continue to find difficult to swallow. The London airports are beng proposed as a system and, consequently, extensive powers of traffic distribution are being taken. If each airport was able to appeal to the market, my right hon. Friend would not have to take these powers.

Under new clause 6 we discussed the question of the scheduling committees. These committees have very substantially resolved the problem of traffic distribution. They have made sure that the carriers have been able to satisfy their demands. As airports have begun to fill up that task has become more difficult, but each carrier is aware of the increasing risk that it will not get its desired slots, and decisions will have to be made about how best to cope with that situation when it arises. Various options are open to the carriers. These include the acceptance of sub-optimal timings, the rearrrangement of the historic and sup-optimal timings offered to achieve a satisfactory compromise, the acceptance of more optimal slots at an alternative airport and the use of greater capacity aircraft.

When faced with such problems, the carriers prefer to order their own destinies by making their own decisions. Government interference is resented. It is regarded as a paradox that the Government should be advocating the deregulation of air transport—and my hon. Friend the Under-Secretary of State is the most vigorous advocate in the Government of the deregulation of air transport—while at the same time, in order to facilitate deregulation, seeking to introduce a raft of new regulations which could be punitive for some carriers.

The Government argue that they need the powers principally because Heathrow and Gatwick are becoming saturated, but the fact is that, thanks to the activities of the scheduling committees, these airports are not yet saturated. If Heathrow, for example, were to become saturated, the owners of Heathrow plc might wish to consider seeking planning permission to build a STOL runway north of the airport, which could then handle the smaller aircraft, mentioned by my hon. Friend the Member for South Hams. That might well happen if Heathrow plc were operated by a completely separate company from that operating Stansted. But of course that will not happen, because there will be no incentive for the operators of Heathrow plc to seek planning permission for a STOL runway to increase their capacity to meet increasing demand at that airport. They will happily be able to rely on the powers given to the Secretary of State by the Bill and he will direct the traffic to we know where—to Stansted.

I am sorry to detain my right hon. and hon. Friends at this late hour, but this clause is critical. It is central to the Government's case, and it is central to our case as to why the Government have not got the Bill as right as we would have wished. If the Government are in any doubt about why these amendments are necessary, they have only to look at what happened when they sought these powers, and used them, in respect of the Iberian operation. It was said at the time that Heathrow was already full. We all know that it was not full. The operators knew that it was not full, but the politicians said that it was full. What did they do? They said that all the Iberian routes would have to shift to Gatwick. Naturally, Iberia said, "Stuff that," or words to that effect in Spanish, "we are not going to have any of that." It is late, Mr. Deputy Speaker, and I think that one is entitled to use slightly freer language than one might at a normal hour of the day. The Spanish refused to wear that.

My right hon. Friend and his colleagues will be faced with endless rows with foreign carriers over where the traffic is to go. If these matters were left to the market, as they properly should be, and if each individual airport could plan for itself, could use every ounce of ingenuity to expand capacity rather than rely on the intervention of politicians, things would be a lot better.

I feel very strongly about this and I should like to go on for longer, but I do not want to keep my hon. Friends from their beds. I believe these powers to be draconian. In hands less sure than those of my right hon. Friend they

[Mr. Gerald Howarth]

could be used to do great damage to the British civil aviation industry. The amendments at least protect the industry from an over-zealous future Secretary of State.

Mr. Michael Spicer: I have to tell my hon. Friend the Member for Cannock and Burntwood (Mr. Howarth) that it is not bedtime yet. We have a lot more to do.

Could I say, particularly to my hon. Friend the Member for South Hams (Mr. Steen), that we recognise that some concern was expressed both in Committee and on its margins about this clause? It may be partly the fault of the drafting that the clause is unclear. I think that I heard my hon. Friend correctly when he said that under the powers of this clause the Secretary of State could move an airline to any airport — or words to that effect. That is manifestly not the case. Or, at least, it may not be manifestly not the case, but it is certainly not the intention. That is why one of the best ways of addressing the problem will be to discuss Government amendments aimed at remedying this lack of clarity, and I will come to them in a moment.

When my hon. Friend the Member for South Hams and I were looking at this clause together on an earlier occasion, he pointed out that under 28(1)*(b)*, lines 35-38, the key words appeared to be "distributed between those airports". That matter concerned him and other colleagues in Committee. It was argued, fairly, that because of the way the clause was written the powers could be interpreted as being wide. The relevant part of the clause is subsection (3) which says:

"Traffic distribution rules may—

(a) specify classes or descriptions of air traffic that are permitted under the rules to use any of the airports concerned;

(b) impose prohibitions or restrictions in relation to the use of any of those airports by air traffic of any class or description specified in the rules."

We accept that there may have been a lack of clarity in the drafting.

1.45 am

Mr. Robert Hughes: I do not think there is any lack of clarity in the drafting of the clause. Subsection (1) says that the Secretary of State

"may make rules (to be known as traffic distribution rules) providing for air traffic, or any class or description of air traffic, to be distributed between those airports in such manner as he thinks fit."

That is absolutely clear. There is no doubt about it. There are no qualifications. Whatever else the clause may say, everything is governed by the fact that the Secretary of State may make regulations as he thinks fit. I welcome those words which I shall find useful as a future Secretary of State.

Mr. Spicer: The hon. Gentleman may be disappointed. I was about to say that we intend to clip his wings, but in this context he will never have any wings. If by a ghastly mischance he crossed the Floor of the House and, in recognition of that, became Secretary of State for Transport he would not have such power if the House accepts amendments Nos. 28, 29 and 32. They will make it clear that an airport operator cannot be forced to use a particular airport.

Amendments Nos. 28 and 29 make it clear that limitations will be placed on traffic distribution rules. Subsection (3) is already clear on that but we are tying it up. A traffic distribution rule can do any one of three things: it can permit the use of an airport; it can prohibit the use of an airport; and it can restrict the use of an airport. A traffic distribution rule cannot force any aircraft operator to use a particular airport against his will, so it cannot direct an operator to a particular airport.

Mr. Steen: Although the discussion is taking place at 1.48 am on Thursday, this is a critical matter. It is important that we understand exactly the impact of the Government amendments. As things stand, the Secretary of State can cause an airline, whether its services are scheduled or non-scheduled, and whether it is public or private, to go somewhere. He is now saying that as a result of the Government amendments, he cannot tell it to go somewhere but that it can go anywhere else. Many of us do not think that Heathrow will ever become full, but let us suppose that that happens within the next five years. In that event what is my hon. Friend saying that the Secretary of State can or will do?

What these amendments try to do is help him by giving him some criteria by which he can discriminate between one airline and another, but saying that he has to do it in destinations. What does he think will happen when Heathrow or Gatwick is full? Will he say that a certain airline flying into Heathrow—and a very good one—cannot fly there any more?

Mr. Spicer: My hon. Friend asks me to tell him what our distribution rules, if any, will be. I am not in a positiion to do that because we have not yet gone through the full procedure, as he knows. The CAA is currently discussing the recommendations that have come out and having further consultations. What I can tell him about —or remind him of, since he is very knowledgeable in this connection—are the policy objectives we have set for CAA in the work that it is undertaking, the results of which it will produce to the Secretary of State. As my hon. Friend says, these are important amendments and I very much hope that the Government amendments will respond to the broad thrust of what he is trying to achieve.

Our policy objectives are these. First, to make efficient use of existing and planned airport facilities and available air space; secondly to enable air services to be operated where they best meet the needs of the travelling public; thirdly, to support the objective of increasing competition between airlines in the interests of the users; fourthly, to ensure satisfactory access to Heathrow and Gatwick for domestic services—and we debated that issue at some length earlier; fifthly, to maintain London's position as a major international centre and, within that, to maintain Heathrow as London's main scheduled service airport, while continuing to develop Gatwick as an effective second hub; and, most important in terms of the debates that have taken place and the objectives of many of my hon. Friends, sixthly, to avoid undue dislocation of the airlines using London's airports.

That is a comprehensive list, and the CAA, of course, has pointed out that it is a very difficult one to live with, because it is wide-ranging and very specific. It perhaps answers my hon. Friend's question about the Government's policies and intentions with regard to traffic distribution rules. What I cannot tell him at this moment, for the reasons I have given, is the precise nature of those rules. I can tell him that the Government will take a minimalist approach—if that is the right word. We shall

try to develop the system from where it is today as sensibly and gradually as possible. We realise of course that there is much debate to come as to when airports reach capacity, but I am sure my hon. Friend will not want to go over that again at this time of night.

Perhaps I ought to say to my hon. Friend the Member for Tayside, North (Mr. Walker) that I have not really discussed the question of parliamentary scrutiny and there are no amendments tabled on that, but he makes his point——

Mr. Bill Walker: There were amendments down but they were not selected.

Mr. Spicer: I was working from the amendments that have been selected, but perhaps that is not the way that I should have been doing it.

On the basis of the Government amendments, which I would recommend to the House, and of the objectives that I have given to the House, I hope that we have cleared up the quite understandable misconception that has existed about this clause and that we have satisfied my hon. Friends to the point that they will be able to withdraw their amendments.

Amendment negatived.

Amendments made: No. 28, in clause 28, page 20, line 36, after 'may' insert 'in accordance with this section'.

No. 29, in page 21, line 1, at end insert

'do any of the following things (and no more), namely'.

No. 32, in page 21, line 7, at end insert—

(c) provide for the rules to come into operation (in whole, or in part) at such time or in such circumstances as may be specified in the rules.'.—*[Mr. Ridley.]*

Clause 29

POWER TO LIMIT AIRCRAFT MOVEMENTS IN CERTAIN AIRPORTS

Mr. Michael Spicer: I beg to move amendment No. 33, in page 21, line 37, leave out from 'applies' to ', make' in line 40.

Mr. Deputy Speaker: With this it will be convenient to take Government amendment No. 35.

Mr. Spicer: The Standing Committee decision to accept amendment No. 48 and take it into the body of clause 29 means that the ATM power we seek would be extremely difficult to exercise at any airport, including Stansted. Hon. Members did not appreciate the main thrust of what was involved. What amendment No. 48 did was restrict the operation of ATM limits to that class of airport at which a limit would, in the judgment of the Secretary of State, following consultation with the CAA, result in a significant and perceptible control of aircraft noise nuisance which would be noticed by people living near the airport.

This test would be unlikely to be made at Stansted, at least for the time being, while current usage at the airport is well below the proposed limit. The purpose of the ATM limit is to facilitate the controlled expansion at a developing airport in such a way as to avoid the local infrastructure becoming overused. Certainly it enables Parliament to take a view about that development. Amendment No. 48, which was carried by the Committee, provided for exactly the opposite. In other words, it provided for the uncontrolled expansion of an airport, irrespective of any local impact. Thus, amendment No. 33 is designed to reverse amendment No. 48, and to restore the effectiveness of the clause so that an ATM can be set where appropriate. There has been some confusion in Committee about this situation, and I hope that amendment No. 33 will therefore be accepted.

I now turn to amendment No. 35. The Committee had before it amendment No. 49, which aimed to target the ATM limit powers specifically at those developing areas that had terminal expansion in progress. Hon. Members would have had certain thoughts in mind when they took a view about that amendment. We have some sympathy with the intentions that lay behind the amendment. My hon. Friend the Member for Tayside, North (Mr. Walker) clearly had in mind the restriction of clause 29 to those airports where there was the general prospect of development, to the exclusion of those airports already fully utilised, if not congested. I commend amendment No. 35 to the House. It is designed to achieve much the same result as the amendment No. 49 which appeared before the Committee. Amendment No. 35 restricts the application of clause 29 to airports at which the capacity of the existing runway or runways is not fully used for a substantial proportion of the operating day. The power to set an ATM limit will be restricted only to the airports where there is a genuine prospect of development because runway capacity is underused.

Amendments Nos. 36 and 42 would do much the same, but our draftsmen think that amendment No. 35 is the more appropriate method.

2 am

Mr. Bill Walker: I welcome the amendments. They are a big improvement on my amendment which the Committee accepted.

Mr. Steen: The amendments are a step in the right direction, but the Secretary of State still has enormous powers. Amendment No. 35 speaks of runway capacity that is not fully utilised for a "substantial proportion" of time. Does not the House recall the complications in Committee about this? What is a "substantial proportion" of time? Will there be endless appeals to the Secretary of State. Will not the present arrangements break down?

The Secretary of State will be involved in many decisions. Has he considered the manpower implications? How many extra officials will he need to administer the Bill? More and more airlines are to be allowed to ask him for his intervention. Has he estimated how many extra staff will be needed? The Bill gives him ever greater powers in the running of airports, air transport movements and where airlines fly to and from. Can my hon. Friend give some idea of the number of staff who will be required to deal with these matters?

Mr. Michael Spicer: No, because we do not envisage many airports being involved.

Amendment agreed to.

Amendment made: No. 35, in page 22, line 5, leave out from 'to' to end of line 8 and insert

'an airport if it appears to the Secretary of State that the existing runway capacity of the airport is not fully utilised for a substantial proportion of the time during which its runway or runways is or are available for the take-off or landing of aircraft'.—*[Mr. Archie Hamilton.]*

Mr. Steen: I beg to move amendment No. 37, in page 22, line 40, leave out 'such of'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following:

Government amendments Nos. 38 and 39.

Amendment No. 41, in page 22, leave out line 44.

Government amendment No. 81.

Mr. Steen: Towards the end of a marathon, one tends to repeat oneself. I hope that I shall be guilty not of tedious repetition, but of just a little repetition.

Amendments Nos. 37 and 41 relate to the power of the Secretary of State in clause 29 to make an order to limit the movements of aircraft at certain airports.

All the amendments deal with the powers of the Secretary of State. Clause 29 specifically deals with his powers to limit movements. The House has heard an outcry from my hon. Friends who believe that the Secretary of State has draconian powers. His powers are so enormous, wide and ill-defined and give him such discretion that they allow him to do anything, anywhere at any time. There are almost no criteria whereby we can judge what he will or will not do. The amendments seek to limit those powers. Amendment No. 41 does that in a specific manner and the other amendments do it in other ways.

Amendment No. 41 requires the Secretary of State to consult operators of aircraft which appear to be likely to be affected by the order as well as the organisations representing operators of aircraft. The Secretary of State would no longer have the discretion that he has under the Bill not to consult operators and organisations of operators on the ground that he did not think it appropriate to consult them. There is no limit to what the Secretary of State can do, and the amendment seeks to provide some criteria for what he should do.

The Secretary of State should consult operators. At present there is no obligation or onus in the Bill on him to do anything at all. This is the cri de coeur that has been heard from Conservative Benches and I hope that in the years to come it will not be so inappropriate that the Government should proceed to give the Secretary of State more powers over the movement of aircraft and the aircraft industry.

Will my right hon. Friend tell us why he will not accept this amendment under which he would at least consult the operators of aircraft? At present there is no reason why he should consult the operators. He should give an undertaking to the House that he will consult operators of aircraft who appear to be likely to be affected. If he is preparing all these sections of the Bill for a situation which will never exist, why is he doing this now? Why does he not wait five or 10 years until the situation arises?

Mr. Ancram: I believe that my hon. Friend the Member for South Hams (Mr. Steen) is still labouring under the effects of the previous amendments, and I am sorry that he did not recognise that within the grouping of these amendments there are Government amendments which respond to proposals which were made in Committee. My hon. Friend the Member for Saffron Walden (Mr. Haselhurst) moved an amendment in Standing Committee which sought to add local authority interests to the list of organisations which must be consulted before an ATM limit order is made. The Government accepted the principle which underlay that amendment and undertook to return to the matter on Report with appropriately drafted amendments. Amendments Nos. 38, 39 and 81 fulfil that commitment.

We see the use of an ATM limit very much as an instrument for controlling the expansion of use of a developing airport. Part of the function of an ATM limit will be to ensure that the increasing use of an airport does not overstretch the capacity of local infrastructure, the planning responsibility for which falls to local authorities. It therefore makes good sense to provide for consultation with local planning authorities which are likely to be affected by operations at the airport on the particular issues raised by the application of an ATM limit.

I hope that my hon. Friend the Member for South Hams will agree that the Government amendments achieve the objectives which my hon. Friend the Member for Saffron Walden mentioned in Committee. My hon. Friend seems to think that there will be no consultation. I stress that the local authorities affected will be included in the consultation procedure that is provided for in clause 29(6).

If the Government amendments are accepted, as I hope they will be, clause 29 will provide for obligatory consultation with the CAA and the airport operator affected, and for discretionary consultation with a variety of aircraft operator interests, including those operators who seem likely to be affected and appropriate organisations representing operators of aircraft. Of course, local authorities would come in that category.

My hon. Friend's amendments seek to create a much more rigid consultation procedure than clause 29 envisages. They would compel consultation, not only with the CAA and the aircraft operator affected, but with operators of aircraft who are likely to be affected and organisations representing operators of aircraft. That would severely restrict the latitude which the Government would have in selecting, for instance, the aircraft operator organisations that should be consulted. There must be some latitude. Some aircraft operator organisations would, inevitably, be closely interested; by the same token, other organisations might have no interest in some cases. But the amendments would compel consultation regardless of whether those organisations had an interest in the matter. Earlier, my hon. Friend expressed concern about the burdens on staff in the Department of Transport, but his amendments would be burdensome, costly and wasteful.

Those are the reasons why I cannot accept my hon. Friend's amendments. I hope that he appreciates the Government's genuine intention to consult. As my hon. Friend the Under-Secretary of State said earlier, many clauses would require the Government to seek an affirmative resolution of both Houses of Parliament, so hon. Members would have a chance to declare their interests in the matter. I hope that the Government amendments will be accepted, and I ask my hon. Friend to withdraw his amendment.

Sir Humphrey Atkins (Spelthorne): The speech of my hon. Friend the Under-Secretary of State for Scotland showed that, although the Government will be obliged to consult several people and bodies, they will not be obliged to consult the local authorities. Why should that be at the Secretary of State's discretion? I understand my hon. Friend's arguments so far, but why does he wish to relieve the Government of the obligation to consult the local authorities, which are closely involved in such matters and wish to be consulted? The Government amendments would give the Secretary of State discretion to consult the local authorities. Would it not be better if he was obliged to do so?

Mr. Ancram: There must be an element of discretion in this area, because my right hon. Friend the Secretary of State should consult only local authorities that are likely to be affected. The extent to which they are likely to be affected should also be taken into account. The Government amendments, which respond to an amendment tabled by my hon. Friend the Member for Saffron Walden, will mean that the local authorities which are likely to be affected are likely to be consulted. But if the Secretary of State was obliged to consult all local authorities, whether or not they had an interest in the matter, we should create unnecessary burdens and problems.

Clause 29(6)*(a)* contains a similar provision, in that operators of aircraft who appear to the Secretary of State to be likely to be affected may also be consulted. There is a double discretion because of the precise nature of the consultations and the interests of those organisations which must be taken into account. That is the pattern that we have followed, and I believe that we have fulfilled the undertakings that we gave in Committee.

Mr. Steen: With the leave of the House, may I ask the Minister to help hon. Members in this respect: does he believe that it is most unlikely that the powers contained in clause 29 will be used in the near future? If he can give an undertaking to that effect, of course, I shall seek to withdraw the amendment.

Mr. Ancram: In view of what my hon. Friend said in the debate on the previous set of amendments, I cannot give such an undertaking. But it would be unthinkable not to consult the organisations involved. I hope that that satisfies my hon. Friend's main points and that he will withdraw his amendment.

Amendment negatived.

Amendments made: No. 38, in page 22, line 42, leave out 'and'.

No. 39, in page 22, line 43, at end insert

'and

(c) any local authority or authorities who appear to the Secretary of State to be affected by operations at the airport,'.

No. 81, in page 23, line 1, leave out subsection (7) and insert—

'(7) In subsection (6) "local authority"—

(a) in relation to England, Wales and Scotland, has the meaning given by section 11(1);

(b) in relation to Northern Ireland, means a district council established under the Local Government Act (Northern Ireland) 1972.'.—*[Mr. Ridley.]*

Clause 30

SCHEMES FOR ALLOCATING CAPACITY AT AIRPORTS

2.15 am

Mr. Steen: I beg to move amendment No. 51, in page 24, line 20, at end insert—

'(7A) Compliance with the relevant provisions of the scheme shall be a condition of every licence granted under section 65 of the 1982 Act, and of every permission granted under an Air Navigation Order for aircraft registered in a country other than the United Kingdom to take up and set down passengers or cargo in the United Kingdom'.

The amendment would insert a new subsection to give teeth to the scheme that is provided for in clause 30 by making compliance with the scheme a statutory condition of the licences or permits required respectively by United Kingdom, foreign or Commonwealth aircraft for carriage for reward to or from the United Kingdom. Non-compliance would become an offence punishable under existing law by a fine of £1,000 upon summary conviction and restrainable by injunction. Otherwise enforcement of the scheme would be left to the proprietor of the airport as owner of the land.

I think that there is a deficiency in the Bill, and I hope that the amendment will go some way to putting it right.

Mr. Bill Walker: I wish to draw the attention of the Chair to the fact that the amendment causes us to discuss air navigation orders. I was informed that amendment No. 69, which I tabled, could not be included in the selection list because of a technical drafting defect — in other words, it referred to air navigation orders. We have done little else but refer to air navigation orders for most of the evening, and the House has not had the opportunity to debate one of the most important principles of all, which is whether hon. Members should have the right to pray against an air navigation order. The House has not been given the opportunity to do that throughout its consideration of the Bill on the Floor of the House and in Committee. It has been deprived of an opportunity to deal with a fundamental——

Mr. Deputy Speaker: Order. The hon. Gentleman must not refer to an amendment that has not been selected. He must not criticise Mr. Speaker's selection.

Mr. Walker: I understand that, Mr. Deputy Speaker. I am sure that you will understand that when the Bill goes to another place their Lordships will read carefully what has been said in this place. I am sure that the point I have made will not be missed by them.

Mr. Ancram: I know that my hon. Friend the Member for South Hams (Mr. Steen) was seeking to be helpful in introducing the amendment and I am sorry that I shall have to ask him to withdraw it, which I have had to ask him to do in respect of other amendments.

I ask my hon. Friend to withdraw the amendment because compliance with slot allocation schemes is already vested under clause 30 in the airport operator. Subsection (7) sets out that where a scheme under clause 30 is in force

"it shall be the duty of the airport operator to give effect to the scheme."

At an airport that is subject to a slot allocation scheme an aircraft operator will need the necessary air transport licence or an operating permit and he will need a slot. The amendment, which tries to combine these requirements, would cause confusion.

The amendment is unnecessary, and I ask my hon. Friend to withdraw it.

Amendment negatived.

Clause 33

INTERPRETATION OF PART IV

Mr. Bill Walker: I beg to move amendment No. 54, in page 26, line 3, at end insert

'"the airport operator" means either the sole provider of airport facilities for which airport charges may be levied under this Part, or the several providers of such facilities at such airports.'.

The amendment was linked to new clause 9, which we debated much earlier. As I was encouraged by what my right hon. Friend the Secretary of State said at the end of the debate on new clause 9, when he indicated that he

[Mr. Bill Walker]

would be keen to see some other involvement other than moneys being put into other operations at the airport, it may be necessary, if that were to happen, for an amendment of this sort to be incorporated in the Bill to cover the providers of such facilities, who need not be the principal airport operators in future. It could be beneficial for that provision to be incorporated in the Bill.

Mr. Ridley: As my hon. Friend says, the direct point of the amendment fell when new clause 9 was not included in the Bill. If under a voluntary agreement independent terminal operators come into existence, I accept that they may have to have some basis for charging. However, they would come into existence only under an agreed scheme with the airport operator. Presumably it would be possible under that arrangement for the allocation of charges, the method of charging or the type of charges to be agreed. I hope that my hon. Friend will agree that it would be inappropriate to press this amendment at present.

Amendment negatived.

Mr. Michael Spicer: I beg to move amendment No. 55, in page 26, leave out lines 17 to 19.

Those hon. Members who were on the Standing Committee will remember that the line the amendment seeks to remove was successfully inserted by my hon. Friend the Member for Hayes and Harlington (Mr. Dicks). We feel that my hon. Friend's amendment is not the best way to extend more protection to concessionaires. I know that he now accepts, in turn, that we are disposed to accept that some further strengthening may be needed for concessionaires to ensure that, in particular, at five-yearly Monopolies and Mergers Commission reviews the MMC can take into account the legitimate interests of concessionaires as part of its consideration of where the public interest lies. For that purpose, we intend to put concessionaires on the same footing as users.

We have not been able to bring forward an amendment for Report, but the Government intend to bring forward a suitable amendment in another place, which I know pleases my hon. Friend the Member for Hayes and Harlington. I hope that, on the basis of what I have said, this amendment will be accepted.

Amendment agreed to.

Clause 34

AIRPORTS SUBJECT TO ECONOMIC REGULATION: REQUIREMENT FOR PERMISSION TO LEVY AIRPORT CHARGES

Amendment made: No. 57, in page 27, line 4, after 'force,', insert

'then (subject to section 49(2A))'.—*[Mr. Michael Spicer.]*

Clause 38

DISCRETIONARY CONDITIONS

Amendments made: No. 58, in page 34, line 5, after 'relate', insert

'or are, in the opinion of the CAA, artificially low'.

No. 59, in page 34, line 8, at end insert—

'(3A) In subsection (3)*(c)*(i) the reference to levels at which charges are fixed being artificially low is a reference to such levels being significantly lower than they would otherwise have been—

(a) by reason of any subsidy—

(i) furnished by any person or authority to the airport operator in connection with the business carried on by him at the airport, or

(ii) furnished to that business by the airport operator out of funds attributable to any other activities carried on by him,

whether by the making of loans on non-commercial terms or otherwise; or

(b) where the airport operator is a company, by reason of any conduct on the part of the company which, in the opinion of the CAA, has resulted, or will result, in—

(i) a failure by the company to achieve a reasonable return on the capital employed by it in the business carried on by it at the airport, or

(ii) a failure by the company to distribute to members of the company a reasonable proportion of the profits available for distribution, or

(iii) a failure by the company to reach a level of borrowing which is appropriate having regard to its equity share capital (within the meaning of the Companies Act 1985).

(3B) In determining for the purposes of subsection (3A) what is reasonable or (as the case may be) appropriate in the case of a company, the CAA—

(a) shall disregard the fact that the relevant conduct on the part of the company was in conformity with any policy for the time being of a person having control over the company, but

(b) shall have regard to any circumstances which, in the opinion of the CAA, would affect any company carrying on the business of operating the airport as a commercial undertaking.'.—*[Mr. Michael Spicer.]*

Clause 49

FUNCTIONS IN RELATION TO PERMISSIONS AND CONDITIONS INITIALLY EXERCISABLE BY SECRETARY OF STATE

Amendment made: No. 60, in page 48, line 8, at end insert—

'(2A) If the Secretary of State so determines at the time of granting a permission under this Part in respect of an airport in pursuance of this section, that airport shall, instead of becoming subject to economic regulation under this Part at the end of the period of six months referred to in subsection (1), become so subject on such earlier date as may be specified by the Secretary of State in his determination.'.—*[Mr. Michael Spicer.]*

Clause 67

CORPORATION TAX

Amendments made: No. 62, in page 63, line 42, leave out

'Income and Corportation Taxes Act 1970

and insert '1970 Act'.

No. 63, in page 64, line 12 at end insert—

'(5) Where in the case of a claim for group relief—

(a) the claimant company is the BAA or the successor company and the surrendering company is a company to whom property, rights or liabilities have been transferred by a scheme made under section 1, and

(b) the claim relates to the accounting period of the surrendering company first ending after that transfer, and

(c) the corresponding accounting period of the claimant company ends with the same date as that accounting period,

then, for the purposes of section 261(2) of the 1970 Act (corresponding accounting periods) as it applies in relation to the claim, those accounting periods shall be taken to coincide and, for the purposes of section 262(1) of the 1970 Act (companies joining or leaving group) as it so applies, the claimant company

and the surrendering company shall be taken to have been members of the same group throughout each of those periods (notwithstanding anything in section 262(2) and (3) of that Act).

(6) In this section "the 1970 Act" means the Income and Corporation Taxes Act 1970, and in subsection (5) above expressions used in sections 258 to 264 of that Act (group relief) have the same meanings as in those sections.'.—*[Mr. Michael Spicer.]*

Clause 69

ORDERS AND REGULATIONS

Amendment made: No. 64, in page 65, line 1, leave out 'An' and insert

'Any regulations under section *(Compensation for loss or diminution of pension rights)* or'.—*[Mr. Michael Spicer.]*

Clause 74

SHORT TITLE, COMMENCEMENT AND EXTENT

Amendments made: No. 65, in page 67, line 14, at end insert— 'section 67(5) and (6);'.

No. 66, in page 67, line 22, after '67', insert '(1) to (4)'.—*[Mr. Michael Spicer.]*

Schedule 1

APPLICATION OF ENACTMENTS RELATING TO STATUTORY UNDERTAKERS ETC

Amendments made: No. 67, in page 69, leave out lines 18 and 19.

No. 68, in page 69, line 21, at end insert

'and for the purposes of any other enactment in which "statutory undertakers" or "statutory undertaking" has the meaning assigned to it by section 275(1) of the Town and Country Planning (Scotland) Act 1972.'.—*[Mr. Michael Spicer.]*

Schedule 5

REPEALS

Amendment made: No. 70, in page 78, line 28, column 3, at end insert—

'In section 81(3), the words "section 44".'.—*[Mr. Michael Spicer.]*

Bill to be read the Third time this day.

Basildon Development Corporation

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Garel-Jones.]*

2.22 am

Mr. David Amess (Basildon): The fact that I am able confidently to make the statement that Basildon is not only the most sucessful new town in the United Kingdom but the most dynamic is largely due to the success and endeavours of the development corporation. On 31 March the development corporation was wound up, having been in existence since the year when I was born. Its passing was a significant moment for my constituents and constituency. It marked the end of Basildon being described, in any real sense, as a new town—we have come of age. My hon. Friend the Minister will recognise that I judge that to have happened just a little too quickly. I very much wanted the life and work of the development corporation to be extended a little longer, so that it could complete a number of important tasks.

As for the role of the corporation in the development of the town, I sometimes wonder how widely the extent to which the Government have encouraged or invested money through that body is appreciated or understood. Vast sums have been spent wisely to make Basildon what it is today—the finest town in the United Kingdom. I pay tribute to all the staff of the development corporation, its general manager, Mr. Douglas Galloway, and above all the chairman, Dame Elizabeth Coker. Those people have all worked tirelessly in their efforts to create a town of which we can all be proud, and they have certainly succeeded in that aim.

I would not support everything that the corporation has done. For instance, I can well appreciate the resentment felt in some quarters at the manner in which it has compulsorily purchased land or properties, and indeed about the design of some of the housing estates. Nevertheless, credits should be given for the many successful initiatives that the corporation has undertaken. Its task of attracting new business to the area has been one of the main contributing factors to the reduction of unemployment in Basildon over the past year — a reduction of 5·8 per cent.

Thanks to the Government and the corporation, my constituency has grown in stature as a strategic centre for business and industry. That point has ably been seized by Essex county council, which will be holding a substantial business and industry exhibition in Basildon on 14 April. The M25, the expansion of Stansted and the building of the Channel tunnel will all enhance the attractiveness of the town for trade and industry, as can be testified by visits recently from Department of Trade and Industry Ministers.

Thanks to rate capping and the Government's proposals to set business rates centrally, the damaging effects of the Socialist councils' high rating policies have been successfully counteracted. The development corporation has given active support to many local organisations and charities. Two projects which I know are grateful for the support given are the centre recently opened in Vange for the visually handicapped, and St. Luke's hospice for cancer patients. Both facilities meet important needs in the community, but they might not have got off the ground if it had not been for the encouragement and assistance given by the development corporation.

[Mr. David Amess]

The jewel in the crown of the corporation must be the new shopping centre, the largest covered shopping centre in Europe, which I trust will enjoy an official opening later this year. There can be no rival facility in the United Kingdom to that of the East Gate mall in Basildon, which successfully heralds the concept of shopping in the 21st century. Merchandise of every conceivable description can be purchased within attractive and comfortable surroundings. This showpiece has given the ultimate dimension to the town's slogan, "Basildon means business."

The demise of the development corporation begs many questions in the minds of my constituents. They rightly ask: what next? They have been told that that which they have known for so long, the development corporation, has gone, and has been replaced by the Commission for the New Towns. They are anxious to know precisely what that means, particularly what the powers and responsibilities of the commission are. The 15,500 former corporation tenants are anxious to know what will happen to the management of their dwellings, whether programmes of repairs and improvements will continue, and whether there will be the same spirit of co-operation should they wish to purchase their property. It is well known that the Basildon development corporation was a pioneer in that area, achieving record sales. Further anxiety has been expressed that if agreement is eventually reached on the handing over of housing stock to the local authority, Socialist opposition — by which I mean the Labour party, the Social Democratic party and the Liberal party — might somehow frustrate people's plans to purchase their own property.

Constituents have asked what the future is for the tasks and projects started by the corporation, such as road systems, and whether it is the intention of the Commission for the New Towns to complete them. On Monday I had a meeting with the chairman of the commission and the chief executive, Sir Neil Shields and Mr. Woodhall. Because of our discussions, I am reassured that Basildon will go forward into a new and exciting future, and I trust that my hon. Friend the Minister will be able to confirm that when he replies to the debate.

There are specific anxieties which constituents have raised and which I wish to bring to the attention of the House. The first concerns a potentially serious problem which affects over 1,000 properties in the Vange area of Basildon.

I have been inundated with letters from the owners of Lindsay Parkinson High Speed System Build properties. There are approximately 600 houses and 200 flats. Over half of the properties have been purchased from the development corporation, but some from the local authority. As a result of people's homes developing defects and the difficulties they have encountered in trying to sell such properties, an action group has been formed. The problems with the properties are due to carbonation —porous concrete; spaling—the cracking and corrosion of concrete beams caused by rust in the metal strengthening rods; and calcium concrete, when calcium carbonate has been used as a drying agent in the construction of the beams.

Some of the letters I have received described cracks appearing in the properties. Others described the distressing cricumstances of being unable to sell and prospective purchasers pulling out at the last moment because of the difficulty of obtaining support from building societies.

The action group has asked for help in a number of respects. It strongly urges for a clean bill of health for all the sound properties. To achieve that, tests will have to be a carried out on all the dwellings. The action group wants the Commission for the New Towns to buy back the properties which cannot be sold at the full market price. The group feels that the commission should seek funds from the Government to carry out essential repairs. It feels that the commission should indemnify the owners against future defects in construction and should seek ways to extend the life of the properties through the use, for example, of mastic sealing on the defective points.

The builders have gone into liquidation. Some of my constituents make the point that there was an irresponsible use of the chemical compound, calcium chloride, by the contractors who manufactured the components. The local authority contractor neglectfully accepted the components without a quality assurance certificate. The corporation's site representative should have seen such documents.

My constituents enthusiastically purchased their properties, taking full advantage of the right-to-buy legislation. Now that the problems with these properties have emerged, I have every confidence that the commission and the Government will act quickly to assist my constituents. I shall not rest until these matters have been dealt with satisfactorily.

The commission should also try to resolve the problems which have been highlighted by the Felmores Heating Action Group. Four weeks ago that group met my hon. Friend the Minister for Housing, Urban Affairs and Construction in Basildon. The group, which represents a considerable number of tenants, maintains that the district heating system provided for the Felmores estate is inefficient and expensive. Nearly a thousand tenants are served by this system. Some are in stressful circumstances —unemployed or single parents.

I have toured the estate and talked to many of the residents. I have seen countless heating bills which seem to be consistently high, especially when one bears in mind the size of the dwellings. The estate was designed in 1974 and built by ABK, based on the findings of Ore Arun and Partners, prompted by the 1973 energy crisis. The company studied the cost effectiveness of various energy saving measures in yardstick housing. The coal-fired district heating system is run for the corporation by Associated Heating Services. It provides domestic hot water as well as space heating, and it is in operation all the year.

Tenants pay a small standing charge, together with an amount based on their estimated consumption. There is a weekly charge throughout the year, which is paid with the rent. The heat meters are read annually, and rebates or supplementary bills are given. Integral meters calculate the kilowatt hours consumed from the flow rate and the temperature difference between incoming and outgoing water. Thermostats with time switches can be used by tenants to regulate the system. A realistic assessment of running costs for the Felmores average house is considered to be £250 per annum using an individual low thermal content, wall mounted, balanced flue boiler with programmer control for domestic hot water and space heating and thermostatic radiator valves. The average charge levied for heating the average house on the

Felmores estate with its district heating system is 56 per cent. higher than the cost of running an individually fitted gas boiler heating system in each dwelling.

I should add that similar problems are being experienced at the other end of Basildon in the Langdon Hills area. So I would ask that assistance be given immediately to relieve the distress of my constituents and that individual gas-fired central heating be provided. The case for that is overwhelming.

Recently, an action group has been formed of residents opposed to a bus link between the town centre through Ghyllgrove to Cranes Farm road and the industrial areas. I have received countles representations, both written and personnel, opposing the bus link. If the proposal were to go ahead there would be 26 buses per hour through the peak times. Residents feel that that would change a beautiful, safe, quiet residential area into a dangerous, noisy petrol or diesel-polluted highway. The bus link is also opposed by the governing body of the local school, Ghyllgrave, and by the Basildon industrial group. In fact, I am struggling to find anybody who supports the bus route. It is argued that there would be severe traffic congestion at the southern end of Ghyllgrove caused by buses as they give way to the main bus route in Whitmore Way. Particular concerns have been raised about increased dangers to schoolchildren, youngsters and pensioners crossing the roads. I very much hope that that project will not go ahead and that the alternative proposals of residents and the Basildon industrial group will be acted upon.

The final concern that I want to deal with tonight is that of residents in the Eversley area of Pitsea. They bought properties in a development promoted by the corporaion as a quiet residential area. One can well imagine their horror when they learnt of a proposal for a bus route to run right through the estate. Residents have been further alarmed by suggestions that the local Socialist authority intends further developments to surrounding areas. Those people ask only that they be left to enjoy the peace and tranquility which originally attracted them to that area.

The winding up of the developmet corporation and the arrival of the New Towns Commission is a critical moment for Basildon. There is a point in the life of a town when development has to stop. My constituents do not want the town to become over-developed and for the crowded conditions of London, from where many of them originally came, to be duplicated. I have every confidence that the New Towns Commission will act on my constituents' wishes to help improve the quality of life and respect our precious countryside.

2.39 am

The Parliamentary Under-Secretary of State for the Environment (Mr. Richard Tracey): My hon. Friend the Member for Basildon (Mr. Amess) has been a strong advocate of Basildon new town and has always represented his constituents in a clear and forceful manner. Tonight has been no exception to the excellent service that he gives to his constituents. However, I am sure that my hon. Friend will be aware that a target date for the wind-up of the Basildon Development corporation has been publicly on the agenda since 1978, when a wind-up date of 31 December 1983 was announced. Since that time, wind-up has been postponed on two separate occasions, primarily to complete the land assembly programme and to achieve housing transfer, which was originally envisaged, as elsewhere, to the district council. I take on board what my hon. Friend said, and hope that he will listen to a few remarks about that. The land assembly programme has been a complex and difficult task, and one that Basildon has now completed. To appreciate the achievement, I should like to take the House back to the situation that led to Basildon's designation as a new town.

The main purpose in designating Basildon new town was to provide housing and jobs and to relieve the housing problems in the aftermath of the second world war. This was in line with other new towns around London. However, Basildon has a secondary and very special task to achieve, arising from the unusual local history. As my hon. Friend will know better than I, as far back as 1901, land at Basildon had been divided into small plots and sold to Londoners at what was known as 'champagne sales." This usually meant that the potential buyers' judgment had been impaired by the generous hospitality of the commercial company selling the land. This process continued until the second world war. The land was not of good farming quality, and many farmers sold of their holdings piecemeal, in competition with estate companies. Unfortunately, no thought was given to future development by the land speculators, and consequently no roads or sewers were ever constructed.

Development was sporadic, with many plots remaining as untouched as they were when first purchased. In addition, much of the building was of a temporary nature or of a very poor standard. When Basildon new town was designated in 1949, the corporation was given the task of buying up all these plots in order to sort out this difficult legacy. The corporation embarked on this task in 1951, which involved the purchase of some 30,000 plots of land, many in unknown ownership. Only recently has the corporation completed the acquisition of all outstanding interests required for future development—a task that nobody foresaw would take quite as long as it did. During the 35 years that it has taken to assemble all the necessary land, Basildon's population has risen from 25,000 to 100,000. The recent completion of 37 sheltered dwellings for the elderly, at Felmore, brought to an end the corporation's direct involvement in house building. This has resulted in the construction of 24,839 houses, bungalows and flats, of which 10,000 have been sold to tenants.

The market for private housing for sale has always been strong in Basildon, and the development corporation has played a significant role in ensuring that a wide range of housing is on offer—from one-bedroom flats to five-bedroom houses. The corporation has placed particular emphasis on the availability of housing for young, first-time buyers, and for the elderly through sheltered housing schemes. The corporation has also given a lead to developers in the private housing sector, promoting the provision of good quality housing at all price levels, with high environmental standards. By entering into partnership arrangements, the expertise of many years has been applied, whereby the private builder is now prepared to build a wider range of homes.

My hon. Friend referred to housing transfer. I referred earlier to the transfer of corporation housing to the council and to the fact that in the past wind-up had been delayed to facilitate this. The traditional practice when new towns are wound up has certainly been to transfer rented housing stock to the relevant district council. Indeed, this course has always been followed in England, except in the case of central Lancashire where the housing passed to four

[Mr. Richard Tracey]

housing associations. But we do not want the district council option to be the only one considered in future, including at Basildon. My hon. Friend may have seen a written answer that I gave to my hon. Friend the Member for The Wrekin (Mr. Hawksley) just before Easter. I said that the Government are keen to see pursued the options of transfers to private sector trusts or housing associations. In this context, Thamesmead should be an incentive. The Commission for the New Towns, which has now taken responsibility for the development corporation's housing stock in Basildon, has the same powers as the corporation with regard to negotiating transfer arrangements, and I expect the commission to discuss with my officials how best to pursue the options. I am sure that my hon. Friend will find a ready ear in Sir Neil Shields, the chairman of the commission, in his future talks with him on this point.

The corporation's achievements at Basildon have not been limited to land assembly and housing provision. Some 850,000 sq m of factory space have been provided, along with 75,000 sq m of office space. This has resulted in the creation of new jobs in the office and service industry sectors. The corporation has played an important role in encouraging and assisting smaller starter firms. The institution funds, which have provided so much building capital in recent years, are often reluctant to accept starter firms as tenants, and the firms themselves often prefer to limit their outgoings on accommodation.

One way in which the corporation decided to meet these needs was by the conversion of an old vacant factory into small industrial units. This scheme, known as the Laindon enterprise centre, has been such a success that the remainder of the old factory has been converted to provide further units. Initiatives such as this have provided Basildon development corporation with a notable record for creating job opportunities.

The Commission for the New Towns has now inherited the task of continuing to promote the town and to attract investment, and it will see to completion the many schemes put in hand by the corporation and under construction, which will offer many more permanent jobs in the future.

My hon. Friend rightly mentioned that one of the most noticeable improvements in Basildon in recent years has been the changing face of the town centre. Retail and office developments, imaginative in design, have dominated the commercial scene in Basildon since the opening of a 15,000 sq m Savacentre store and associated shopping mall in 1980. This scheme, known as Phase 1, heralded a new era in the history of Basildon town centre. Phase 1 was designed, constructed and let by the development corporation, and it was the start of a process that planned to provide Basildon with the most advanced regional shopping centre complex in Essex.

Phase 2 commenced in 1981, in the Eastgate area of the town centre. This development, on a six-acre site, is right in the heart of the existing town centre, and was designed with flair and imagination to provide an airy and pleasant covered environment for shoppers. The development consists of a 19,000 sq m development store and 75 shop units. Two shopping levels have been linked to tiered galleries above, servicing four levels of car parking for approximately 1,000 vehicles. The whole scheme is one of the most advanced of its kind in the country, and certainly has no comparison in the south-east. It is an outstanding memorial to the enterprise and innovation shown by the development corporation during its lifetime.

Further proposals by the corporation, which have recently received planning approval, involve the roofing-in of those areas of the old town centre that lie between Phase 1 and Phase 2, and extending this cover beyond Phase 2 to the existing town square. This scheme is exciting in its concept, and if a way can be found to allow it to proceed, it should provide the necessary boost to the older areas of the town centre, in order that they can effectively compete with the surrounding high-quality, environmentally controlled new developments.

My hon. Friend has rightly mentioned several points which are bothering his constituents. Perhaps I can now deal specifically with those points. First, he mentioned the Felmore district heating scheme. I understand the points that he made about the adequacy of this district heating system. I can tell him that my officials are currently appraising the financial implications of improving the existing system against a total replacement programme. A decision on this will be made as soon as possible.

My hon. Friend then turned to the Ghyllgrove busway. That was one of the corporation's last planning applications under section 7(1) of the New Towns Act 1981. It was for the construction of a bus-only link between Cranes Farm road and Ghyllgrove, which was, I understand, to permit the rationalisation of bus routes serving the industrial areas in the northern area of Basildon.

The application came rather late and, as my hon. Friend said, it attracted unanimous opposition from local residents. Many of the points raised required further investigation by the Department, but, as there was insufficient time to pursue the matter before the corporation was wound up, it was not possible to approve the application under the appropriate section of the New Towns Act 1981. It will be open to the commission to reopen the application, but, before deciding whether to do so, I am sure the commission will consider the points that have been raised by my hon. Friend and his constituents.

I note what my hon. Friend said about the development at Eversley, and in particular the proposed bus route through the area. The points that he has made will be considered carefully and, where necessary, will be referred to my colleagues in the Department of Transport.

My hon. Friend referred to the Vange area housing. My officials are examining that closely. We hope to come back with conclusions as soon as possible. We may have some hope for my hon. Friend on that.

The success of Basildon owes much to the time and effort given by the chairman and general manager of the development corporation. They have been successful in completing much worthwhile development and in combining the needs of the town with the requirements of the individual inhabitants. This may be recognised as a classic pattern of action-centred leadership. The corporation has shown that a dynamic town such as Basildon can only be developed from within by being sensitive to representations, market forces and the wishes of the people. I am sure, therefore, that my hon. Friend will join me in thanking Dame Elizabeth Coker and Mr. Galloway, the manager of the corporation, for their hard work. My hon. Friend has already mentioned that. On behalf of the Government, I thank those two hard-working people for the work they have done.

The assets and liabilities of Basildon development corporation have now been transferred to the Commission for the New Towns. The commission has set up a local committee to manage Basildon's rented housing stock. I hope my hon. Friend has noted the points that I have made about housing.

I am grateful to my hon. Friend for giving me the opportunity to put on record the appreciation of myself and the Government for all that the development corporation has achieved. Within the next three months, before the corporation is dissolved, I hope to visit Basildon and to convey those thanks to the good people of my hon. Friend's town.

Question put and agreed to.

Adjourned accordingly at eight minutes to Three o'clock.

House of Commons

Thursday 10 April 1986

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

TEIGNMOUTH QUAY COMPANY BILL *(By Order)*

COUNTY OF SOUTH GLAMORGAN (TAFF CROSSING) BILL *(By Order)*

SOUTH YORKSHIRE LIGHT RAIL TRANSIT BILL *(By Order)*

BEXLEY LONDON BOROUGH COUNCIL BILL *(By Order)*

SHOREHAM PORT AUTHORITY BILL *(By Order)*

HARWICH PARKESTON QUAY BILL *(By Order)*
Orders for Second Reading read.
To be read a Second time upon Thursday 17 April.

MILFORD HAVEN PORT AUTHORITY BILL *(By Order)*
Order read for resuming adjourned debate on Question [18 February], That the Bill be now read a Second time.
Debate to be resumed upon Thursday 17 April.

BRITISH RAILWAYS (STANSTED) BILL *(By Order)*
Order read for resuming adjourned debate on Question [24 February], That the Bill be now read a Second time.
Debate to be resumed upon Thursday 17 April.

Oral Answers to Questions

AGRICULTURE, FISHERIES AND FOOD

Conservation

1. **Mr. Cohen** asked the Minister of Agriculture, Fisheries and Food if he proposes to revise the guidelines given to his staff engaged in conservation duties, in the light of the proposals contained in the Agriculture Bill; and if he will make a statement.

The Minister of Agriculture, Fisheries and Food (Mr. Michael Jopling): Assuming that the agriculture Bill passes into law, I shall draw its provisions to the attention of all staff and issue guidance on their implementation.

Mr. Cohen: The Agriculture Bill imposes conservation responsibilities which are to be welcomed, especially on the Agricultural Development and Advisory Service, yet the Minister is cutting the staff that will fulfil those statutory responsibilities. Does that not show that he is paying only lip service to conservation and that he has no realistic commitment to it? When will he provide the additional staff necessary?

Mr. Jopling: I draw the hon. Gentleman's attention to the new clause that we moved to the Agriculture Bill, where we have taken on further responsiblities for conservation.

Mr. Kenneth Carlisle: I congratulate my right hon. Friend on introducing the new clause, which shows the Government's commitment to conservation. Does he agree that, as well as having guidelines, his officials need training in how to secure a balance between conservation and agriculture? What is my right hon. Friend doing to provide that necessary training?

Mr. Jopling: I am grateful for my hon. Friend's comment. We are arranging courses. There have been a number over the past few years for ADAS staff so that they can better give advice on conservation matters.

Mr. John: Does the Minister not realise that the House will require some details about exactly how the training will be implemented? Is it merely a token or a factor in the chess game currently taking place with the Department of the Environment, or does the right hon. Gentleman really mean it to be effective? If so, how will he make it so?

Mr. Jopling: The hon. Gentleman has complimented my Department on the steps that we are taking to become more and more interested in conservation matters. It is surprising and disappointing therefore that he should question our good will on those matters. We are determined to further our duties for conservation.

Outgoers Scheme

2. **Mr. Knox** asked the Minister of Agriculture, Fisheries and Food when he hopes to announce the details of the European Economic Community outgoers scheme which the Commission has proposed; and if he will make a statement.

Mr. Jopling: Discussions on the proposals for a Community outgoers scheme are continuing in the Council of Agriculture Ministers.

Mr. Knox: Will my right hon. Friend say what plans he has for tenants at the end of their tenancies?

Mr. Jopling: As my hon. Friend will know, under the Agricultural Holdings Act 1986 tenants are entitled to compensation in recognition of the value of improvements they have made on the holding. At the same time, it seems reasonable that they should also receive some recognition of the contribution they have made to the milk quota allocated to the holder. There is a later question on the Order Paper on this subject, but I can say that we are tabling an amendment to the Agriculture Bill today to provide for that.

Mr. Livsey: Does the Minister agree that at least a 50-50 split between tenants and landlords as to the allocation of milk quota in the outgoers scheme would be the right move?

Mr. Jopling: It would be a mistake to start talking about percentages in these terms, because circumstances vary enormously from individual to individual. In general, we should leave the detailed discussions on these matters to arbitrators.

Mr. Hicks: Will my right hon. Friend give the House an assurance that under the amendment that he tables later today the arbitration process will provide no built-in structural advantage to either the landlord or the tenant?

Mr. Jopling: We have had discussions with the representative bodies, the Royal Institution of Chartered Surveyors and the Central Association of Agricultural Valuers, on how this form of arbitration might be worked. We have made our proposals on the basis of those discussions.

Mr. Torney: Will the Minister tell the House whether the Commission's discussions on the outgoers scheme covered the workers in the farming, dairy distributive and processing industries? The workers in those industries have been made unemployed and creameries have been shut down. There is a great difference in redundancy payments for people who will probably never get another job because of the Government's policies on employment.

Mr. Jopling: I am aware that the hon. Gentleman has raised the question of redundancy payments for dairy industry workers over a period of time. I have listened to him, but I have to tell him that when the dairy industry was discussed in the Council of Ministers that particular aspect of the matter was not considered

Sir John Farr: Will the amendment which my right hon. Friend will table today contain references to the matters which arbitrators should and should not take into account when they come to their conclusions?

Mr. Jopling: My hon. Friend will see from the amendment that an attempt has been made to give arbitrators the parameters within which they may work.

Mr. Home Robertson: It is deplorable that the redundancy rights of employees in the dairy industry were not discussed in the Council of Ministers. Will the Minister say more about the Government's attitude towards compensation for tenants and the right of tenants to a fair share of the value of their milk quota? Is the right hon. Gentleman aware that we would oppose any settlement which gave tenants less than 50 per cent. of the value of their quota?

Mr. Jopling: With regard to discussions in the Council of Ministers, although I have many responsibilities, I cannot be responsible — although, at the time, I was temporarily presiding over the Council of Ministers—for what Ministers from other Community countries seek to raise.

Mr. Campbell-Savours: The right hon. Gentleman could have raised it.

Mr. Jopling: This was the first and only occasion on which we had discussed the details of the Commission's proposed outgoers scheme, and redundancy rights of dairy workers were not raised in the course of the discussion.

On his second question, the hon. Member should not get too tied into specific figures with regard to this form of compensation. There is a huge range of different situations, all of which must be treated on their individual merits by the arbitrators at the time.

Mr. Heathcoat-Amory: Is my right hon. Friend aware of the depth of feeling among west country tenant farmers that the present proposals do not adequately recognise their contribution to farming units? Does my right hon. Friend agree that, under his present proposals, the average tenant would receive only about a third of the available compensation? Surely that is inadequate and should not be approved.

Mr. Jopling: We have not yet tabled an amendment, although we shall do so later today. My hon. Friend should think in terms of the burden being put on the ingoing tenant who follows a tenant who received substantial compensation. That is all part of the equation. It is a mistake to attach specific figures, because there will be a wide range of levels of compensation once the arbitrators have done their work.

Beef (Headage Payments)

3. **Mr. Geraint Howells** asked the Minister of Agriculture, Fisheries and Food what talks he has had with colleagues in Europe with a view to altering proposals to pay only headage payments on a limited number of beef fattening animals.

The Minister of State, Ministry of Agriculture, Fisheries and Food (Mr. John Selwyn Gummer): At the meeting of the Agriculture Council on 24 and 25 March my right hon. Friend and I made it clear to our colleagues in the rest of Europe that we were opposed to discrimination between producers being introduced into the CAP market support arrangements.

Mr. Howells: I am sure the Minister will agree that the variable premium has served United Kingdom beef producers and consumers well for the past 12 years. Does he agree that it would be better to press for the retention of the present scheme than to go for the alternative headage payments scheme?

Mr. Gummer: We shall certainly continue to argue the merits of the variable premium scheme. The fact that the Commission is now proposing some sort of premium system is an advance, but it is a fixed premium, not a variable one. Obviously the variable one helps, because it responds to market forces much more effectively.

Sir Hector Monro: Will my right hon. Friend bear in mind that the hill compensatory amount for the suckler cow subsidy and premium are essential to the welfare and economic progress of hill and less-favoured area farms? Will he please make every endeavour to maintain the programme that we have had in the recent past?

Mr. Gummer: I certainly recognise the great importance of those particular arrangements. We are determined to see that proper arrangements continue and, above all, that no arrangement is introduced for beef and ewes which will discriminate against our larger flocks and herds.

Mr. Marlow: Has the Commission any evidence whatever that the livestock sector and, particularly, the cattle fatteners are making an indecent level of profit? If so, what is it? What would happen if there were a restriction on the payments for livestock farmers? Would that not depress store cattle and calf prices, causing a knock-on effect on dairy producers?

Mr. Gummer: I am sure that the Commission does not have that evidence. It is attempting to change the regime so that the present situation, in which meat is taken into storage with the result that it immediately loses value, does not exist. The moment meat goes into cold store, value is lost. The Commission is proposing a range of changes which will take that into account. I hope that my hon. Friend will be both tough with us in determining that the solution is good for Britain, but willing to accept that the Commission is trying to produce a decent answer.

Forestry Commission

4. **Dr. Marek** asked the Minister of Agriculture, Fisheries and Food how much acreage the Forestry Commission currently owns in England and in Wales.

Mr. Jopling: The Forestry Commission does not own any land in England and Wales. Ownership of such land is vested in the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales respectively, and the land is formally placed at the disposal of forestry commissioners to manage in accordance with their statutory duties. As at 31 March 1985, the Forestry Commission managed approximately 439,000 hectares of land in England and Wales.

Dr. Marek: In view of the thwarting of the right hon. Gentleman's plans to sell off the family silver, will he accept his defeat by the Secretary of State for Scotland with good grace?

Mr. Jopling: I refer the hon. Gentleman to the reply given on 21 February by the Parliamentary Under-Secretary of State for Scotland to a question tabled by the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood).

Mr. Adley: Will my right hon. Friend please ensure that sale of any land managed on his behalf by the Forestry Commission is carried out in circumstances that are, and are seen to be, open, honest and above board? Will he give the House an assurance that the Forestry Commission will do no secret deals with developers, and that all land that is sold will be sold on open tender?

Mr. Jopling: The Forestry Commission aims to ensure that all potential purchasers are given proper opportunity to express an interest, and that the maximum price is obtained by using the most appropriate method of sale, whether by formal or informal tender, private treaty or auction.

Mr. Skinner: What is this mania for privatisation? Water, trees. A bloke in Bolsover said to me not so long ago, "Don't go down to the woods today. They've flogged off the forest."

Mr. Jopling: The hon. Member is full of surprises. He continually surprises us with his new moods. I suppose that this is his whimsical mood. I must say that if I were going down to the woods I would not go with the hon. Gentleman.

Mr. Cash: Will my right hon. Friend confirm that far too much timber is imported at the moment, that the Forestry Commission does not give enough emphasis to hardwoods and that we should encourage more private enterprise in the hardwood sector and move towards a sytem of auction?

Mr. Jopling: A broadleaves policy was announced last year and is already having a noticeable effect. The Forestry Commission's broadleaved woodland grant scheme has got off to a good start and will mean that many more broadleaves will be planted in future by private owners and that the Commission itself will plant more.

Mr. Campbell-Savours: The largest consumer of timber in the United Kingdom, and the Forestry Commission's largest customer, is Thames Board Mills in my constituency, which produces board. Will the Minister assure us that if privatisation is again placed before Ministers for consideration, that industry, and that company in particular, will be consulted before any Green Paper is published? They would have a statement to make.

Mr. Jopling: I know very well that the hon. Gentleman's constituency contains an important business in this sector. As he will know from the reply of 21 February to which I referred, Government policy on these matters, as in all other areas, is kept under regular review.

Mr. Marland: Under the recent Forestry Act, the Royal Forest of Dean was exempted from any sale. May I ask my right hon. Friend to ensure that if there are any sales of Forestry Commission assets in future, the position of the Royal Forest of Dean will remain inviolate?

Mr. Jopling: I shall bear in mind very carefully everything that my hon. Friend tells me, as I have done on almost all subjects over the past three years.

Mr. John: Does the right hon. Gentleman not realise that his first non-answer will strengthen the unworthy suspicion among forestry people that, despite his defeat by his ministerial colleagues, he still hankers after a massive disposition of forestry land? Will the Minister assure us that there will be no major disposition of land managed by the Forestry Commission before the next general election?

Mr. Jopling: The hon. Gentleman must not put words into my mouth.

Mr. Campbell-Savours: Answer the question.

Mr. Jopling: I have no more to say than what I said in my earlier answer, part of which I repeated a few seconds ago. Like all other areas of Government activity, the matter is kept under regular review.

Mr. Greenway: Ramblers, walkers and horse riders from urban and rural areas fear that they will lose their rights of access to Forestry Commission land if they are privatised. Will my right hon. Friend undertake that such rights will not be lost if Forestry Commission land is privatised?

Mr. Jopling: Under the existing disposal arrangements, of which the House is aware and to which it has agreed, such matters are kept under careful review all the time.

Intervention Stores

5. **Mr. Winnick** asked the Minister of Agriculture, Fisheries and Food what is the total stock of beef, butter, skimmed milk and cereals held in European Economic Community intervention stores in the United Kingdom.

Mr. Gummer: As at 28 February 1986 stocks of beef, butter, skimmed milk powder and cereals held in United Kingdom intervention stores totalled 6.065 million tonnes.

Mr. Winnick: Is it not a crazy system in which so much food is removed in order to ensure that prices are kept higher than they would normally be? How much longer can the CAP be tolerated? As for all the items mentioned by the Minister, instead of selling them off to the Russians at much reduced prices, why should we not sell them off to pensioners and others on low incomes in our own country as well as perhaps, where appropriate, assisting people in the countries in Africa, where starvation and hunger prevail?

Mr. Gummer: On the last part of the question, the hon. Gentleman should talk to the aid agencies, all of which are concerned that we should not sell this food cheaply to countries in Africa and have asked us not to do so because it undermines the indigenous agriculture. The hon. Gentleman's information is 10 years out of date. As to why we do not sell it cheaply to our own people, we are completely in favour of doing that, and we do it where it does not mean a reduction in consumption under normal arrangements, as that would only increase the amount in store.

Mr. Key: Does my right hon. Friend agree that most of the problems in British agriculture are problems of success and that no one wants to reduce input costs more than farmers do? Will he seriously consider any request from the Natural Environment Research Council to carry out a major ecological study into the effects on our water and land of nitrogen and phosphorus? Will he consider financing, or helping to finance, such a project?

Mr. Gummer: That matter is constantly under review and we would appreciate any additional information from my hon. Friend. It is better to attempt to deal with the problems of plenty than with the problems of shortage, which we would have had without the CAP.

Mr. Deakins: As we did not have such disgracefully large stocks when Britain had its own agricultural policy, is not the only remedy after 10 or more years of the CAP, to get out of the CAP and have an independent policy?

Mr. Gummer: The present system was renegotiated by the Labour Government. Surpluses are a worldwide problem, and the idea that the hon. Gentleman can lay the blame for them at the door of the Common Market is sheer nonsense. If we returned to deficiency payments it would cost us nearly twice as much as the present system.

Mr. Marlow: What was the value of the 6 million tonnes, and how much did the British taxpayer have to pay last year in intervention and stockholding costs in advance of sale of these commodities from store?

Mr. Gummer: I shall be happy to answer the second part of my hon. Friend's question if he will put it down separately. The value of the present stores is £387 million of butter, £240 million of beef, £41 million of skimmed milk and £692 million of cereals.

Mr. Evans: How much of the foodstuffs held in intervention stores in the United Kingdom are unfit for human consumption? If the Minister does not have the figures now, will he supply them to me later?

Mr. Gummer: One reason for the high cost of keeping those goods in intervention is that we are keeping them so that they will be fit for human consumption. I shall consider the hon. Gentleman's point carefully.

Mr. Livsey: Does the Minister agree that he was incorrect to state on television on Sunday that the disposal of butter and beef has caused similar problems of reduction of price for European consumers, when it is well known that the elasticity of demand for beef differs from that of butter, and that a small reduction in the price of beef to our consumers would result in a large increase in beef consumption?

Mr. Gummer: I do not agree that what I said on television on Sunday was wrong; nor do I agree with the hon. Gentleman's point.

Mr. Home Robertson: As next year's surpluses are already growing in the fields, does the Minister accept the Government's responsibility to help agriculture to reduce production before the surpluses become bigger? Before there are any more cut-price bargain offers to Libya, Russia or anywhere else, may we have an undertaking that the poor people of Britain will at least have first refusal on the surpluses?

Mr. Gummer: In reply to the second part of the hon. Gentleman's question, I refer him to my reply to the hon. Member for Walsall, North (Mr. Winnick). Wherever possible, the Government are determined, without increasing the amount of goods in store, to help British people. The hon. Gentleman knows that that is true, and it is no good his stirring it up for party political reasons. In reply to the hon. Gentleman's first point, we cannot stop the amount that is being grown this year, because, as the hon. Gentleman says, it is already in the ground. The Government's policy is to arrive at a common agricultural policy which much more closely matches supply with demand.

Mr. Colin Shepherd: In dealing with the problem of disposing of surpluses internally, will my right hon. Friend bear carefully in mind, and demonstrate the point adequately to Labour Members, that when beef was introduced to pensioners in the early 1970s by the beef token scheme it very nearly wrecked the poultry industry? Action in one sector can have a devastating knock-on effect in another.

Mr. Gummer: My hon. Friend is perfectly right. I hope he will agree that when we tried to introduce the

Christmas butter scheme people bought the butter at the reduced price, put it into their freezers, and as a result did not buy ordinary butter, and we took a lot of extra butter, at a high price, into the very intervention stores to which Labour Members object.

Food and Drink Marketing

6. **Mr. Thurnham** asked the Minister of Agriculture, Fisheries and Food what are the objectives of his Ministry's policy on the processing, distribution and marketing of food and drink; how he is monitoring its effectiveness; and if he will make a statement.

The Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food (Mrs. Peggy Fenner): The Government's policy is to encourage improvements in the processing, distribution and marketing of food, and to ensure high standards of food hygiene and safety. My Department monitors many of the fundamental measures of the industry's performance and operates an extensive system of surveillance to check on the safety of foods.

Mr. Thurnham: Is my hon. Friend satisfied that Rayner scrutiny techniques are being used to the best effect in the Department, and what results are being achieved?

Mrs. Fenner: There was no specific Rayner scrutiny in the area of food and drink, but we are looking closely at our objectives in all areas and at associated measures of efficiency and effectiveness.

Mr. Cohen: How about giving a higher priority to quality and types of food for good health? Britain is at the top of the coronary deaths league, and improper diet is recognised as a key factor in that. When will the Government face their responsibilities in that area and, instead of facilitating the search for unlimited profit, put some action into the search for better health?

Mrs. Fenner: Health is the direct responsibility of my right hon. Friend the Minister for Health. The hon. Gentleman will be aware that a committee looked particularly into any connection between diet and cardiovascular disease. It made four recommendations, only one of which affects labelling in my Department, and that is statutory fat labelling, which we are now preparing. The other recommendations did not involve labelling. We are also discussing and preparing a voluntary format for other nutritional labellings, because consumers are interested in that.

Mr. Gregory: Will my hon. Friend hold urgent discussions with Food from Britain on the objectives of her marketing policy, because of the organisation's lack-lustre performance, particularly in respect of confectionery and good English drinks, such as beer, because at present on the export market that is singularly lacking?

Mrs. Fenner: Not only does Food from Britain place a priority on confectionery, but I know from visiting food exhibitions in other countries that it is doing a good job. My hon. Friend will know that when the £14 million pump-priming funds run out, the Government have pledged £1 for every £2 from industry. We have given the lead, and it is now up to industry to show that it will follow that.

Agricultural Workers (Wages)

7. **Miss Maynard** asked the Minister of Agriculture, Fisheries and Food whether, in the current negotiations on agricultural workers' wages, information concerning the annual incomes of those farmers who employ labour will be made available to the chairman of the Agricultural Wages Board; and if he will make a statement.

Mr. Jopling: Although it was not possible to provide such information during the recent negotiations, as a result of current developments in processing the relevant data the information should be available in time for the next wage round.

Miss Maynard: Is the Secretary of State aware that the National Farmers Union made a survey of farm incomes relating to farmers who employ labour, but was unwilling to give that information to the Agricultural Wages Board during the current wage negotiations?

Mr. Jopling: As the hon. Lady knows, what goes on in the business and meetings of the Agricultural Wages Board is not a matter for me, but I hope that it will be possible to provide that information to the Agricultural Wages Board for the next wage round. We are currently reviewing the analysis of the farm management survey, which would provide that information.

Sir John Farr: Will my right hon. Friend confirm that the chairman would have available the detail relating to farm incomes in the appropriate year, and moreover that he would be aware that incomes off the farm declined by about 60 per cent. last year?

Mr. Jopling: As in the past, my Department has supplied the chairman and members of the Agricultural Wages Board with as much information as it is possible to give them, but, as I said, in this case considerable computer programming and other resources would have been needed to provide such information, and those resources were just not available at the time.

Mr. Randall: I welcome what the Minister said in reply to my hon. Friend the Member for Sheffield, Brightside (Miss Maynard), but does he agree that farm workers have been paid far too little for far too long for what are very high skills? Given the appalling situation that now exists, I hope that some positive steps will be taken to correct the situation. Will the Minister assure us that he will use his influence on the Agricultural Wages Board to make sure that in the end we have a much fairer deal for agricultural workers?

Mr. Jopling: I think the hon. Gentleman will forgive me if I say that that is a rather surprising question, because the statutory minimum rates are a matter for the independent Agricultural Wages Board. They are not a matter for Ministers. As to using my influence, I think that in certain circumstances the hon. Gentleman would raise the roof were I to attempt to do so. I do not intend so to do.

Cereals

8. **Mr. Evans** asked the Minister of Agriculture, Fisheries and Food what is his estimate of the cut in farmgate prices of cereals which would be necessary to secure a diminution in the overall level of production of cereals within the European Economic Community.

Mr. Gummer: Lower prices will, over time, lead to lower production than would otherwise have occurred, but as I an unable to predict either the weather or the speed of technological change, I cannot predict accurately what amount of price reduction will be necessary to produce a given amount of production.

Mr. Evans: Putting that answer on one side, does the Minister agree that substantial cuts in producers' prices would not only damage farmers' incomes but would have a devastating effect on rural employment and the rural economy, which have already been badly damaged by the actions of the Government over the past five years? Would it not be more intelligent to have a more sensible, balanced package of measures which would include some measure of quotas, which would be beneficial to farmers of marginal land?

Mr. Gummer: No system of quotas or anything else will be sensible if one does not take into account the fact that weather changes from year to year and that the speed of technological change alters the amount of excess with which one has to deal. The hon. Gentleman cannot just ignore those two basic facts. For that reason, he will know that we are working for a package that will meet those needs. The hon. Gentleman cannot get out of the situation that the proposal that he has put forward would not be acceptable to any part of the industry.

Mr. Bill Walker: Will my right hon. Friend bear in mind, when looking at the production of wheat and cereals, that in Scotland feed wheat is commercially grown there and that we are not in a state of surplus? In fact we are substantially short of a surplus. This factor has to be borne in mind, because it affects many other issues.

Mr. Gummer: We have to look at the surpluses in the Community as a whole in all commodities. It would not be possible to maintain a system under which we went on increasing the surpluses in the rest of the United Kingdom and, indeed, in the rest of the European Community until such time as every part was self-sufficient. But my hon. Friend is absolutely right to say that the arrangements that we make must take into account the particular problems of Scotland and the growth of wheat in Scotland.

Mr. John: I thought that it was only the Department of the Environment with which the right hon. Gentleman quarrelled, but now he is quarrelling with the Minister of Agriculture. As the Minister has told us repeatedly that surpluses are to be controlled by cutting farmgate prices, how on earth are we to take that seriously if he cannot even estimate what cut is necessary to bring down production?

Mr. Gummer: The hon. Gentleman, who leads for the Opposition, must accept that last year's harvest, in both quantity and quality, was very much affected by the weather, as was the previous year's harvest. The question that was tabled asked whether I would predict what price would result in a given amount of production. Any Minister who did that would be damned foolish.

Mr. Leigh: If it is considered impossible to obtain a consensus in Europe on the level of price restraint deemed necessary to curb over-production, and if it is considered necessary to add a policy of set-aside to price restraint, does my right hon. Friend agree that compulsory set-aside should be resisted, as it would favour the less productive cereal-growing areas, and that a suitable way forward might be voluntary set-aside coupled with price restraint and tax incentives to encourage farmers to move into alternative crops, such as forestry?

Mr. Gummer: In our discussions with the Council of Ministers my right hon. Friend made it clear that one of the matters that we should like to have looked at very carefully was the principle of voluntary set-aside. I am sure that much, if not all, of what my hon. Friend has said is right.

Food Standards (Advisory Committees)

9. **Mr. Meadowcroft** asked the Minister of Agriculture, Fisheries and Food what form of words encompasses the confidentiality agreed for members of advisory committees on food standards.

Mrs. Fenner: When they are appointed, members of the Food Advisory Committee are informed that under the terms of the Official Secrets Act information given to them in their capacity as members of the committee should not be disclosed outside the committee.

Mr. Meadowcroft: In view of the Minister's reply, why did she write to her hon. Friend the Member for Thanet, South (Mr. Aitken) on 23 May stating categorically that the members of those two committees are required to sign the Official Secrets Act, although her right hon. Friend, who is sitting next to her, denied that in March of this year?

Mrs. Fenner: They are not required to sign the Official Secrets Act, but the answer that I have just given to the hon. Gentleman is conveyed to them. That is only in respect of commercial confidentiality, because full reports of the advice of that committee and of the committee on toxicity are published by Her Majesty's Stationery Office.

Mr. Aitken: Although I am sure that my hon. Friend is almost as surprised as I am that our previous billets doux on the subject of official secrecy have been revealed this afternoon by the Liberal party, will she nevertheless consider the absurdity of the Government's position? Surely it is unrealistic and unwise to invoke the criminal law when food advice should be the subject of maximum publicity, rather than the subject of maximum secrecy?

Mrs. Fenner: It is common practice for all Governments to respect commercial confidentiality and not to divulge information from one company that might be of direct benefit to its competitors. I assure my hon. Friend that the information is totally exposed when safety is involved. If he feels that it is not sufficiently accessible, I remind him that my right hon. Friend has already told the House that we are having discussions with the British Library to ensure that all such information is placed in that library, so that it might be more accessible to the public.

Mr. Randall: Is the Minister aware that a great deal of suspicion surrounds the operations of the Food Advisory Committee? I recognise the need for certain commercial confidentiality, but does she agree that the time has come for more openness by this public body?

Mrs. Fenner: I realise that the hon. Gentleman prepared his question before I gave my previous answer. I hope that I have reassured him by repeating what my right hon. Friend has said, namely, that we are discussing arrangements for placing that information in the British

Library. At the moment we exhort all sources of such research to make it public, but it is very difficult to get the information into scientific journals, because sometimes it is rather pedestrian and pretty dull. Therefore, we are discussing whether it can possibly be placed in the British Library.

Dairy Quotas

10. **Mr. Phillip Oppenheim** asked the Minister of Agriculture, Fisheries and Food what measures he will take to encourage the European Economic Community to extend the more flexible dairy quota scheme beyond an initial one-year period.

Mr. Gummer: The Commission has not proposed extending this provision. We shall need to consider very carefully our position on this, because I see some difficulty in justifying the continuation of a measure which limits the effectiveness of the quota system while we still have a 14½ million tonne surplus of milk.

Mr. Oppenheim: I welcome the Government's success in encouraging the European Economic Community to accept the principle of flexibility, but will my right hon. Friend commit himself to pushing as hard as possible for that flexibility to be extended beyond the first year, because that is essential for the efficiency of the dairy sector?

Mr. Gummer: The flexibility which is important is the ability to lease or to buy quotas. That is the flexibility which we particularly need and which we have not yet won.

Forestry

11. **Mr. Yeo** asked the Minister of Agriculture, Fisheries and Food by how much the total acreage planted for forestry in England and Wales has changed in the last year for which figures are available.

Mr. Jopling: Between 1 April 1984 and 31 March 1985 the total area of new planting in England and Wales by the Forestry Commission and by private woodland owners with the aid of Commission grants was 2,222 hectares, compared with 3,216 hectares in the previous 12-month period.

Mr. Yeo: Does my right hon. Friend agree that it would be highly desirable for more land to be devoted to forestry and less to producing those crops which are already in surplus? Will he, therefore, consider introducing additional incentives to increase the amount of land devoted to forestry?

Mr. Jopling: I shall certainly consider that, but my hon. Friend should know that the Government's policy is to encourage the expansion of forestry in ways consistent with the needs of other rural interests. Substantial funding of private forestry takes place through the Forestry Commission's grant schemes, and there has been a significant rise in private planting levels over the past few years.

PRIME MINISTER

Engagements

Q1. **Mr. Corbyn** asked the Prime Minister if she will list her official engagements for Thursday 10 April.

The Prime Minister (Mrs. Margaret Thatcher): This morning I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further meetings later today.

Mr. Corbyn: Will the Prime Minister tell us whether she has confidence in her lame duck Secretary of State for Education and Science or in the governors of Christ's college school in her constituency, who have decided under the chairmanship of the former chairman of the Finchley Conservative party, Councillor John Tiplady, that it is impractical to proceed with the general certificate of secondary education examination course starting this September?

The Prime Minister: I have great confidence in my right hon. Friend the Secretary of State for Education and Science, and so have my constituents.

Mr. Mudd: Will my right hon. Friend reflect, in the period between her other meetings today, on the fact that that if the roof of a Cornish tin mine fell in and three Cornish tin miners were killed the world would see a flurry of activity at Westminster and Whitehall and much attention paid to the Cornish crisis? Yet one Cornish tin mine has closed, 270 jobs have died and the life of a community is in peril. Why is there not the same interest on the part of Whitehall in this crisis in Cornwall to which we expect the Government to respond?

The Prime Minister: I have made it clear on previous occasions that the Government would be prepared to consider applications for projects to bring the tin mines up to commercial viability. I understand that the Department of Trade and Industry has received an application for assistance from the Geevor tin mine. It will be considered as soon as possible.

Dr. Owen: Will the Prime Minister confirm that she has offered talks on an open agenda to the leaders of the Ulster political parties and that the right hon. Member for Lagan Valley (Mr. Molyneaux) was wrong when he said in a radio interview today that the talks are not open but conditional? Will she confirm that there are no preconditions on either side?

The Prime Minister: I have made it absolutely clear that the Anglo-Irish accord, endorsed by the House and the other place, will continue and will be implemented. I would very much like, nevertheless, to have talks with the representatives of the Unionist party on matters which have been previously identified and on other matters if they wish to bring them up.

Mr. Adley: Is my right hon. Friend aware that British publishers are losing tens of millions of pounds through piracy, and that the two countries with the worst record in this regard are Taiwan and South Korea? Has she raised with Mr. Chun during his visit the problems that his country's companies are causing British publishers? If not, will she please do so?

The Prime Minister: I did not raise that particular matter with the President. I believe that it was raised by the Department of Trade and Industry. We are greatly concerned about it. Singapore is another country which is taking action, I understand.

Q2. **Mr. Mikardo** asked the Prime Minister if she will list her official engagements for Thursday 10 April.

The Prime Minister: I refer the hon. Gentleman to the reply that I gave some moments ago.

Mr. Mikardo: I thank the right hon. Lady for that reply. Will she have time today to reply to a letter that she received some time ago from the general secretary of the Association of Scientific, Technical and Managerial Staffs about the deteriorating position in the Westland factory at Weston-super-Mare? Will she have time today to tell United Technologies that if it is operating factories in Great Britain it must do so within the framework of British and not American labour law?

The Prime Minister: If it is a matter for the law, it will be a matter for my right hon. and learned Friend the Attorney-General. If it concerns only a private sector company, it is a matter for the company.

Q3. **Mrs. Peacock** asked the Prime Minister if she will list her official engagements for Thursday 10 April.

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Mrs. Peacock: Has my right hon. Friend had an opportunity today to read the leader in *The Times*, which suggests that the Government will not honour the Anglo-Irish agreement? Will she confirm to the House that she is totally committed to its success and to its implementation?

The Prime Minister: Yes. As I have indicated, the Government are committed to the Anglo-Irish accord and to its implementation, and will continue to implement it. Of course, we should also like to talk to the Unionists on the basis which I indicated previously, on particular points. I hope that the Unionists will take advantage of that opportunity to come and talk, but the accord will continue.

Mr. Kinnock: May I first say that a continuing commitment to the accord, coupled with a dialogue with people from the Unionist section of the community in Northern Ireland, is an intelligent approach which will be supported on the Labour side of the House?

Is the Prime Minister aware that there is widespread support among the disabled and the professional and voluntary organisations that have particular care for the disabled for the private Member's Bill that has been introduced by my hon. Friend the Member for Monklands, West (Mr. Clarke)? Will she give an undertaking that when the Bill is debated tomorrow the Government will not introduce any amendments that would weaken or in any way impede its principles as introduced by my hon. Friend?

The Prime Minister: As the right hon. Gentleman is aware, the Government have tabled certain amendments to the Bill which we believe will make proper provision without imposing undue burdens on local authorities.

Mr. Kinnock: The Government's approach to the Bill is cheap and nasty. Will the Prime Minister accept that, in the interests of humanity and efficiency in providing proper care for the disabled, and in the interests of those who care for them and save the country £5 billion a year, the Bill would go much of the way towards ensuring that the disabled are properly represented and that information about their cases is properly communicated?

The Prime Minister: When it comes to expressing concern for the disabled, this Government have an extremely good record—better than that of any previous Government. *[Interruption.]* We have increased spending on benefits for the long-term sick and disabled by over one third in real terms to over £4·5 billion. Associations representing the disabled made it clear when we came into office that their main priority was a speeding-up of the introduction of the mobility allowance, which we did. We increased substantially its value. We made it non-taxable and we increased spending—*[Interruption]*——

Mr. Speaker: Order. The Prime Minister was asked a question. She is giving the answer and the House should listen.

The Prime Minister: We increased spending on the mobility allowance by four and a half times in real terms. It is not for the right hon. Gentleman to criticise the record of this Government on help for the disabled.

Mr. Kinnock: Surely the right hon. Lady must know that no one who is disabled or who cares for the disabled can accept the description of her policies that she has offered. It does not stand up in practice. Is it not the case that she heads a Government who cut the invalidity allowance? Have not her Government inflicted cuts on local government which have prevented it fulfilling even its statutory duties towards the disabled? Will she further accept that all the advances that have been made under her Government were originated by the last Labour Government? If the Prime Minister cares as much as she says she cares, surely supporting my hon. Friend's Bill would be a very small addition to what she has already done.

The Prime Minister: Which of the facts that I have given does the right hon. Gentleman quarrel with? In addition, we have extended the long-term supplementary rate to many disabled people, we have extended the entitlement to invalidity care allowance to non-relatives, and we have abolished the invalidity trap, which will benefit over 50,000 disabled people. It is an excellent record for disabled people, and all the finance has been found in the lifetime of this Government.

Mr. Parris: Can my right hon. Friend find time to express to Fidel Castro, through the Cuban ambassador, her congratulations on his decision to sell Cuban council houses to their existing tenants?

The Prime Minister: I confess that I do not regard that as of top priority today, but any move towards capitalism and freedom by a Communist society is welcome.

Mr. Douglas: Will the Prime Minister find time in her busy day to reply to a letter that I sent her in relation to the ordering of auxiliary oil replenishment vessels? Will she give us some indication that the rules in terms of procurement policy have been obeyed here? In addition, will she end the speculation in relation to the ordering of type 23 frigates 02, 03 and 04 and confirm that some of those orders will go to Yarrow as the lead yard?

The Prime Minister: As I have said, the figures on the AORs are being looked at to ensure that the competition is fair. I have no further statement to make at present.

Q4. **Mr. Cockeram** asked the Prime Minister if she will list her official engagements for Thursday 10 April.

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Mr. Cockeram: Is my right hon. Friend not concerned that, following the drop in world oil prices, our electricity generating industry is still paying historic and artificially high prices for its coal, with the consequence that our electricity prices to British industry are higher than those on the continent? Is she aware that this is having detrimental effects on employment in industry? Will the Prime Minister seek to ensure that this further hidden subsidy to the coal industry is ended?

The Prime Minister: I think my hon. Friend will agree that what he says is very good evidence of the wisdom of this Government's policy for the coal industry of getting rid of uneconomic pits and concentrating on economic pits that have good seams and where higher productivity can produce lower-priced coal, to the benefit both of the coal industry and of the electricity industry. He is quite right. The electricity supply industry will have to be in touch with the National Coal Board about the price of coal to enable electricity suppliers to pass on some of the reductions that people have been expecting since the fall in the price of oil.

Q5. **Mr. Simon Hughes** asked the Prime Minister if she will list her official engagements for Thursday 10 April.

The Prime Minister: I refer the hon. Gentleman to the reply that I gave some moments ago.

Mr. Hughes: Will the Prime Minister accept that some of the Government's policies for the inner city, ring pretty hollow when, at the same time as money is cut back for housing for rent in the public and private sector and there is in the south-east an 11·8 per cent. increase in the cost of housing, in docklands a former criminal can run a docklands property centre which in 18 months has been able, as a result of insider dealing, to resell housing bought for £75,000 at prices of £250,000 and above? Will she make sure that her right hon. and learned Friend the Attorney-General and her right hon. Friend the Secretary of State for the Environment investigate the abuse and exploitation of housing in the inner city, to the detriment of people who desperately need to be housed?

The Prime Minister: The hon. Gentleman will be aware that the amount devoted to the urban grant has been greatly increased during the lifetime of this Government. Moreover, I am sure that he would be the first to wish to congratulate the Government on the London docklands authority, which has done things for that part of London that have never been done before under any Government, including the provision of much cheaper housing.

Q6. **Mr. David Atkinson** asked the Prime Minister if she will list her official engagements for Thursday 10 April.

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Mr. Atkinson: Will my right hon. Friend resist any temptation to compromise on the Shops Bill, which, although superficially attractive, would lead only to new anomalies, unenforceable laws and, in the suggestion of passing the buck to local authorities, would only add to the nationwide hotch-potch of local standards that already exist for pub hours, sex shops and the fluoridation of water supplies? Will she tell the House that next week we will have a straight choice between freedom of choice on Sunday observance and the strict and costly enforcement of the existing criminal law by local authorities?

The Prime Minister: I believe that it is common ground that the present law is unenforceable, and that if one attempted to enforce it, that would have the effects that my hon. Friend has described. Many people will share my hon. Friend's view. The proposals are contained in the Bill which I have reason to believe will be before the House shortly.

Business of the House

3.31 pm

Mr. Neil Kinnock (Islwyn): May I ask the Leader of the Houe to state the business for next week?

The Lord Privy Seal and Leader of the House of Commons (Mr. John Biffen): Yes, Sir. The business for next week will be as follows:

MONDAY 14 APRIL—Second Reading of the Shops Bill *[Lords]*.

TUESDAY 15 APRIL—Timetable motion on the Social Security Bill.

Second Reading of the National Health Service (Amendment) Bill.

Motions relating to legal aid and advice orders and regulations, details of the relevant statutory instruments will be given in the *Official Report*.

WEDNESDAY 16 APRIL — Remaining stages of the Agriculture Bill.

Motion relating to the Education (Schools and Further Education) (Amendment) Regulations.

Motion on the Commission on Disposals of Land (Northern Ireland) Order.

THURSDAY 17 APRIL—Opposition Day (11th Allotted Day) until about seven o'clock there will be a debate on education. The debate will arise on a motion in the names of the Leaders of the Liberal and Social Democratic parties. Afterwards there will be a debate on regional policy on a motion in the names of the leaders of the Scottish Nationalist party and Plaid Cymru.

FRIDAY 18 APRIL—Private Members' Bills.

MONDAY 21 APRIL—Opposition Day (12th Allotted Day) there will be a debate on an Opposition motion. The subject for debate to be announced.

[Legal Aid Regulations for Debate on Tuesday 15 April 1986:

Legal Aid (Scotland) (Assessment of Resources) Amendment Regulations 1986

Legal Aid in Criminal Proceedings (General) (Amendment) Regulations 1986

Legal Aid (Assessment of Resources) (Amendment) Regulations 1986

Legal Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1986

Legal Advice and Assistance (Amendment) Regulations (Northern Ireland) 1986

Legal Advice and Assistance (Scotland) Amendment Regulations 1986

Legal Advice and Assistance (Amendment) Regulations 1986.]

Mr. Kinnock: I am grateful to the right hon. Gentleman. Will he give an undertaking to use his considerable influence to ensure that there is a free vote among Conservative Members on the Second Reading of the Shops Bill next Monday? As he is a supporter of choice, does he not believe that choice should be extended to members of his own party as well as to other hon. Members over something that is very much a matter of conscience for many hon. Members? Will the right hon. Gentleman give an undertaking to discuss through the usual channels the possibility of giving extra time for the debate on Monday night?

During the debate on the legal aid and advice orders next Tuesday, serious and very complicated matters will arise that will require extensive examination. May we have extra time for that debate?

May I remind the Leader of the House of his promise before the Easter recess of a debate on the future of British Leyland and its constituent parts? Will he ensure that the Secretary of State for Trade and Industry comes to the House as quickly as possible to make a statement about the recent developments and, in particular, the claim by current bidders, as reported in this morning's edition of the *Financial Times*, that they had been "misled" by the Secretary of State for Trade and Industry?

Last weekend's letter from the National Advisory Body for Public Sector Higher Education to polytechnic directors caused justifiable alarm at the proposed cuts in the next academic year. The knowledge that the University Grants Committee is preparing letters for all universities to plan 2 per cent. cuts in the same year is likely to meet a similar alarmed response. There is widespread concern at the continuing reduction in opportunities at universities and other institutions for higher education for young people with the necessary qualifications. Will the right hon. Gentleman grant Government time very soon for a proper debate on higher education before the NAB and the UGC have their proposals taken any further?

Finally, can the Leader of the House ensure that an opportunity is granted soon for a debate on the test ban treaty? This and many other international issues are growing in importance and completely justify the allocation very soon of at least two days for a comprehensive foreign affairs debate.

Mr. Biffen: The right hon. Gentleman will realise that the conventions of voting lie with my right hon. Friend the Patronage Secretary, who will have heard the eloquent plea just made and will evaluate it accordingly.

I realise that the Shops Bill is causing concern in all parts of the House, and I shall be happy to have the matter of extra time for debate further considered through the usual channels.

Perhaps we can also consider, through the usual channels, the timing and duration of Tuesday evening's debate on the orders on legal aid matters.

Obviously, I stand by the previous statements I have made about the timing of the debate on British Leyland. Meanwhile, I will convey to my right hon. Friend the Secretary of State for Trade and Industry the right hon. Gentleman's interest in a statement on this matter.

I take note of what the right hon. Gentleman says about the desirability of a debate on the higher education problems, related to the work of the National Advisory Body and the University Grants Committee. We will consider the matter through the usual channels and there is at least a chance of having a debate on education on Wednesday next week.

Finally, I take at once the point the right hon. Gentleman makes about the test ban treaty, underlining the importance of a foreign affairs debate; perhaps we might consider that matter further.

Sir Paul Bryan (Boothferry): Do the Government intend to have the Shops Bill committed to a Special Standing Committee?

Mr. Biffen: Such a matter, by tradition, is discussed through the usual channels, but I take note of my hon. Friend's interest in it. I believe there would be merit in such a procedure, and we might consider it.

Mr. David Alton (Liverpool, Mossley Hill): Given that the proposal to introduce Sunday trading was not contained in the 1983 Conservative party manifesto, will the Leader of the House accept that opinion on these Benches very much supports the idea that there should be a free vote? Will he communicate that fact to the Patronage Secretary? Will he also accept that many of us would like the debate extended to midnight on Monday, so that all sides of the question can be put?

I notify the Leader of the House that, during the debate on Thursday next, the Liberal party and the Social Democratic party intend to move a motion of no confidence in his right hon. Friend the Secretary of State for Education.

Mr. Biffen: As to the final point, we will bear the rigours of a "no confidence" vote with such equanimity as we can muster. The hon. Gentleman will appreciate that the points he made earlier about the Shops Bill were also made by the Leader of the Opposition, and I am favourably disposed to both requests.

Sir William Clark (Croydon, South): Will my right hon. Friend consider an early debate on the future of occupational pensions? Is he aware of the urgency of this matter? If occupational pension funds were forced to invest in a national investment bank, which would invest in lame ducks, it would affect 11 million occupational pensioners who are looking forward to pensions for which they have subscribed?

Mr. Biffen: My hon. Friend makes an extremely fair and pertinent point. I have no doubt that we shall recognise that one of the new badges of Socialism is not the ownership of equity by the state, but the political direction of private funds. I cannot immediately offer the prospect of a debate, but I suspect that the course of the Finance Bill itself will allow the matter to be dealt with.

Mr. Peter Shore (Bethnal Green): In view of your important ruling yesterday, Mr. Speaker, on hybridity with respect to the Airports Bill and Manchester airport, when does the Leader of the House expect to announce the formation of a Joint Committee on Private Bill Procedure which can fully consider hybridity and other matters?

Mr. Biffen: The matter is under consideration. I hope to be in touch with the right hon. Gentleman about it.

Sir John Biggs-Davison (Epping Forest): Has my right hon. Friend noticed that the substantial support by both sides of the House for early-day motion 280 is still growing?

[That this House notes the widespread concern felt in Parliament by eminent scientists, by other responsible observers and by members of the public who have viewed programmes on the matter screened by Channel 4, that Anne Maguire, Patrick Maguire (senior), Vincent Maguire (then aged 17), Patrick Maguire (then aged 14), Sean Smyth, Patrick O'Neill and the late Giuseppe Conlon, sentenced in 1976 to long terms of imprisonment since served, now appear, despite confirmation of their convictions at the time by the Court of Appeal, to have been entirely innocent of the crime with which they were charged; further notes at the conclusion of a debate in the other place on 17th May 1975, the recognition by the Parliamentary Under-Secretary at the Home Office of the strength of feeling on this matter in that House and his pledge to draw the attention of the Secretary of State for the Home Department to what had been said; and therefore earnestly urges the Secretary of State for the Home Department in the interests of the highest standards of British justice of which this country needs to feel rightly proud, to move without delay for a review of these convictions, either under the provisions of section 17 of the Criminal Appeal Act 1968, or by such other public process of review as he may deem appropriate to this disturbing case.]

Will we at least have an interim statement next week on the Government's position on the miscarriage of justice in the Maguire case?

Mr. Biffen: My hon. Friend has made this point to me a number of times. I shall certainly look at the matter and refer it to the appropriate Department so that it is considered.

Mr. Alfred Morris (Manchester, Wythenshawe): Further to the right hon. Gentleman's reply to my right hon. Friend the Member for Bethnal Green and Stepney (Mr. Shore), is he prepared to refer to the Joint Committee my exchange of correspondence with Mr. Speaker about hybridity and the Airports Bill?

Mr. Biffen: I cannot answer that question specifically in the terms in which it has been presented. I think that we should wait until we have had initial discussions on the topic. I shall bear the right hon. Gentleman's anxiety in mind.

Sir Dudley Smith (Warwick and Leamington): Is my right hon. Friend aware that the Animals (Scientific Procedures) Bill passed its Committee stage just before Easter with flying colours? Because that legislation is well in advance of other European legislation and because it deals specifically with animal rights, will my right hon. Friend consider bringing forward the Report and Third Reading stages sooner rather than later?

Mr. Biffen: I take note of my hon. Friend's comments. I should like to underline what he said about the way in which the Bill was handled in Committee. I think that my hon. Friend will appreciate that, at this time of the year, there are a number of competitors for parliamentary time.

Mr. Jack Ashley (Stoke-on-Trent, South): Is the right hon. Gentleman aware that nearly two months have passed since a deputation went to see the Secretary of State for Defence? That deputation was composed of hon. Members on both sides of the House, gravely disabled service men who had been crippled by alleged negligence and the parents of service men who had been burned to death, again by alleged negligence. The deputation asked the Secretary of State to repeal section 10 of the Crown Proceedings Act 1947 and to enable disabled service men on non-combatant duties or their survivors to claim the same compensation as that claimed by any other public servant. However, we have not received a reply from the Secretary of State. Will a statement be made next week?

Mr. Biffen: I appreciate that point and the difficulty that would be faced in raising it on Second Reading of the National Health Service (Amendment) Bill. Those matters

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are not totally unrelated. I shall refer the right hon. Gentleman's point to my right hon. Friend the Secretary of State for Defence.

Sir Adam Butler (Bosworth): Does my right hon. Friend accept that many Conservative Members object to the fundamental principle of total deregulation in the Shops Bill? Does he accept also that we want change and would genuinely like to help him put the right legislation on the statute book? Does he agree that, during Monday's debate, one or both of the Ministers should give us a categorical assurance that the Government will support amendments that would remove total deregulation in a suitable way?

Mr. Biffen: I very much appreciate my hon. Friend's point about the necessity for legislation and about the vitality of the debate about the appropriate type of legislation. I shall certainly draw the attention of my right hon. Friend the Home Secretary to that point.

Mr. Dafydd Wigley (Caernarfon): About the business on Friday next week, will the right hon. Gentleman confirm that, if the Disabled Persons (Services, Consultation and Representation) Bill is talked out tomorrow because of the intervention of the Government Whips Office—which has asked Conservative Members to talk at length on the Bill—that will happen on the very day that the Prime Minister is visiting disabled people in Devon? Will the right hon. Gentleman assure us that there will be time next Friday to consider that legislation?

Mr. Biffen: The usual procedures will be followed.

Sir John Farr (Harborough): Can my right hon. Friend set at rest the fears of those in the knitwear and hosiery trade about the current negotiations on the future multi-fibre arrangement? If the discussions come to a head, as they may well do, within the next week or two, will he arrange for any proposals to be placed before the House?

Mr. Biffen: I know that my hon. Friend will appreciate that the House debated the multi-fibre arrangement on 13 February. Negotiations on renewal of the multi-fibre arrangement are under way and the House will be kept informed of progress.

Mr. Andrew Faulds (Warley, East): As the right hon. Gentleman will know, tomorrow Christie's is quite improperly auctioning a painting by Goya which the Spanish Government—[HON. MEMBERS: "No."] In that case I shall withdraw my question. I am relieved to hear the change of mind by Christie's.

Hon. Members: It has been sold.

Mr. Speaker: Order. I do not know whether there is any Government responsibility for that.

Mr. Conal Gregory (York): Will my right hon. Friend find time during the following week to have a major debate on Britain's fastest growth industry, tourism, in view of the slur that the chairman of ICI has made equating service with servility? We should also debate the fact that this country desperately needs a growth in manufacturing industry as well as in tourism and a chance to debate the Select Committee on Trade and Industry's report?

Mr. Biffen: Before I answer that, perhaps I might be allowed to maintain my self-sought standard of being a philistine. I did not know that Christie's was selling a painting tomorrow.

I am attracted to the fact that there should be an opportunity for the House to debate tourism, which is such an important element in our economy and provides so many jobs. I think that my hon. Friend may find that the Committee on the Finance Bill will give him the chance he is looking for, one way or another.

Mr. Roland Boyes (Houghton and Washington): Will the Leader of the House investigate and make a statement on press speculation that the Prime Minister is to be invited to open the Nissan factory in the north-east of England? As the Member of Parliament for that constituency, I would find her presence unwelcome and unacceptable because of the great damage that the Government's policies have caused to the economy of the north-east and the suffering they have caused our people in the region with the highest unemployment in Great Britain. Further than that, it would be an insult to the three authorities which negotiated the Nissan deal to attract it to my area. It is totally unacceptable and we do not want her there.

Mr. Biffen: Well there we are. I must say that many people in the north-east, earning a great deal less than the hon. Gentleman, will be only too delighted to see Nissan located there and will be happy to see the authority of this country symbolised by the commitment of the Prime Minister to that project. I do not know whether she is going but I shall refer the hon. Gentleman's comments to my right hon. Friend.

Mr. Kenneth Warren (Hastings and Rye): Bearing in mind the fact that my right hon. Friend is aware that over two weeks ago the Select Committee on Trade and Industry published a unanimous report on the tin crisis, will he persuade his right hon. Friend the Secretary of State for Trade and Industry to come to the House next week to reply to that report and tell the House what the Government will do to help the Cornish tin miners, before there are none left? Will he give time, as recommended in the report, for a debate on the refusal of the Secretary of State for Trade and Industry to allow civil servants to answer our questions in full or to answer them himself?

Mr. Biffen: My hon. Friend has raised an important point and I shall certainly look into it.

Mr. Tam Dalyell (Linlithgow): Does the leader of the House recollect that, during the Easter Adjournment debate he undertook to look, with the Ministry of Defence and the Treasury, at the case of Mr. Jim Smith, and at the case of Mr. Clarence Robinson? In the light of the fact that Secretary Weinberger has apologised to the Secretary of State for Defence over the Clarence Robinson episode, should not some statement be made next week? How is the right hon. Gentleman getting on with the Ministry of Defence and the Treasury?

Mr. Biffen: I recollect the Easter Adjournment debate, not least because the hon. Gentleman reminded me specifically to include the Treasury in my consideration.

Mr. Dalyell: Yes.

Mr. Biffen: There, we are at one. I shall look at the matter afresh and be in touch with the hon. Gentleman.

Mr. Michael Fallon (Darlington): Can we have an early debate on mortgage tax relief so that every household with a mortgage will be able to understand how expensive a vote for either of the alliance parties would be?

Mr. Biffen: The point which my hon. Friend makes is not only topical but one of growing public interest. The earliest opportunity for the matter to be debated will be in Committee on the Finance Bill.

Mr. David Penhaligon (Truro): May I remind the Leader of the House that, next week, it is six months since the tin crisis started. Is it not appropriate that the House should provide time——

Mr. Brian Sedgemore (Hackney, South and Shoreditch): And money

Mr. Penhaligon: —for the Select Committee report to be discussed? The Government would have the opportunity to defend their total lack of action to date.

Mr. Biffen: I could not accept those astringent and ungenerous remarks. I realise that the tin crisis continues to be a lively concern in the House. I shall draw the attention of my right hon. Friend the Secretary of State for Trade and Industry to the points which have been made this afternoon.

Sir Kenneth Lewis (Stamford and Spalding): Since the Second Reading of the Shops Bill will take place next Monday, will my right hon. Friend consider making it a two-day debate and bring us here on Sunday so that we will know what it will be like when the shops are open?

Mr. Biffen: With a modicum of success, I have resisted the temptation to be an innovative Leader of the House. I certainly have no intention that we should come here on a Sunday to discuss the Shops Bill.

Mr. Harry Ewing (Falkirk, East): Will the Leader of the House arrange for the Secretary of State for Scotland to make a statement on the crisis in Scottish prisons? Is the Leader of the House aware that Scotland has the highest male prisoner population per head of the population in western Europe? Prisoners on remand are being transferred to youth institutions, which is totally unsatisfactory. Prisoners are held and prison officers work in absolutely intolerable conditions. I urge the Leader of the House to urge the Secretary of State for Scotland to make a statement on this crisis.

Mr. Biffen: I will draw the attention of my right hon. and learned Friend the Secretary of State for Scotland to the points that the hon. Gentleman has made. I realise that the hon. Gentleman feels that it is an important topic.

Mr. Richard Ryder (Mid-Norfolk): In view of the Government's commitment to conserve unique parts of the British landscape, as witnessed by their welcome decision to bring forward the Bill relating to the Broads and the success of the Halvergate grazing scheme, does the Leader of the House agree that this is a suitable moment for a major debate on conservation?

Mr. Biffen: Yes, if there were much more time available than I possess at present.

Mr. Robert Parry (Liverpool, Riverside): Has the Leader of the House noticed the three early-day motions 673, 680 and 700?

[That this House recognises that while the Prime Minister has condemned dictatorships, her Government has invited Chun Du Hwan to visit Britain following the brutal suppression of trade union and civil rights in his country; and accordingly calls for his visit to be cancelled.]

[That this House registers acute concern at the findings of Amnesty International in relation to the incidence of repression, suppression and torture in South Korea, exemplified by the case of Kim Keun-tae who was subjected to persistent police harassment, arbitrary arrest, denial of basic civil and legal rights, detention incommunicado and severe physical beating and abuse; urges the Prime Minister to take the opportunity of the visit to this country of President Chun Doo-Hwan to make strenuous representation of such acute concern, as she has been wont to do publicly in cases of other countries accused of similar or even less severe charges; and further urges her most earnestly to ensure that on the occasion of her reciprocal visit to South Korea next month she insists on meeting opposition representatives, especially Mr. Kim Dae Jung, Mr. Kim Young Sam, Mr. Lee Min Woo and Cardinal Kim Sou Dwan to satisfy herself and this country that they are made fully aware of prevailing circumstances and publicly to express British support for systems of government where opposition can be expressed freely, organised openly and demonstrated without penalty.]

[That this House calls upon the Prime Minister in her meeting with President Chun of South Korea to call for democratic reforms and the restoration of human rights in South Korea, to support Her Majesty's Government's official policy of the peaceful re-unification of the peninsula of Korea and to press for the withdrawal of all foreign troops and nuclear bases on Korean soil.]

The early-day motions deal with the visit of President Chun of South Korea. Will the Leader of the House ask the Prime Minister or the Foreign Secretary to make a statement, next week, from the Dispatch Box, to say whether the matters of human rights and freedoms of trade unions and the peaceful reunification of North and South Korea have been discussed? Unification is the official policy of the Government.

Mr. Biffen: I am sure that the House hopes that the visit of the President of South Korea will result in success from every point of view, not least in the mutual commercial interests that we have. I will certainly draw the attention of my right hon. and learned Friend the Foreign Secretary to the points that the hon. Gentleman has made.

Sir Geoffrey Finsberg (Hampstead and Highgate): Reverting to the Shops Bill, when my right hon. Friend has his talks through the usual channels, will he do two things? Will he refuse to succumb to the siren voices who believe that two hours extra debate will make the slightest difference, since most minds are already made up?

If my right hon. Friend listens to the advice of my hon. Friend the Member for Stamford and Spalding (Sir K. Lewis) and brings us here on a Sunday, will he arrange to make sure that public transport and public utilities are not working? That is the obvious wish of those who want nothing to be done on Sundays.

Mr. Biffen: I have had quite enough problems with the Shops Bill without trying to fine-tune our experiences on a Sunday. I will leave that to one side. I take account of what my hon. Friend says about the extension of time on

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Monday. I believe that a number of Members would like the time extended and it is something to be considered through the usual channels.

Mr. Ron Brown (Edinburgh, Leith): Will the Leader of the House arrange an early debate on the middle east, bearing in mind the unstable nature of that part of the world and recognising that Mr. Reagan has not helped the position? Indeed, will the Leader of the House understand that all the threats against Libya, for all its faults, can only endanger our citizens who work legitimately for the Libyan Government?

Mr. Biffen: I have told the Leader of the Opposition that I thought we should try to find some agreed time for a foreign affairs debate. While I do not agree with overmuch of what the hon. Gentleman said, I agree that the middle east would be a central feature of such a debate.

Mr. Michael McNair-Wilson (Newbury): In view of the important remark of my right hon. Friend the Member for Chingford (Mr. Tebbit) about the poisonous effect of certain legislation passed during the permissive sixties, does not my right hon. Friend think that the time that we shall use on the unnecessary Shops Bill could be better spent on reforming some of that legislation — for example, the Obscene Publications Act 1964?

Mr. Biffen: If one moves from the generality to the specific proposition, the whole matter becomes rather more contentious. However, my hon. Friend may well have the good fortune to make that point in Monday's debate.

Several Hon. Members *rose*——

Mr. Speaker: Order. I am always reluctant to curtail business questions, but we have an important statement and a heavy day before us. I shall allow a further 10 minutes and then we must move on. If questions are brief, I shall be able to call every hon. Member who has been rising.

Mr. Robert N. Wareing (Liverpool, West Derby): Has the Leader of the House noticed that more than 100 hon. Members from both sides of the House have signed early-day motion 627 congratulating the Disablement Income Group on its 21st anniversary?

[That this House congratulates the Disablement Income Group on achieving 21 years of service to the cause of disabled people; recognises its important role in informing Parliament and the public of the needs of disabled people; and looks forward to the attainment of its objectives, including the provision of a comprehensive national disability income, including a disablement costs allowance, and a society in which disabled people enjoy full equality of opportunity.]

Does he agree that, if he wishes to be associated with that notice, he should respond to that organisation's press release of today calling for an abandonment of the Government's amendments to the Disabled Persons (Services, Consultation and Representation) Bill of my hon. Friend the Member for Monklands, West (Mr. Clarke), which is due for debate tomorrow? Does he agree that, in view of the curtailment of the debate on the Social Security Bill next week, the Government should respond by giving Government time to allow my hon. Friend's Bill to go through?

Mr. Biffen: First, the point of substance should be directed to the Minister who has responsibility for handling the Bill from the Government Bench. Secondly, there is a reasonable case to be made for the timetable motion that is being proposed next week. I do not wish there to be any misunderstanding whatever: there is no prospect of Government time being made available for the Disabled Persons (Services, Consultation and Representation) Bill.

Mr. Richard Holt (Langbaurgh): My right hon. Friend will recall that, although I am the Member of Parliament for Middlesbrough, South, I am banned from Middlesbrough council. He may care to bear in mind the disgraceful scenes at Middlesbrough council on Monday night this week when Labour councillors fought physically among themselves. If the Labour party does not have a topic for discussion next week, will my right hon. Friend suggest law and order, so that we could perhaps instil some sense of decency into the so-called leaders in our society?

Mr. Biffen: Those of us who have been students of the Labour party over many years have recognised that there has been a certain fraternal breeziness and occasionally a resort to excessive legalism, but that is a problem for the Leader of the Opposition. However, I shall bear in mind my hon. Friend's thoughtful proposal.

Mr. Eric Deakins (Walthamstow): In view of the constitutional importance of the European Communities (Amendment) Bill which is now before the House, will the Leader of the House assure us that, in accordance with precedent, the Committee and Report stages will be taken on the Floor of the House?

Mr. Biffen: I shall certainly bear the hon. Gentleman's point in mind.

Mr. David Harris (St. Ives): In underlining the pleas already made from both sides of the House for a debate next week or as soon as possible on the tin crisis, can I ask my right hon. Friend to bear in mind the extreme urgency of the position, brought home by laying off workers in the Geevor mine in my constituency and the shadow that that has cast over the whole industry in Cornwall? Is he aware that, if we are not careful, that industry, which has existed for more than 2,000 years, could disappear?

Mr. Biffen: My hon. Friend has conducted his advocacy of the cause of the industry and of his constituency with dignity and effectiveness throughout. I shall be only too happy to refer his remarks to my right hon. Friend the Secretary of State for Trade and Industry.

Dr. John Marek (Wrexham): Does my right hon. Friend agree that the British Railways (Stansted) Bill, upon which debate was adjourned recently, should wait its turn so that other private Bills can be debated on the Floor of the House?

Mr. Biffen: Private legislation does not properly fall within my authority.

Mr. Peter Lilley (St. Albans): Will my right hon. Friend seek to accommodate the excellent suggestion of my hon. Friend the Member for Darlington (Mr. Fallon) that we should attempt to have an early debate on mortgage income tax relief, by persuading the alliance parties to use their time to clarify their policies on the issue? This is increasingly important in view of their attempts to resile from clear statements. The environment spokesman for the

Liberal party clearly stated that he would abolish mortgage income tax relief, and there was an equally clear statement by the right hon. Member for Plymouth, Deveonport (Dr. Owen) for the Social Democratic party, in an article in *The Times*, that he favoured the abolition of mortgage income tax relief. There are some doubts on those Benches, and hon. Members need to clarify their views on the matter.

Mr. Biffen: I am a hardened realist on these matters, and I do not believe there is any prospect of those on the alliance Benches providing a debate in which they have to face reality. That is why we have to use the much less seductive opportunities of the Committee stage of the Finance Bill. I realise that my hon. Friend has particular difficulties in that sense, and I am sorry about that.

Mr. Dennis Skinner (Bolsover): Down at Wapping, about 500 people have had to be provided with passes to reach their homes. Murdoch has robbed 5,000 people of their jobs and of the compensation that should have followed. The Government provided Murdoch with taxpayers' money to build fortress Wapping. In view of those facts, why are the Government frightened to have a debate on those and similar issues?

Mr. Biffen: I do not suppose that those who are demonstrating outside the works at Wapping are now, or have been in the past, among the most sensitive members of the community. It seems to me that they have been tough and that they exploited their economic position when they were able to do so. However if the position is really as disastrous as the hon. Gentleman suggests, it is quite clear what we should debate on Monday 21 April.

Mr. John Mark Taylor (Solihull): When my right hon. Friend discusses the Leyland statement with the Secretary of State for Trade and Industry, will he seek his reaction to the fact that the JCB offer apparently falls outside the deadline set by the Secretary of State himself? Will he also ask the Secretary of State to clarify the importance of the integrity of Freight Rover within the Land Rover group?

Mr. Biffen: That point has already been raised this afternoon. I will ensure that my right hon. Friend is made aware of my hon. Friend's remarks.

Mr. Dave Nellist (Coventry, South-East): Has the Leader of the House seen early-day motion 699 on Government financial support for conductive education?

[That this House congratulates the BBC documentary team which produced 'Standing up for Joe' transmitted on Tuesday 1st April; is dismayed that the benefits of conductive education, having been recognised in the United Kingdom for over 20 years, have never been seriously studied with the intention of fully introducing them here; notes the signing of the Anglo-Hungarian cultural agreement on 21st March in Budapest which commits both sides to encouraging the conclusion of an agreement on co-operation between Birmingham University and the Teacher Training and Education Institute for the Motor Disabled; calls on the Government urgently to find the necessary £¼ million to ensure the successful start of that project and therefore to match the £200,000 promised by both Birmingham City Council and by Dr. Barnardo's who, along with the Parkinson's Disease Society and others, have already committed themselves to the project's success; and firmly believes that conductive education could bring hope to the thousands of families with children unable to control bodily movements because of damage or disease in the brain or central nervous system, that their children will not be denied the opportunity to learn to master their difficulties, and that conductive education introduced into Britain could emulate the successes of the Budapest clinic where over 70 per cent. of the children completing the course go on to normal state education.]

On 21 March the Government and the Hungarian Government signed a cultural agreement promising close co-operation on the setting up in Birmingham of an institute similar to that in Budapest which teaches brain-damaged children to sit, walk and talk.

Will the right hon. Gentleman arrange for a statement to be made, either during tomorrow's debate on disabled people's rights, or on Monday, on whether or not the Government will find the £250,000 necessary to match the £200,000 that Dr. Barnado's and Birmingham city council have given so that British kids, instead of having to raise money through charity and go to Hungary, can look forward to having their degenerative diseases being properly treated in this country?

Mr. Biffen: I realise that the hon. Gentleman feels that the matter is germane to tomorrow's debate. I will therefore draw it to the attention of my right hon. Friend the Secretary of State for Social Services.

Mr. Peter Bruinvels (Leicester, East): Is my right hon. Friend aware of the concern in the country about the random selection of potential jurors? Does he not agree that many of those selected have not the intelligence to be members of juries, and do not even acknowledge that prisons deter those who are guilty? They are social misfits, to an extent. They do not believe in punishment. Should there not be a debate next week to consider how jurors are selected?

Mr. Biffen: My hon. Friend's contribution is most interesting. I do not think that I can help him better than by saying that I will, of course, see that his remarks are referred to my right hon. Friend the Home Secretary.

Mr. Jeremy Corbyn (Islington, North): Instead of curtailing discussion on the Social Security Bill next Tuesday, would it not be better to give that day's debate over to foreign affairs so that hon. Members could raise their concern about the bombing of the Island of Kaho'olawe in Hawaii, referred to in early-day motion 697?

[That this House, aware of the threat posed to the Hawaiian island of Kaho'olawe by bombing and shelling practice in the U.S. Navy's RIMPAC exercise, and aware of appeals by both the Hawaiian State Government and Hawaiian people for the protection of this sacred island with its many valuable historical sites and unique ecology, and knowing that the United States Government does not consider the bombing and shelling of Kaho'olawe to be essential to the RIMPAC exercise, and conscious that Australia, New Zealand and Japan have all refrained from this target practice, calls upon Her Majesty's Government to consider withdrawing our naval forces or at least to instruct the Commander of the British contingent assigned to the RIMPAC exercise during Global '86 to refrain from bombing and shelling Kaho'olawe.]

[Mr. Jeremy Corbyn]

A large number of hon. Members have also signed three early-day motions about central America — 553, 619, and 677. These important matters need to be debated in the House.

[That this House recognises the need to achieve a peaceful solution to the problems of Central America; is aware of the importance of the recently signed Caraballeda Declaration calling on the end to all foreign aid to irregular forces operating in Central America, the progressive elimination of all foreign forces in the region and the reduction of arms acquisitions; is further aware of the repeated calls of the Contadora countries to cease United States funding of the Contras and of the well-documented, appalling human rights violations by the Contras; calls on the United States Congress to reject President Reagan's request for increased aid, including military aid, to the Contras; calls on the United Kingdom Government to join with other European Economic Community countries to oppose publicly the request for military and other aid; and calls on the United States Administration to stop all efforts designed to bring down the Nicaraguan Government and to resume direct bilateral talks with the Nicaraguan Government which have been unilaterally suspended by the United States of America.]

[That this House is alarmed at the recent revelation of activity by the Contras against the democratically elected government of Nicaragua; is appalled that on 25th January 1985 in Waslala, Zelaya, a group of civilian travellers and children were ambushed on their way to meet President Ortega; is horrified that on 29th June 1984, Paco Sivilla, a teacher from Brownback, was hunted by a group of Contras and his ears, tongue and private parts cut off before he was brutally murdered; is shocked that in July 1984 Adám Flores, a 70-year-old man, was murdered by a force of 70 Contras; further believes that these are a few examples of the most appalling murders by Contra forces against the people of Nicaragua; believes that President Reagan's attempts to send a further $100 million in aid to the Contras can only continue the war and result in further murders of the Nicaraguan people; and accordingly demands that Her Majesty's Government put all possible pressure on President Reagan to cease all support for the Contras and respect the territorial integrity and peaceful wishes of the people of Nicaragua.]

[That this House is alarmed that President Reagan is further attempting to send military aid to the Contra forces in their desperate struggle to destroy the democratic government of Nicaragua; congratulates those members of the United States House of Representatives who voted to prevent the granting of $100 million aid and calls upon members of the United States Senate to do likewise; and further calls upon Her Majesty's Government to disassociate itself from United States policy in the region and declare its full recognition of the territorial integrity of Nicaragua.]

Mr. Biffen: Many hon. Members want an early debate on foreign affairs. However, in planning a programme, one must achieve a balance between general debates and specific commitments to legislation which must follow to some extent a pre-determined timetable based on the length of the Session.

Mr. Tony Marlow (Northampton, North): Could my right hon. Friend give a little mild education to the Leader of the Opposition, and put right many campaigning organisations, by reminding them that a three-line Whip is a requirement to attend a debate, not a requirement to vote in a certain way? Members of this party, and probably of the Labour party, will vote according to their consciences. If the Patronage Secretary wants a three-line Whip, the reason may be that colleagues might otherwise be tempted to find more important business elsewhere.

Mr. Biffen: Well, there we are. My hon. Friend reminds me that Lord Hailsham reminded us during the Profumo debate that a three-line Whip was merely a summons to attend. In my experience, if one turns up on a three-line Whip and then goes off to the Tea Room, the Smoking Room or the Television Room, the Whips will not be entirely detached and other-wordly about the situation. The public know perfectly well what three-line Whips mean.

Mr. D. N. Campbell-Savours (Workington): On five occasions over the past four months I have raised the question of kidnap insurance policies being sold in the City, and the fact that those so insured are at risk. We hear from Ireland that Mrs Jennifer Guinness has been kidnapped. As the Leader of the House cannot comment upon what is happening over there, does he not feel that it is time for a statement to be made at the Dispatch Box telling the House and the country what the Government intend to do to stop such insurance policies from being sold, as they act as an incentive?

Mr. Biffen: I have sat on this Bench and heard exchanges between the hon. Gentleman and my hon. Friends—

Mr. Campbell-Savours: Five times, and no action.

Mr. Biffen: I did not necessarily hear five exchanges, but I can well believe it; it seemed like 50. I recollect that the hon. Gentleman was invited to produce further evidence.

Local Government Finance

4.8 pm

The Minister for the Environment, Countryside and Local Government (Mr. William Waldegrave): With permission, Mr. Speaker, I shall make a statement about a complex technical matter to do with the operation of the block grant system established by the Local Government, Planning and Land Act 1980. I hope that the House will bear with me.

Generally, block grant is paid to compensate authorities for differences in their expenditure needs and in their rateable resources. But, in addition, subsection (6)(*a*) of section 59 of the 1980 Act gives the Secretary of State a power to determine block grant multipliers to limit changes in the grant entitlements of individual authorities from year to year. In every year since 1981 my right hon. Friend and his predecessors have used this power to set safety nets to protect local authorities against undesirable losses in any one settlement. In two years it has also been used to set caps on increases, to prevent undesirable gains by some authorities at the expense of all other authorities.

Each year since 1981 my right hon. Friend and his predecessors have used the power to safety net grant losses arising from particular features of successive settlements. In 1981-82 a cap was also applied to grant gains resulting from the introduction of the new grant system.

As far as 1986-87 is concerned, my right hon. Friend the then Secretary of State made it clear in his provisional announcement to the House in July last year that he proposed to use these powers to restrict windfall gains resulting from the decision to dispense with expenditure targets. We also stated on many occasions our intention that the grant effects of abolishing the GLC and the metropolitan county councils should be neutral at ratepayer level. We gave effect to these intentions in the multipliers set out in the RSG Report which the House approved in January.

Thus, in each year since 1981 the Secretary of State interpreted the powers in subsection (6)(*a*) of section 59 of the 1980 Act in such a way as to limit certain factors affecting grant entitlements, but not others. For example, we have made changes to the way grant-related expenditure assessments are calculated — often as a result of representations made by local government. In every year, successive Secretaries of State have proposed that the effect of these changes should be mitigated by the setting of safety nets. What we have never sought or agreed to do is to protect authorities from the grant effects of their own expenditure decisions. It would have run counter to one central purpose of Government policy in this area to do so.

This approach had the general support of the local authority associations. It has been embodied in the RSG reports for each of the six years 1981-82 to 1986-87, all of which have been approved by this House. It has not previously been challenged.

However, this year for the first time a handful of authorities have questioned whether subsection (6)(*a*) of section 59 can be used to achieve the objective I have just described. They maintain that the Secretary of State's power is restricted to limiting changes in the overall amount of grant payable to an authority for one year compared with the previous year. One authority has already taken court action on this, and I understand that a number of other authorities are considering similar action.

I must make it clear that I do not believe that the powers could be used in any sensible, praticable fashion under this alternative interpretation. For example, it would require the Secretary of State to include within any safety net the effect of grant reductions arising solely because authorities' own rateable resources had increased. It would also require the Secretary of State to take account of grant which authorities had lost solely as a result of their own expenditure decisions. That would be nonsense. No reasonable authority would expect the Secretary of State to operate the powers in this way.

Such an interpretation would cast doubt on the grant entitlement for every local authority for 1986-87 and for every previous year back to 1981-82, under the RSG settlements which the House has approved. It would clearly be most unsatisfactory if a procedure which has been followed since 1981-82 were to be overturned, particularly since throughout this period there has been a broad measure of agreement on what the subsection meant between the Department and the local authority associations, many of whose members would face wholly unmanageable losses of grant if any other interpretation of the 1980 Act were to become accepted. The Government are not prepared to allow that to happen and believe that we must take action to preserve the status quo.

Obviously the position must be clarified. The Government will therefore be bringing forward a short Bill during this Session of Parliament to remove any doubts about the interpretation of the Secretary of State's powers in relation to multipliers for past years and for the future.

4.12 pm

Mr. Jack Straw (Blackburn): In the light of the news on the tapes earlier today that the Conservative spokesmen in Fulham were complaining that voting by Conservatives has been slow, the Opposition were wondering what secret weapon the Government would use to encourage voters to the polls. With this statement on block grant multipliers, we know what the secret weapon will be. The voters will be electrified and galvanised into voting, especially as Hammersmith and Fulham, which is controlled by Conservative and alliance councillors, has a multiplier of 0·701790, which the voters know means that they have been given extra grant by the Government.

Is the Minister aware that, behind the sheer farce to which successive Conservative Secretaries of State have reduced the system of rate support grant and behind the smokescreen of technicality which the Minister tried to raise today, his statement raises a serious constitutional issue — a bare-faced attempt by the Government to interfere with the judicial process? By this one-clause Bill Ministers propose to use their majority in the House to pre-empt decisions of the courts.

The Minister said that one authority had already begun court action. Will he confirm that the authority involved is Birmingham city council and that the use of the past tense in his statement in relation to the city council is wholly misleading, since Birmingham's case against the Secretary of State for the Environment is set down for a three-day oral hearing next Tuesday? Since the Government propose, whatever decision the courts may make, to overturn that decision retrospectively, will the

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Department of the Environment seek to defend that action in the Divisional Court next Tuesday? How much is at stake for Birmingham city council and its ratepayers?

Occasionally, legislation has been introduced in the House retrospectively to change decisions of courts, for example, with the War Damage Act 1965 and the more recent decision by the Government to overturn the defeat that they suffered at the hands of the Greater London council over London Regional Transport. Can the Minister name one occasion on which a previous Government have introduced or announced the introduction of legislation during the pursuit of a case in the courts?

The Minister said that the approach which the Government had previously adopted has the general support of local authority associations and that there is a, "broad measure of agreement . . . between the Department and the local authority associations."

Mr. Dennis Skinner (Bolsover): That is a pack of lies.

Mr. Straw: My hon. Friend, from a sedentary position, says that that is a pack of lies, but you will not have heard that, Mr. Deputy Speaker.

Mr. Skinner: I will stand up and say it. It is a lie.

Mr. Straw: Does the Minister accept that this is grossly misleading and that the Association of County Councils has received legal advice in similar terms to that given to Birmingham city council and is supporting Birmingham city council's action and that the Association of Metropolitan Authorities has submitted affidavits in support of Birmingham's position? Which local authority associations have expressed general support for the Government's approach?

The Minister claimed that the purpose of using multipliers was to introduce neutrality into the system, especially in relation to the abolition of the metropolitan county councils. Could he explain why the rates in the metropolitan councils have shot up by such vast amounts, for example, by 27 per cent. in West Yorkshire, when expenditure has increased by a tiny amount? Could he also explain why the Conservative-controlled district council of Gillingham in Kent has received so much rate support grant this year that it has not levied a rate at all? Not a single penny has been levied in Gillingham, despite a 25 per cent. increase in expenditure. Is that what the Minister means by "neutrality" when he talks of using these multipliers?

Will the Minister confirm that he failed to say in his statement that the one-clause Bill would have to be retrospective in effect to 1980? What does he think of the view of the former Secretary of State for the Environment —the right hon. Member for Wanstead and Woodford (Mr. Jenkin)—who said in the House in 1965:

"Retrospective legislation is a damned slippery slope. Let the House dig its heels in and say that it will have no more of it." —[*Official Report*, 2 March 1965; Vol. 707, c. 1264.]

Will the Minister confirm that this panic statement was rushed out only because the Department of the Environment has been advised that it will lose in court next week? It has been advised that it has been acting illegally for the past six years and it wishes to cover that up with a simple abuse of power. Is the Conservative view of freedom under the law the freedom to change the law whenever the Government expect defeat in the courts?

Mr. Waldegrave: The hon. Member for Blackburn (Mr. Straw) is good at getting into a rage, but this is not a good opportunity to do so. The case that is coming to court next week is the Birmingham city council case——

Mr. D. N. Campbell-Savours (Workington): Will the Government defend it?

Mr. Waldegrave: As to the handling of that case, consultations continue and we have not yet decided.

The hon. Member for Blackburn spoke about retrospection and was somewhat unwise to introduce an example of disgraceful retrospection—the War Damage Act 1965, which changed people's rights retrospectively. Our proposition would maintain the status quo. If, over the years, the hon. Gentleman, who is a sharp Member of the House, had noticed that the powers were in doubt, he would have drawn our attention to the matter, but he worked under this framework, as did all the local authority associations. All the representations that have been made to us — for example, by the Association of London Authorities — were made on the assumption that the powers meant what everyone thought they meant. There have been plenty of occasions when the House has acted to clarify the law and confirm people's understanding of it, for example, in many Finance Acts, as the hon. Gentleman pointed out in debates on the Local Government (Interim Provisions) Act 1984. No authority will gain or lose money from the change that we shall make. They will all have the position, as they thought it to be, confirmed.

The hon. Gentleman introduced the subject of west Yorkshire. Rates are going up much too far in the successor councils in the west Yorkshire area, largely because the outgoing metropolitan council suppressed the rate last year to make an artificial increase this year. That was not very clever but it was trying to make a political point. In bringing forward this measure we shall simply be maintaining the status quo as all the practitioners in the field thought it to be.

Mr. Patrick Jenkin (Wanstead and Woodford): Is not the distinction a perfectly clear one—that it is perfectly legitimate to legislate in this way in order to implement settled expectations and it is unacceptable to legislate retrospectively to defeat settled expectations, as the Labour Government did under the War Damage Act 1965?

Mr. Waldegrave: My right hon. Friend is right. The hon. Member for Blackburn (Mr. Straw) rather shot himself in the foot by introducing the example of the War Damage Act 1965.

Mr. John Cartwright (Woolwich): Is the Minister aware that his statement today will confirm the widely held view that these famous multipliers are simply a sophisticated means of ensuring that the Government grant is shared out in whatever way suits the whims of the present occupier of the Secretary of State's office? How can he go on complaining, as he does, about the spending record of local government when he now accepts that there is such doubt about the legality of the block grant distribution that he is forced to come to the House of Commons to change the law after six years' operation?

Mr. Waldegrave: I agree that the workings of the block grant system are now far too complicated to be maintained into the future, but I challenge the hon. Gentleman or anyone else to come up with any proposals

for reform other than those of my right hon. Friend who started the process whose results we now put before the House. We have proposals for simplification and I sympathise with the hon. Gentleman's desire to see those brought forward.

Mrs. Edwina Currie (Derbyshire, South): Does my hon. Friend agree that court action is threatened not only by Birmingham council, of which I am still a city councillor, but by other Labour-controlled local authorities, and will he join me in congratulating those Labour-controlled local authorities on their new-found respect for so-called Tory judges and their determination to abide by a court order if they can get it? Will he further agree that the current state of the law is intolerable and that without legislation all we shall have will be a muddle and the fiddling around of grants going back to 1981? His action is wise, necessary and will be welcome.

Mr. Waldegrave: I am grateful to my hon. Friend. She is right. I do not believe that the hon. Member for Blackburn (Mr. Straw) is serious in opposing the legislation. There will be just as many Labour losers as Conservative losers. It would be almost impossible to predict who would be the losers if the system had to be re-done back to 1981. I do not think that is what he wants. He is entitled to have his day of teasing me across the Dispatch Box, as he is good at doing, but the serious matter here is, as my hon. Friend says, that it must be a matter of good administration to clarify the law in this area.

Ms. Clare Short (Birmingham, Ladywood): Is not the truth of the matter that Birmingham has discovered that the Government are cheating us out of a considerable sum of money and, having been found out, the Government are changing the law and that is outrageous? How much money is at stake? The Government are entitled to change the law for the future and to make whatever settlements should be made about the misapplication of the law in the past, but to move in quickly and change the law before the case comes to court is an outrageous way to proceed. How much is Birmingham losing by this action?

Mr. Waldegrave: The trouble is that the hon. Lady is wrong. If it were to be proven that Birmingham's interpretation was right, Birmingham's starting position this year would be different, and for the year before, and for the year before, and for the year before that. So goodness knows whether Birmingham would gain or lose in the end.

Sir Dudley Smith (Warwick and Leamington): I appreciate the difficult and intricate nature of the block grant multipliers, but does not the situation underline yet again the need for a full reorganisation of local government finance and the raising of rates? Does my hon. Friend agree that the sooner we move to that, the sooner we shall get away from this position?

Mr. Waldegrave: I wholeheartedly agree with my hon. Friend.

Mr. Robin Corbett (Birmingham, Erdington): Is not the fact of the matter in plain English that the Government have been advised that they are fiddling the books and to that extent they have been caught with their fingers in the till? Is it not the case that, as a result of the decision, Birmingham is set to lose about £7 million? Will the Minister repeat from the Dispatch Box that the effect of abolition on ratepayers should be neutral and then acknowledge Birmingham's case that abolition is costing city ratepayers money?

Mr. Waldegrave: That is good rhetoric but poor logic. If the hon. Gentleman considers the matter a little further, he will find that neither he nor I nor anybody else can predict what the final outcome will be for Birmingham because there will be complete uncertainty about starting points over the past four years. A large number of other authorities would lose and I have no doubt that many would write to the hon. Gentleman and object and then he would be in some difficulty.

Mr. John Townend (Bridlington): Does my hon. Friend agree that the working of the multiplier this year in some areas has produced nonsense? Does he further agree that there is a feeling of unfairness among many small district councils in east Yorkshire, which, having done everything that the Government have asked and kept spending down—not only last year but, in the case of Holderness in my constituency, for nearly 10 years—have lost grant? Do I take it that what he said today will do nothing to remove the injustice that those councils have suffered this year?

Mr. Waldegrave: I am aware that several of my hon. Friends are unhappy with the rate support grant settlement this year, but I regret that they cannot look to the proposed Bill to give them any relief. We shall be confirming the RSG settlement this year as it stands.

Mr. Skinner: Is not the real scandal that the Government—a Government who believe in law and order—have now been found out by Birmingham and are intent on being cruel and vindictive to the people of Birmingham, and, who knows, many others who might follow in their wake, which sought to improve its balances by several million pounds in order to provide services for the old and disabled? The Government, who do not care, are so hell bent on stopping that that they are not even prepared to allow the law courts to proceed in order to find a settlement. Retrospective legislation — the Minister ought to be ashamed of himself.

Mr. Waldegrave: Even the hon. Gentleman's unequalled capacity to discover outrage under every stone has been over-tested in this matter. It is not such an exciting matter as he hopes.

Mr. John Watts (Slough): Does my hon. Friend agree that, despite the ritual protests about retrospection from the Opposition Benches, the vast majority of sensible authorities will be relieved to have the protection that he is proposing against the retrospective overturning of a settlement going back as far as 1981? Will my hon. Friend take steps to ensure that all local authorities are made fully aware of the consequences of the course of action urged from the Opposition Front Bench which would turn local government finance into chaos for six years back?

Mr. Waldegrave: That is exactly what, as I understand it, the Opposition are proposing. I have more respect for the hon. Member for Blackburn than to think that he is seriously proposing that. There would be a tremendous caterwauling from all the losers if the other interpretation were to succeed. I have no doubt that we would then be urged to bring some clarity and certainty into the situation.

Mr. Tony Marlow (Northampton, North): Is not the synthetic and bogus hysteria which the hon. Member for

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Blackburn (Mr. Straw) tried to generate unsuccessfully in his remarks somewhat sad? Is not the reality that if the hon. Gentleman were sitting in the place of my hon. Friend the Minister he would have attempted to make exactly the same statement, if not with the same force, clarity and eloquence?

Mr. Waldegrave: Conservative Members need no lectures, certainly not from the hon. Member for Bolsover (Mr. Skinner), about retrospective legislation, since I believe that he is keen on retrospective legislation for a number of cases. Unfortunately, this is not retrospective legislation of the kind that he likes. As has been said, this confirms people's expectations about what the situation is and was and does not change them.

Mr. Peter Bruinvels (Leicester, East): While settlements will be re-established by the new Bill, does not my hon. Friend agree that it will be irresponsible of any of the other local authorities now to consider any further kind of legal action against the Government? Will he also confirm that in the past four or five years the local authority associations have gained quite a lot under the old system? Lastly, will he look again at the multiplier for Leicester to consider whether a reduced amount could be given to Leicester because, of course, it has overspent for so long?

Mr. Waldegrave: My hon. Friend never misses an opportunity to have a crack at the villains who run Leicester, and I congratulate him on taking yet another opportunity to get the political villains, as he would see them. The fact of the matter is that this legislation, rather less exciting than had been hoped for by the Opposition, simply confirms the situation as we have all believed it to be.

Orders of the Day

Airports Bill

Order for Third Reading read.

4.30 pm

The Secretary of State for Transport (Mr. Nicholas Ridley): I beg to move, That the Bill be now read the Third time.

We had the debate on the Eyre report at the beginning of last year and on the White Paper in June last year, and then we had Second Reading of the Bill followed by a full Committee stage but without a guillotine or timetable motion, and a very full day yesterday on Report, as I am sure hon. Members will agree. I think that nobody can say that the policy has not been subjected to major and continuing parliamentary scrutiny and voting.

The main actors in this long drama have had very full speaking parts. There were those who come from areas where airports are a matter of burning political controversy, including my hon. Friends the Members for Saffron Walden (Mr. Haselhurst), for Harlow (Mr. Hayes), for Hertford and Stortford (Mr. Wells), in the Stansted area, and the right hon. Member for Manchester, Wythenshawe (Mr. Morris), my hon. Friend the Member for Manchester, Withington (Mr. Silvester), the hon. Member for Stretford (Mr. Lloyd) and many others from the north-west who have been firm advocates of the interests of Manchester airport. We have also had represented the interests of the airlines and those who are passionately concerned in their affairs. My hon. Friends the Members for South Hams (Mr. Steen), for Tayside, North (Mr. Walker), for Ruislip-Northwood (Mr. Wilkinson) and for Hayes and Harlington (Mr. Dicks) have all played a full part in the drama.

These varying interests have come and weaved together and split apart, appeared in various costumes and disguises, passed through sinister phases of wetness and dryness, and they have been the main actors, but there have also been minor characters who have merely sat around the stage, listened and waited — the hon. Members for Aberdeen, North (Mr. Hughes) and for West Bromwich, East (Mr. Snape), my hon. Friend the Minister of State with responsibility for aviation, my hon. Friend the Under-Secretary of State for Scotland and myself — who have merely been attendants of this great drama. I pay tribute to them all — except perhaps myself — for their steadfastness under fire, for their skill in debate, repeating arguments, if I may say so, over and over again with ever-increasing skill and conviction and for their ability to stay up late at night.

We come now to the epilogue. The Bill is almost identical to the proposals set out in the White Paper of June 1985. It has been improved in detail in debate and tested in the Lobbies — both the Division Lobbies and the commercial lobbies — but it has emerged virtually unscathed. Perhaps I may be forgiven for saying, almost sotto voce, that we got it right at the beginning.

One of the main concerns in the debates has been the effects on local authority airports of privatising the British Airports Authority as a whole. Hon. Members on both sides of the House have claimed that we are seeking to privatise a monopoly which would be able to crush the

development of other airports, notably Manchester. Hon. Members accepted the logic in aviation terms of keeping the BAA's Scottish airports in common ownership and operating them as a system. I believe that the same logic applies even more forcefully to the BAA's south-east airports. If Heathrow is to remain the world's leading international airport, which we all hope it will, while continuing to serve the needs of smaller domestic operators, and if Gatwick is to develop as a European hub, we need to maintain the south-east airports as a system with co-ordinated development and operations.

The question we have debated is whether the new owners of BAA will be able to use their power to take unfair advantage of competitors and to price them out of the market. Under the Bill, we have ensured that they cannot. The Bill spells out in detail the range of regulatory measures available to the Civil Aviation Authority which will enable it to prevent unfair competition between airports. I believe that whatever happens in the London system will make little or no difference to what happens in the north-west, and vice versa.

Nevertheless, the Bill incorporates protection against predatory pricing that could harm another airport's business. With the amendments that we introduced on Report, that protection has been strengthened to give a firmer reassurance still that such competition as there is between airports in different parts of the United Kingdom will be open and, above all, fair. Manchester airport, in particular, will have no grounds to fear unfair competition from a privatised BAA, and most certainly it has no need to fear that predatory pricing at Stansted will harm its business. If a complaint about predatory pricing is made to the CAA, it will judge pricing policies at Stansted as if it were a free-standing airport. I believe that we have the best of both worlds. The United Kingdom will keep the economic and aviation benefits of a strong south-east airport system. The regulatory mechanisms in the Bill will ensure that that strength is not used to the detriment of sound airport development in other parts of the United Kingdom but is targeted towards beating our European competitors who are always trying to muscle in on our business.

I am sure that the privatisation of the BAA will bring very real benefits for the airline industry and its customers. There will be greater freedom for management — for instance, access to private capital—and private sector operation, combined with the regulatory system which we are proposing, will encourage more innovative management and lead to efficiency gains and greater responsiveness to customers.

These are not the only benefits. Privatisation will also further our objective of creating wider share ownership. This will be an important factor in the arrangements for the flotation. Employees will be encouraged to take a stake in their own future by purchasing shares in their company. The details of the employee share scheme are still being discussed, but I would expect it to offer benefits on a similar scale to those offered to British Telecom employees—£70 worth of free shares per employee; two free shares for each one bought, up to a total of £200 worth of free shares; and a 10 per cent. discount on up to £2,000 worth of shares—as well as priority rights of application for full price shares. Together with ongoing schemes, to be introduced by the company, this will encourage employees to participate directly in their company's future profitability.

Major local authority airports will also benefit from the Bill. They are, in most cases, substantial and successful businesses, and the Bill will ensure that they can be operated as such. They will be free to seek services from whoever offers the best deal rather than being locked in to services provided by local authorities. Their management will be able to operate with far more commercial freedom and be less subject to the whims of local vested political interests.

Local authority airports, such as Manchester, East Midlands and Bristol, have a record of rapid expansion in recent years. They have capacity for further expansion and we have undertaken to continue to encourage further development in response to demand. We believe that the opportunites offered by the Bill, including the opportunities—I stress "opportunities", for we intend to encourage, not compel—for involving the private sector in the management of these airports, in the provision of capital for their development and in their ownership, if the present owners wish to take those opportunities, will stimulate and encourage that expansion. That can only be to the benefit of the localities and the regions concerned.

In contrast with this attractive and exciting prospect, the Opposition have typically sought to preserve the status quo. That would not help regional airports, any more than the Opposition helped them when they were in office. We have massively increased the capital allocations for regional airports, and, by liberalising aviation markets, we have produced a very large increase in flights from regional airports. The Bill lays the foundations for their continued future business development and success.

As the airline industry grows, airport capacity will be increasingly under strain. The fallback powers in part III are needed to ensure the balanced development of the finite airport resources we have and to provide effective means of dealing with problems that may arise at congested airports.

The White Paper drew up the agenda for air traffic regulation at airports. The major need at present is for traffic distribution policies for the London airports system. In accordance with that White Paper commitment, we have sought the advice of the Civil Aviation Authority, which in turn has consulted widely—some 322 separate bodies—on a variety of options. The authority is now in the second phase of consultation, having invited scrutiny of its draft conclusions and recommendations. The CAA's draft advice has naturally generated some strong feelings. It would not be right for me to comment upon them now. This is only draft advice. It would be quite wrong for me to comment on a draft report which may yet be materially changed in the light of comments, suggestions and recommendations received from consultees. The Government have no intentions of prejudging the authority's judgment by taking a premature view.

Let me re-emphasise our overweening undertaking that traffic distribution rules will be introduced only if and when and where they are clearly needed. We are in favour of solutions emerging naturally wherever that is possible. We shall continue to encourage solutions of the industry's own making, and we shall not—it has never been our intention—frame the traffic distribution rule powers in such a way as to force an airline to serve a particular airport.

The reserve powers in part III of the Bill extend the duties of the CAA. The authority is charged with advising

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the Government on traffic distribution rules, air traffic movement limits and slot allocation schemes, and it would also be for the CAA, following a direction under clause 30, to prepare a slot allocation scheme if one were needed. It is appropriate, therefore, that the CAA should operate under special objectives and guidelines in undertaking its functions under clauses 28, 29 and 30. Clause 31 is designed to create those guidelines.

Although clause 31 has not attracted the same attention as some of its near neighbours in this part of the Bill, it is none the less pivotal in creating the framework within which the CAA will be able to offer balanced advice. Clause 31 requires the CAA, in giving advice to the Secretary of State on traffic distribution rules, ATM limits and slot allocation schemes, and, in preparing such schemes where the authority has been so directed, to take account of and to have regard to a number of very important matters. These are the international obligations of the United Kingdom which the Government notify to the CAA under clause 31; the Government's advice on international relations considerations; the need to secure the sound development of civil aviation in the United Kingdom; the interests of users of air transport services; and policy considerations notified to the authority by the Government.

I should hope that our broad purpose in framing those matters, which are to be taken into account, is clear: to protect our international interests—remembering always that the bulk of the United Kingdom civil aviation industry operates in the international dimension—and to secure the right deal for our civil aviation industries and their customers. I would ask the House to bear in mind, too, the policy considerations which we set out to the CAA in asking it to undertake its current review of traffic distribution in the London area.

These were to make efficient use of existing and planned airport facilities and available air space; to enable air services to be operated where they best meet the needs of the travelling public; to support the objective of increasing competition between airlines, in the interests of users; to ensure satisfactory access to Heathrow and Gatwick for domestic services; to maintain London's position as a major international centre, and within that to maintain Heathrow as London's main scheduled service airport while continuing to develop Gatwick as an effective second hub; and to avoid undue dislocation to the airlines using London's airports.

I think that the House may find in these objectives an important earnest of the manner of policy considerations which may be appropriate in the context of clause 31 and which may therefore condition the advice which the CAA offers.

Part IV of the Bill has also aroused a good deal of interest. We have made clear the details of the new regulatory regime on the face of the Bill, so that everyone —the CAA as regulator, airport operators, airlines and passengers—knows exactly where he stands. The Bill makes clear the types of anti-competitive and monopolistic practice that will not be tolerated, and it gives the CAA sufficient powers not only to stamp out such practices but to provide appropriate remedies for anyone who has suffered from them.

The Bill provides the statutory underpinning for the future of our airports policy. It provides powers for the Government to fulfil their strategic responsibilities towards one of our major national resources; it provides the opportunities for airports to reap the benefits of a commercial and businesslike approach to airport management; and, not least, it provides strong and continuing protection against monopoly abuse for the airlines and passengers our airports serve. The Bill will ensure that the United Kingdom's airport industry continues to be the envy of the world.

In reinforcement of what I said at the beginning of my speech—that perhaps we have got it right—this is the first time that I have made a speech on airports policy when no right hon. or hon. Gentleman has sought to interrupt me.

I commend the Bill to the House.

4.46 pm

Mr. Robert Hughes (Aberdeen, North): I join the Secretary of State in paying tribute to those right hon. and hon. Members who have taken part in our numerous debates both in Committee and on Report. The discussions have been detailed and sometimes very hard hitting, but they have always been good natured. I think that we all enjoyed the Committee stage, especially when we learnt about the personal hygiene habits of the Parliamentary Under-Secretary of State, the hon. Member for Worcestershire, South (Mr. Spicer), who told us about the frequency of his baths. But that enjoyment paled into insignificance because of the Opposition's disappointment that in Committee no major concession was made by the Government. We were also unable in Committee to inflict any major defeat on the Government. However, last night the Whips were very worried when, at about 11 o'clock, it looked as though the Government were facing their first defeat on the Floor of the House since they came to power in 1979.

When the Second Reading vote took place, Government Back Benchers went into the "Aye" Lobby with varying degrees of support, ranging from qualified enthusiasm to downright scepticism and extreme scepticism about the effects of the Bill. Since then the doubting Thomases have multiplied—so much so that the sceptics on the Government Back Benches are now in the majority. I do not know how they will be able to steel and brace themselves to go into the Lobby and vote for the Third Reading. They know as well as I and as well as the Secretary of State that the Bill's contents fail to match up either to the Secretary of State's rhetoric about the virtues of private ownership or to any kind of rational airports policy operating in the national interest.

Part I sets out the manner in which the British Airports Authority is to be sold off to the private sector. In so far as the British Airports Authority's seven airports are to be kept together as a system of airports, I welcome the fact that they are to be held together in a holding company. It makes sense to keep them together, whatever the ownership of the BAA may be and however much we may disagree about its ownership.

Part I is insufficient to promote a coherent airports policy. No one is surprised at that because we know quite well that the Government have no airports policy. Part II sets out the first stage of what the Government intend to be the privatisation of local authority owned airports. It will compel airports in the local authority sector to become Companies Act companies if they qualify with an annual turnover of more than £1 million.

In so far as there is any relationship between parts I and II of the Bill, the Government are forced to fall back on mouthing the empty phrase that they are to stimulate efficiency and competition. Even this Secretary of State very occasionally faces reality. The result of facing reality is that parts III and IV set out controls over competition policy. The Secretary of State has direct control of traffic distribution rules. He has the power to limit aircraft movements at certain airports, to direct the Civil Aviation Authority to prepare schemes for allocating capacity at airports and to subject the airports to economic regulation. He may control landing charges. Then there are the duties of the Civil Aviation Authority, and the references to the Monopolies and Mergers Commission. These add up to a truly labyrinthine system of checks, balances and controls.

I wonder who drafted the Bill. Did the Secretary of State himself supervise the drafting of parts I and II, then go off on holiday and discover on his return that the whole thing had been tampered with and that his political philosophy had been distorted, either by his hon. Friend the Parliamentary Under-Secretary or by his civil servants who had even more sense? Whoever it was, the fact is that the Bill will prevent competition.

However much the Secretary of State argues that his regulatory powers will be applied in what his hon. Friend the Parliamentary Under-Secretary always refers to as a "de minimis" fashion, it is also true that the construction of the Bill will affect the sale price. At this stage in the Bill's progress we have the right to know what price the Government expect to receive for the sale of the British Airports Authority. Throughout the proceedings we have asked the Government to come clean and tell us what they expect to get but they have refused to give us even an inkling of the expected sale price. This reticence may be compared to the total retreat of a tortoise into its shell.

The Minister must now tell us what the price is likely to be. It is a matter not of principle but of practice, because I am sure that the House would not wish to give the Bill a Third Reading if the BAA were to be sold for a fraction of its true value. I doubt that even the driest Tory Member would find it easy to agree with such a profligate treatment of public assets. The Minister must give a direct answer about what price he expects to get.

Mr. Ridley: Since the hon. Gentleman asks that question in order that he can compare the figure with what he thinks the authority is worth, would he now tell us what he thinks we ought to get for it?

Mr. Robert Hughes: I have been trying to find out what the price might be. I read carefully the report prepared by Kitcat and Aitken which examined all aspects and policies of the BAA and what it might fetch. Although it has been slightly revised since that stage—November or December 1985—the report concluded that it was impossible to assess the figure. It is a different matter, however, for the Secretary of State. If he has embarked on this exercise without having considered what the sale price might be and with no expectation of what he might get, such action amounts to dereliction of duty. The Secretary of State will not admit to that.

The fact is that estimates vary. The lowest figure that I have seen or heard is £400 million. Some estimates suggest between £500 million and £600 million. One estimate, which I am sure is wildly inaccurate, is that the Government might get as much as £1 billion for the authority. As in all such matters, the truth probably lies between the two extremes. We must ask what the Secretary of State wants. We must match his expectations with the actual figure if the sale goes ahead. I am not convinced that it is such a good proposition. I think that when he comes to float BAA he will not find as many willing buyers as he supposes.

I have two points to make about part II of the Bill, in relation to local authority airports. The first is a passing reference to the exchanges today and yesterday about the issue of hybridity, raised by my right hon. Friend the Member for Manchester, Wythenshawe (Mr. Morris). I am not challenging Mr. Speaker's ruling, but the issue that was raised is that the question of hybridity is not a clear-cut one. We ought to encourage the request of my right hon. Friend the Member for Bethnal Green and Stepney (Mr. Shore) that the matter should go to the Select Committee on Procedure, so that it may examine the question of hybridity. I hope that the Government will want to follow that course.

The second issue is the manner in which local authority airports are being treated. The Bill compels airports with an annual turnover of £1 million or more to become Companies Act companies. Clauses 20 and 21 make it clear that any capital raised by a local authority by way of a loan from any source, or capital raised from the sale of equity shareholding, will count as prescribed expenditure under the Government's control of local authorities for as long as the majority ownership rests with the local authority or a consortium of local authorities. That will directly affect the ability of these airports to compete on fair terms with the BAA airports.

This distortion of competition is yet another facet of the Government's failure to have a national airports policy. I go further and say that it is yet another facet of the Government's pathological distrust and dislike of local government. That is bad enough, but the real intention is to compel local authorities to divest themselves of their majority shareholding and to abandon their own policy of objectives, in order to follow his own. The Secretary of State is using extortion and blackmail to impose his will on democratically elected bodies which have successfully provided airport services for the benefit of their own areas and for that of the nation. He appeared in his speech to accept that local authority airports have, by and large, been successful. Many have been a success even by the Secretary of State's standards of commercial interest. What he seeks to do here is quite disgraceful. The Secretary of State should be ashamed of himself.

I do not know whether the right hon. Gentleman is leaving the Chamber. He advised me earlier that he might have to leave while was speaking, so I am grateful that he warned me. I see that he is staying. I am even more grateful. In setting out his objectives which have been written into the Bill, the Secretary of State told us that the Bill was part of an overall design to further share ownership by employees and the public at large. We know that the Secretary of State puts that forward with his tongue in his cheek, because he spends all his spare time debunking the currently fashionable Tory idea of "caring capitalism".

Everyone is entitled to his own opinions, but no one is entitled to his own facts. I commend that to the Secretary of State because his opinions are not borne out by the facts. Perhaps I can give a brief example of the way in which his objectives, however much he believes in them, do not

[Mr. Robert Hughes]

match up to the facts. When British Aerospace was floated, the total number of shareholders was 157,829. Twelve months later the total number had gone down dramatically to 27,175. Of the total flotation, 44,000 shareholders held fewer than 100 shares. One year later only 3,279 held fewer than 100 shares.

Mr. Terry Dicks (Hayes and Harlington): Such figures are useless unless we know why they have changed and why people bought or sold shares. Just to give such figures is meaningless.

Mr. Hughes: The figures are not meaningless. The point I am demonstrating is that the aim of having wider share ownership has not been met because the number of people who bought shares and who have held on to them has reduced dramatically. At the time of the flotation there was only one shareholder who held over 1 million shares; 12 months later 13 shareholders held over 1 million shares. Clearly shareholding has become concentrated in fewer and fewer hands and in bigger and bigger holdings. That is the reality of privatisation. The theory of a wider share-owning public is bunkum in practice. People have sold their shares at a profit because the Government have never got the sale price right in any of the privatisation sales. They have always sold at well below a reasonable price which the market could bear. Immediately after the sale the shares jumped in price and people sold to take a quick profit. If that is what the Secretary of State wants, that is up to him. But he should not pretend that the objective of a wider share-owning public has been met, because obviously it has not.

The Bill will do nothing for the balanced development of BAA airports or of local authority airports, or of the combined airports system. It will do nothing to encourage better facilities at airports or traffic growth. If its effects were to be as neutral as I have described, perhaps we could dismiss the Bill as being irrelevant, redundant and of no account; we could say that it is another piece of legislation that is cluttering up the statute book. But it is much worse. The Bill will have harmful effects on airports policy and on customer services. It is no accident that it will damage the wellbeing of employees of the BAA and of local authority airports alike.

We believe in encouraging municipal enterprise. The proper place for a national transport infrastructure is within the public sector. That is where the airports should be. If the Bill has any merit—I have not so far found any real merit in it—its construction will allow us to apply our transport policy for aviation and airports quickly and efficiently when we become the Government. However speedily we return to Government, even that is not enough to persuade me or my colleagues that the Third Reading should not be opposed. Therefore, I invite my right hon. and hon. Friends to join me in the Lobby tonight in voting against the Bill.

5.2 pm

Mr. James Hill (Southampton, Test): I shall not keep the House very long because this is a short debate. My right hon. Friend the Secretary of State has made it clear in his opening address that the Bill is balanced. All the vicissitudes of the commercial market have been covered. When the Government are selling off a monopoly, there has to be a serious braking system on any excesses by that monopoly. Anyone who has been involved in aviation or who has been employed at an airport will realise that that is one of the most monopolistic areas of commerce.

So far the debate has been brought down by the Opposition spokesman to a question of how much we shall get for the airports. In every debate about turning a public holding over to a private company that issue comes up. The system of the market place is that at the beginning many people invest in an institution because they are told that they will make a profit; that applies to the employees of whatever institution is involved. That is human nature. Again it is human nature that if one is a little hard-pressed, as many people may be after some time, they will try to divest themselves of their shares at the profit-taking time.

I agree that we cannot float a public sector company and expect to have 3 million individual shareholders for ever. That is not the point. Conservative Government policy is that shareowning should become more widespread. There is no reason why the 3 million shareholders in, say, British Telecom should not have taken their profit. Although they may have gone out of one company, they may well be enticed into another company such as British Airways or the British Airports Authority.

Mr. Michael Meadowcroft (Leeds, West): Will the hon. Gentleman take on board the other point that in many cases municipal airports have suffered great debts which have been borne by the ratepayers but if those airports become profitable the local authorities will get no recompense for the public money which they have to put in? Therefore, the gain will go to those who have speculated accurately with their own money. They, not the local authority, will get the bargain.

Mr. Hill: I do not think there is anything in the Bill to prevent those ratepayers buying shares in the BAA public sector company.

The position in Southampton is different. The airfield, Eastleigh, which was owned by the Ministry of Civil Aviation, was sold to the private sector just after the war. Although it has not made much progress as a regional airport, it has remained as an airport that serves not only the south, but the Channel Islands. It has also accrued to itself many industrial complexes on the airport site. So it is job-promoting as well as being an airfield. Many of the local government airfields have failed on that score. Local authorities have not encouraged their airport managers to examine the commercial side of running the airports by attracting industrial development on their periphery.

On the dissolution of BAA, we should say today, if we never say again, that the British Airports Authority has done an extremely good job. I am proud of the airports that I go through, such as Gatwick and Heathrow. At Heathrow what I knew as a market garden before the war became an airfield with a series of caravans. The expertise, administration and know-how of the BAA have turned it into a great capital asset. The Opposition will say immediately that that involved taxpayers' money. When we talk about the price that the Government will receive, we can only thank the British Airports Authority for slowly but surely bringing that capital asset forward and enabling it to compete with other major airports throughout the world. No one who has seen over the new terminal 4 can say anything other than that it is a very good terminal which will provide competitive services for the next five to 10 years.

The monopolistic nature of a British airport is defined by the control of the Civil Aviation Authority. In British aviation—this may apply to other countries—a company is only as efficient as the CAA will allow it to be. I am thinking particularly of a flight which I shall have to make in two weeks' time to Venice on parliamentary business. That is one of the things that we all have to do from time to time. It will mean leaving my home for several days.

I have to drive to London airport, leave the car there and fly to Venice, but the only service back to the United Kingdom goes into Gatwick. So a man with a car at Heathrow arrives at Gatwick, with all the problems of travel in between.

Mr. Bill Walker (Tayside, North): Is my hon. Friend aware that it is possible to take a helicopter between the two airports?

Mr. Hill: That raises another point of contention which has been mentioned several times. First, when it was in being the normal, impoverished hon. Member could not afford to pay and, secondly, it no longer exists as a service. Therefore, we now rely on the coaches on the M25 in order to get back to our cars.

Mr. Toby Jessel (Twickenham): Is my hon. Friend aware that my constituents will all wish him an extremely happy time in Venice provided that on his return journey he goes from Gatwick to Heathrow via the M25 and does not attempt to carry out that part of his journey by helicopter?

Mr. Hill: I am only too pleased to agree to that because I have no other option. Although I know that the infrastructure between Gatwick and Heathrow is now so much better, it is a problem of time and hon. Members are busy people and have too much to do in the course of their long working week.

Having said that, I must get back to the issue of the CAA and transfer to the private sector. This is just one item in a continuing programme which this very able Conservative Government have brought into being. I am particularly looking forward to the distribution of these shares and, as an ex-employee of British Overseas Airways, to the distribution of shares to British Airways. These are not strange things to the electorate. We have declared our intention that apart from one or two small institutions, we are for giving the country the opportunity to pull back some of the capital assets, on which there has been little or no return. Indeed, in some cases they are costing the taxpayer money. I believe that we are doing a splendid job in our overall programme of privatisation.

Mr. Ridley: I hesitate to ask my hon. Friend this because I might be accused of doing a "commercial", but does he realise that the bus company which provides the service from Gatwick to Heathrow is for sale?

Mr. Hill: That would be a very expensive way for me to get back from Gatwick on the night of my return, but I am sure that a consortium of world travellers within the House could consider it.

Members of the Opposition forget too quickly the privatisation success of the past. They all know about the National Freight Consortium, but they try to avoid talking about it, and there have been many other successes. I am thinking particularly of the Associated British Ports flotation, which was a magnificent success. I know that I am drifting a little, having gone from airports to seaports, Mr. Deputy Speaker, but I ask the Opposition to look at the success stories, of which there are many, and I am sure that the present case will be even more successful.

We had a debate yesterday on amendments and I was quite horrified by what some of my hon. Friends were saying in their attempt to end the duty-free shops, which, as was rightly pointed out, are a crucial part of this commercial undertaking. I am sure that anyone who purchases a group of airports such as this will be delighted not only to keep the existing duty-free shops but to extend them further. It is only too apparent when one goes abroad that certainly the French at Charles de Gaulle airport have the right idea with their duty-free shops. They have parades of shops at which everything imaginable is sold. This is what the airport traveller wishes. He may be early for his flight or his flight may be delayed, and he has time to kill. I see no reason why an airport authority should not extend this to providing a cinema or a night club. Should I go further, indeed? Perhaps I had better not.

Mr. Robert Hughes: Does the hon. Gentleman approve of the practice at some German airports of having porn sex cinemas—which, I hasten to add, I have seen only from the outside?

Mr. Hill: I do not think that the weary traveller should attempt to do anything that would take away his last remaining strength, because, as we all know, it is not just a matter of reaching one's destination. One then has to take a coach for a long distance, and by the time one reaches one's hotel one has forgotten about those delights that had been suggested by the Opposition.

Nevertheless, when one puts one's mind to what can be done regarding facilities at airports, it is clear that the BAA has only scratched the surface. We are perhaps underprovided with hotels at some of these airport sites, and I believe that prices are a bit too high because there is no competition. Certainly an impoverished hon. Member cannot pay £60 to £80 for a night's board and lodging—without breakfast, I might add. So I think that more development, and certainly enterprising development, will be the order of the day.

I have no reason to suggest, and I am sure that no hon. Member would suggest, that anyone who could get together a consortium capable of competing for these airports would be a fool. He would have to make a very careful commercial assessment. He would also have to make a very careful assessment of how he was going to attract airlines to his consortium on a permanent basis.

The grave weakness of most of the speeches when we are discussing privatisation is that we talk about these men as though they are mad speculators of some kind who will come in with £1,000 million and buy, and then sell the next day. They are very clever, highly advised members of the City, and the City itself will look at this with great favour.

I have only one regret—that I did not spend some considerable time in the Committee. I feel that I could have kept the Committee going a little longer, if it had been the wish of the Whips to put me on it. Nevertheless, this is a very interesting Bill and I wish it every success.

5.19 pm

Mr. Alfred Morris (Manchester, Wythenshawe): The hon. Member for Southampton, Test (Mr. Hill) said that he would be brief. I hope to be very brief.

[Mr. Alfred Morris]

When this Bill had its Second Reading it was rightly opposed in the strongest terms by the Opposition. We took the view that at best it was irrelevant and at worst prejudicial to the needs of Britain's civil aviation industry. It was a view shared by many Conservative Members. They made plain their view on Second Reading in January, and again last night on Report, that there were many deficiencies that required correction before the Bill goes to another place. Yet, in spite of all our efforts to introduce some consistency and common sense into the Secretary of State's attitude to the Bill, it is largely unamended. All the deficiencies and the inconsistencies remain.

I now want briefly to identify some of the major inadequacies. Part I of the Bill will seriously prejudice the development of airports outside the south-east. Notwithstanding all the Secretary of State's well publicised promises to eliminate subsidies to Stansted, there is now no doubt that the subsidising of that airport will continue on a massive scale for many years to come. Leaving aside what was said from the Opposition side in the debate last night on subsidising Stansted, he was brilliantly exposed from his own side of the House. The right hon. Gentleman's stance, coupled with the inherent weaknesses of part IV of the Bill, make it abundantly clear that his own 1985 White Paper, which emphasised the importance of fair and equal competition between airports, is nothing more than a "paper policy".

It was shameful of the Secretary of State to make no attempt last night to answer in any way the many serious questions put to him. He portrayed an ignorance which right hon. and hon. Members in all parts of the House found staggering. He is obviously quite incapable of grasping the simple point that being able to see a subsidy does not make it go away. Nor does it become any less damaging to airports outside the south-east. If the right hon. Gentleman finds my judgment harsh, let him read in cold print what his hon. Friend, the hon. Member for Ruislip-Northwood (Mr. Wilkinson) said of him in his speech on my amendments last night. The hon. Gentleman said of the Secretary of State's policy that it is

" . . . detrimental to good regional development in Britain.

I believe that the policy stinks. The north of Britain is woefully economically deprived. There is a huge economic gulf between the south-east and the north. Why should people be artificially attracted to airports such as Stansted, which they do not wish to use, when the north is crying out for jobs and the infrastructural development that is associated with airports?"—[*Official Report*, 9 April 1986; Vol. 95, c. 257.]

I have never heard a more scorching criticism of a Minister from the Benches behind him.

The so-called commitment to introduce private capital into regional airport development has also been exposed as a total and utter sham. The right hon. Gentleman's commitment is so strong that the effect of part II of the Bill will be to bring under strict central Government control an independent trading company which is now operating in the open market.

The Secretary of State referred last night to the "Manchester airport authority". He might have to swallow hard but must now face up to the fact that his nomenclature is wrong. As usual, he is out of date. Manchester Airport plc, to give the enterprise its true title, commenced trading on 1 April. It is operating independently of the local authorities and the Government. For the time being at least it does not need the support of the Government. Not that it ever did.

To listen to the Secretary of State last night, Mr. Deputy Speaker, you might have thought that he was the sole author of Manchester airport's success. We were told that he has been falling over himself to support the airport. If that is right, why did it take over four years for the Government and the Civil Service to acknowledge the airport's real status? Until January 1985 they were arguing that there was no major role for Manchester airport to fulfil in the national context. If the Secretary of State has been handing out licences enabling airlines to operate services into Manchester like toffees, why did it necessitate lengthy and major cross-party parliamentary campaigns to support almost every licence application that has been before him?

I pay tribute tonight to Conservative Members who joined hands with us in campaigning for the new routes.

The Parliamentary Under-Secretary of State for Transport (Mr. Michael Spicer): I cannot contain myself much longer. I have never heard a speech which is so distorted and biased, but I shall make my own speech later. I can answer the right hon. Gentleman's question. He asked why it took campaigns for the licences to be granted, and the answer is that most of those campaigns started well before the bodies concerned had ever approached the Government for the licences.

Mr. Morris: The hon. Gentleman is clearly stung by my quote from the hon. Member for Ruislip-Northwood. The Minister said he had never heard a more distorted presentation. I hope he agrees with me that there was never a more scorching criticism of any Front Bench than that which was delivered by his hon. Friend last night.

On the question of licences, let us take the case of Singapore. There was active all-party campaigning to achieve the new route from Manchester to Singapore. There were complaints from Singapore about the attitude of the Department of Transport. The Minister must appreciate that hon. Members on both sides of the House have done much more than some Ministers to promote the expansion of Manchester international airport.

Mr. Michael Spicer *rose*——

Mr. Morris: I am not giving way again. The hon. Gentleman will have an opportunity to reply to the debate. I hope that he will then acknowledge the strenuous efforts of hon. Members on both sides of the House to promote the development of Manchester international airport. If the Secretary of State had been allowed to have his way over 12 months ago, British Airways would not now be operating out of Manchester.

The airport's success is exclusively attributable to the people of Manchester and the vigour and resourcefulness of the airport's local authority owners. It is those qualities which will again be put to the test by the Secretary of State's attitude to Manchester and the regional airports. They must now compete with a subsidised Stansted and with their hands tied behind their backs. It is, of course, an unequal contest. Yet it is one that we must face up to, and we shall. Indeed there is no alternative, because the airport is our principal hope of rejuvenating our devastated regional economy.

On Second Reading there were Conservative Members who made it clear, that while favouring the principle of the

Bill, they were deeply concerned about the detail. The Bill will leave this House tonight for the other place in broadly the same form as it was introduced. It is a bad Bill and it will make bad law. Everyone's concerns about the Bill remain. I wonder how many Conservative Members will join us in opposing its passage this evening.

5.27 pm

Mr. Toby Jessel (Twickenham): As always, I listened with great interest to the right hon. Member for Manchester, Wythenshawe (Mr. Morris), particularly when he spoke about Manchester airport. All of us, including those of us who represent constituencies in the south-east, want more traffic to go through Manchester airport. That would be good for Manchester, for industrial development in the north of England, and for the spread of employment. It would also help to relieve airport congestion in the south-east. We all want that; the House is united on that.

Manchester airport has been doing rather well. Year by year its number of passengers has increased, although I cannot say steadily, as there has been a disproportionate increase in the past year. Last night, my hon. Friend the Member for Davyhulme (Mr. Churchill) told us that the number of destinations reached by scheduled flights from Manchester had doubled in the past 12 months. That is very impressive, and it should continue. But no Member of Parliament for Manchester or the north-west has ever explained why he wants to put a lid on expansion at Stansted — thus allowing traffic to be attracted to Manchester — but not on expansion at Heathrow. The case of those hon. Members who represent Manchester and of their sympathisers would be much more convincing if they had some sympathy for my constituents, and the many others who live on the western side of London, who suffer from the noise and congestion caused by air traff[illegible] and if they tried to put a lid on that.

Mr. Alfred Morris: We are talking not about putting a lid on Stansted but of removing subsidisation; we are talking about fair competition. Many of my constituents and people all over the north are sick and tired of having to change planes at Heathrow in order to go to foreign destinations. They want to help the hon. Gentleman to relieve the pressure on Heathrow and other London airports.

Mr. Jessel: Then why does the right hon. Member never say that he is against the fifth terminal at Heathrow? He and his friends are always saying that they want a fifth terminal at Heathrow, and thereby want to increase its size and capacity. That proposition seems totally inconsistent with what the right hon. Member has just said. Until I hear a convincing explanation from him of that point, I am afraid he will not persuade me that he is single-minded and whole-hearted in the objectives he claims to pursue.

I welcome the general objectives of the Bill. Before I finally decide how to vote on the Third Reading, I want to know from the Minister a little more about how the Bill will affect the interests of my constituents, especially in relation to noise, which upsets a great many of them. Every day there are 750 flights in and out of Heathrow. The peace, quiet and health of the people in the area ought to receive a high priority, but I am afraid that it does not receive as high a priority as it should. The Government should pursue policies not merely to maintain the noise at its present level, but to reduce it substantially and permanently.

Mr. Dicks: How many people moved into the constituency after the development of Heathrow at lower prices than they would otherwise have had to pay and are now seeking some protection in order to get the maximum benefit from that situation?

Mr. Deputy Speaker (Mr. Ernest Armstrong): Order. I understand the anxiety of Members to make constituency speeches, but the number of people who have moved in and out of the area is not really related to the provisions of the Bill. We are discussing the Third Reading and must direct our speeches to the provisions in the Bill.

Mr. Jessel: In the light of your ruling, Mr. Deputy Speaker, which naturally I accept, I may seek to raise this matter on the Adjournment in order to deal with my hon. Friend's point, which is important but which is not, I accept, relevant to the Bill.

I bring up a relevant point that has been triggered off in my mind by what was said by my hon. Friend the Member for Southampton, Test (Mr. Hill) in his notable speech just now, when he referred to the financial importance, in the context of this Bill, of duty-free drink. Will the Minister consider a completely new suggestion which I will make and which I believe comes within the ambit of this Bill? I hope that he can assure me that nothing in the Bill excludes my suggestion, which is that the profits from duty-free drink at the airports, which are dealt with in this Bill, should be used to provide for the payment of the cost of double glazing of the windows of my constituents, who could thus be protected from aircraft noise.

Sales of duty-free drink are buoyant. Every year they rise, yet it is noticeable that it costs almost as much to buy a bottle of drink duty-free at the airport as it would cost in a shop outside. On the surface, that fact would appear to negate the advantage of buying duty-free, but the public does not perceive the situation in that way. Whenever people travel, friends and family expect them to return from their journey with a bottle of duty-free, and are surprised if they do not. It seems that this expectation of a gift of duty-free drink upholds the sale of duty-free drink despite the cost of dragging it about the skies. Extra costs are involved, because carrying the extra weight of the duty-free drink about the skies wastes aviation fuel. I once heard a worldwide cost of £1·25 million as the value of fuel wasted on such cargo carried uselessly, since duty-free drink could have been bought on arrival rather than on departure at the airports dealt with in the Bill.

It seems certain that the sale of duty-free drink is buoyant, although the rationale for it has long since disappeared. The idea originated in the purchase of drink at sea. Excise duties were imposed on the purchase of drink ashore and in territories, but it was always duty-free off land and at sea. That situation was extended to aeroplanes as well, and eventually extended to the purchase of drink in airports. I believe that that rationale has disappeared, but I am sure the system will continue because people are so used to it and like it so much that it would be politically impossible for a Government of any colour to get rid of it.

[Mr. Jessel]

The revenue from this source to the British Airports Authority and its successors under the Bill is substantial. Indeed, I understand that it produces a major proportion of the profits of the BAA. I suggest that this money should be used to provide double glazing for the windows of my constituents, who suffer from aircraft noise, living underneath the flight paths from Heathrow. Double glazing is not a complete solution to the problem of aircraft noise, because an open window or a garden cannot be double glazed, but it would mitigate the nuisance somewhat.

Hitherto, the geographical limits for the noise insulation scheme have been determined by a noise footprint based on the so-called noise and number index. Ministers in the Department of Trasport have recently recognised that the noise and number index is likely to be out of date.

The noise and number index is a formula from the 1960s that included as a measure of nuisance a weighting both for the number of flights and the average peak loudness of each flight. Some of us have long believed that the weighting between those two factors in the formula is wrong. That really did not matter during the 1960s and the early 1970s when the frequency of flight and average loudness were increasing together. If the weighting between the two elements in the formula was wrong and they were increasing together, it did not produce any significant distortion.

From the 1970s onwards, the frequency was increasing but the noise from each aircraft started to diminish with the introduction of wide-bodied aircraft, although certain very noisy aircraft such as Concorde have continued and will continue. That seems to suggest that the noise and number index is out of date as a measure of aircraft noise nuisance.

I am sure my hon. Friend the Under-Secretary of State is absolutely right to question the continuation of the noise and number index as a measure of noise nuisance, and to suggest a different formula which he has called the Leq, a subject on which he has recently put out a consultation document. Contingent on the result of that consultation, if he decides to replace the noise and number index with the Leq index, that completely destroys the historic basis for the provision of noise insulation grants as determined by the noise and number index, using the noise footprints which have hitherto been respected and continue to be invoked by the BAA, the Civil Aviation Authority and other bodies but which will probably soon be dropped.

Therefore, there is a case for looking again, under the Leq measurements, at the noise nuisance that my constituents suffer. I believe that the Leq measurement would show a larger proportion being entitled, under the criteria previously used, to double glazing than has hitherto been the case. So I believe I have made a strong case for applying part of the profits from duty-free drink to double glazing of windows of my constituents in Twickenham.

Does my hon. Friend the Under-Secretary of State uphold the position foreshadowed in the White Paper with respect to air traffic movement limits and the number of flights at Heathrow? The eddies of air behind the increased number of wide-bodied aircraft mean that greater spacing is needed between aircraft that are landing and taking off. That will result in fewer flights able to use Heathrow.

How will the reduced numbers of aircraft interact with runway capacity? My right hon. Friend the Secretary of State for Transport consistently told the House in the airport debate in January——

Mr. George Park (Coventry, North-East): On a point of order, Mr. Deputy Speaker. You have already tried to tell the hon. Member for Twickenham (Mr. Jessel) to speak to the Third Reading. Is it possible to get him to do so?

Mr. Deputy Speaker: There are wide powers in the Bill. I am following closely the speech of the hon. Member for Twickenham (Mr. Jessel). He must relate what he says directly to the Bill.

Mr. Jessel: Thank you, Mr. Deputy Speaker. I was trying to ask my hon. Friend the Under-Secretary of State whether the Bill was likely to affect my constituents in the context of aircraft noise. I was relating that point to the number and type of flights which would be influenced by the Bill's provisions. I was referring especially to the interaction of capacity at Stansted, Heathrow and Gatwick.

Mr. Frank Cook (Stockton, North): On a point of order, Mr. Deputy Speaker. The comments by the hon. Member for Twickenham (Mr. Jessel) are not just proof of transgression but are a repetition of transgression. Is the hon. Gentleman trying to breed from his mistakes?

Mr. Deputy Speaker: Hon. Members would be well advised to leave it to the Chair to decide whether an hon. Member is in order.

Mr. Jessel: I must take exception to the bogus point of order——

Mr. Deputy Speaker: Order. The hon. Member should continue his speech. Many hon. Members want to raise points and the hon. Member should give them time to do so.

Mr. Jessel: Thank you, Mr. Deputy Speaker. I was referring to the Bill, which bears directly on the capacity of Gatwick, Heathrow and Stansted. The Bill is directly concerned with the financing of Stansted. That aspect has been considered at every stage of the Bill's passage. Hon. Members do not want to hear those arguments because they do not like them. I shall find some reason to interrupt their speeches as well on irrelevant grounds.

The fifth terminal at Heathrow would be a major destructive force on the western side of London. It would affect many of our constituencies, including that of my hon. Friend the Member for Epsom and Ewell (Mr. Hamilton), who as a Whip cannot be expected to speak in the debate. My right hon. Friend the Secretary of State said that one of the Bill's main aims was to provide access to all the airports with which the legislation deals. Heathrow is one such airport. Access would be hampered if capacity were increased. Excessive traffic generated by the demand to use the airport would cause congestion on the radial route along the Cromwell road in west London to Heathrow and on the orbital route around London, the M25. Untrammelled capacity at Heathrow could choke those routes.

I hope that my hon. Friend the Under-Secretary of State will give a full reply to all my points.

5.44 pm

Mr. Michael Meadowcroft (Leeds, West): I do not want to follow the convoluted points of the hon. Member for Twickenham (Mr. Jessel). The noise-aircraft ratio is not the problem—it is simply a matter of a marginal seat.

The Secretary of State said that this was the epilogue of the debate on the Bill. I was surprised that he drew an analogy from a prayer, as though he were relying on that for his success. It was more of a valedictory. I suspect that it meant he was sending the Bill with his good wishes along the corridors to the other place. The right hon. Gentleman failed to commend the brave rebels in the Conservative party for their assistance in the process of healthy opposition to the main points of the Bill.

In tabling reasoned amendments, Liberal Members gave three reasons why the Bill was not satisfactory. As the Secretary of State has pointed out, the Bill has reached Third Reading largely unscathed from the Committee and Report stages. We argued, first, that, if there is a monopoly, it should be in public rather than private hands. It can be argued that if a body is not a monopoly there need not be any dogmatic reason why it should be in public rather than in private hands.

My second argument against the Bill is that it fails to encourage diversity. It is strange that Conservative Members are not prepared to encourage a flexible approach by the smaller-scale airports which would benefit from avoiding a uniform solution. It is odd that there is no possibility of a mixture of private and statutory collaboration. As the right hon. Member for Manchester, Wythenshawe (Mr. Morris) pointed out, a case can be made for regional decisions on the right solution for a particular airport. It is not fair to say to those who have promoted Manchester over the years, "You will be put in the pot like everyone else and will be given the same solution even though you have succeeded so admirably."

Thirdly, there is an apparent failure to understand the importance of municipal pride and enterprise. The hon. Member for Southampton, Test (Mr. Hill) misunderstood the point I made about building up municipal airports. He said that the money will go back to the people as shareholders. The money has been put into the airports by all the ratepayers according to the proportion they pay in rates, but it will come back to only a tiny minority. Conservative Members are fond of saying that the number of shareholders is increasing, and I am glad that it is, but only 2 million out of the 56 million people are private shareholders. It is hardly a consolation to ratepayers in some of the municipal airport areas to say that the money will come back to them as shareholders.

Mr. Hill: Is the hon. Gentleman saying that ratepayers who have invested in the municipal airports will all lose money, or will they receive an additional benefit?

Mr. Meadowcroft: That is a fair point. The answer is that it varies. The forecasts over the years have been too optimistic. I suspect that the future for the economy as a whole is not as bright as some of those who wanted to invest large capital sums expected. The £20 million invested in the development of Leeds-Bradford airport was based on an estimate of 800,000 extra package tour holidays from Leeds-Bradford by the year 1987-88. I do not believe that that number will be reached.

Ratepayers' money was invested in those airports in good faith. Once the shares are offered on the open market, the advantages will not return to the city as a whole. One sacrifices local pride at one's peril. The Liberal party is not dogmatic about economic structure. It is difficult in many cases to defend aspects of public ownership.

The Government were faced with those three major points in the reasoned amendments but failed to answer any of them.

The alternative to public ownership is not necessarily to privatise. There are different ways of having hybrid schemes which would not fall foul of the rules of debate in the House. There are different ways of having collaboration between public and private bodies and different ways for the smaller airports to have some sort of co-operative structure. None of that has been essayed in the Bill as it is now before the House. That is why I believe that the reasons we put forward on Second Reading were accurate. None of those reasons has been met and I hope that the House will refuse to give the Bill a Third Reading.

Mr. Deputy Speaker: I am grateful for the hon. Gentleman's brevity.

5.50 pm

Mr. Terry Dicks (Hayes and Harlington): I am one of the main rebels against the Bill. I expressed my doubts about its contents on Second Reading, in Committee, as Opposition Members who served on the Committee will know, and yesterday on Report. I still feel strongly about it. I agree completely with the principle of privatisation, but there are many things wrong with the Bill. Earlier my right hon. Friend the Secretary of State said that because he had the votes in the Lobby the Bill must be right. That is not the case. The Government just got their whipping right. They called a three-line Whip and a payroll vote. That is the bread and butter of politics, and one cannot grumble too much about that.

At this stage let me at least pay tribute to my right hon. Friend the Secretary of State and my hon. Friend the Parliamentary Under-Secretary of State because they have listened to what has been said. They have not acted very much on what has been said, but at least they listened. In Committee, and again yesterday, even if the points made have not been written into the legislation, at least those of us concerned were able to make our points clearly.

I pay particular tribute to the Minister concerned with my amendment, which sought to give some protection to concessionaires. Although, with the help of Opposition Members and some of my hon. Friends, the amendment was passed in Committee, the Government were able to remove it yesterday. However, in doing so, at least the Minister has met some of the concessionaires and me, recognised some of the points we made, and made some movement towards meeting our requirements. I am genuinely grateful for that. It is not often that a Back Bencher has an opportunity to get an amendment through in Committee with the support of Opposition Members. It was something special. Although the amendment is not now in the Bill, at least the Minister acknowledged that I had a point and the Government have moved a little towards it.

I must take this opportunity to say what the concessionaires give to the British Airports Authority. In 1984-85, £98 million came to the British Airports Authority as income from concessionaires. Two thirds of

[Mr. Terry Dicks]

the BAA's commercial income came from concessionaires, but the Bill makes no reference to them in any shape or form — at least not at the moment, although it will when the amendment goes through in the other place. The concessionaires were not thought to be relevant and were not looked upon as users of the airport. However, as I said, we have made the point and we have had some concessions, so we must be reasonably happy about that.

My hon. Friend the Member for Southampton, Test (Mr. Hill) spoke about better utilisation of airport land and facilities. He spoke about cinemas and other facilities. That concerns many of us because we believe that a great deal of airport space should be used to provide airport-related activities. Some of us are concerned that, in looking for a quick return on their investment, shareholders will be pushing the BAA into providing just those facilities that my hon. Friend mentioned, when they should be pushing the BAA to provide better airport-related facilities, not cinemas and bigger duty-free shops.

Some of us feel strongly and are bitterly disappointed that the Bill will not provide for the breaking up of the London system. We believe that Stansted should be made to stand on its own. Despite the pressures placed on the Government yesterday, that is not to be. I am sure that my right hon. Friend and hon. Friend will be aware that those of us who are involved will be watching the financing of Stansted very closely, not only because we think that it should stand on its own, but because we must look to the needs of the regions, especially Manchester airport, which must not be seen to be pushed aside because of the Government's direction on Stansted. Woe betide the Government or anybody else if we see that, despite the assurances, money is going to Stansted that should not go there and that Manchester and other airports are losing as a result.

We are also disappointed that we did not get a better reassurance from the Minister with regard to the activities of the scheduling committee. As I said yesterday, the airlines at Heathrow—I speak especially for Heathrow because it is in my constituency—are happy with the scheduling arrangements. I have a feeling that things will not change very much, but perhaps we could have a firmer assurance from the Secretary of State or the Minister with regard to the scheduling committee's activities. I am aware of the problems of runway capacity and the timing of incoming and outgoing flights. However, I hope that the Secretary of State will make it clear that the present scheduling committee arrangements will be allowed to continue unfettered and that any intervention on his part will be as a very last resort.

In a sense, the Bill touches on the position at Heathrow and its future development. I do not accept the concern of my hon. Friend the Member for Twickenham (Mr. Jessel) but he has never missed an opportunity—good luck to him — to advocate his constituents' problems about airport noise. I made the point—and you quite rightly rebuked me for it, Mr. Deputy Speaker—that we never know how many people buy houses at lower prices in an area with aircraft noise and then expect higher values for them. I want to emphasise that not every hon. Member representing a west London constituency is concerned about airport noise. Some of us have taken a wider view of the civil aviation industry, and the airports especially.

Mr. Bill Walker: Jobs.

Mr. Dicks: Yes. As my hon. Friend says, we are also concerned about jobs. I do not care where jobs are created as long as they are created.

I am fully aware that the consultants are now looking into the infrastructure problems around Heathrow with regard to access. We know, even before the fourth terminal is open, that something needs to be done. I am sure that the Minister will tell us later that the possibility of a fifth terminal is not completely ruled out. We need immediate action on the infrastructure problems. We need some help towards the provision of the Hayes bypass, which will not only help my constituents but ensure easier and better access to Heathrow. Heathrow is the world's major international airport. It must be kept that way and left unfettered as far as is humanly possible.

I want to issue a final warning to the British Airports Authority and the parent company which will take over later. The BAA may have moved from being a public monopoly to a private monopoly. It may be gleefully thinking, "We have done it again. We have persuaded the Department of Transport to do exactly what we want when we want." I and many of my hon. Friends will be watching closely. Sir Norman Payne, his fellow directors and senior managers should not think it is over yet. We shall be watching them closely. One false step and we shall be after them.

5.57 pm

Mr. Tony Lloyd (Stretford): I shall preface my remarks by saying that I hope that all my hon. Friends and Conservative Members will have the chance to speak, because some of them have taken an interest in the Bill all the way through. I regret that some of the speeches earlier were self-indulgent and used up much time.

Despite the fact that the Secretary of State has told us that he feels that the Bill is right, it is quite clear, from the massive amount of criticism that it is still attracting from both sides of the House, that the Bill has little credibility within the House. It has been pointed out that it was only because of the Government's own placemen, those seeking advancement, and their ability to whip through the payroll vote that they were able to hang on to their majority. It was a serious rebuff that on a number of amendments the majority dropped as low as it did. That reflects the fact that the Bill is irrelevant to national airports policy, which is basically what we accused it of being on Second Reading. It is especially irrelevant because of the way in which it treats the different airports in the airport system.

I will not go at length into arguments that took place last night, but the idea that we should enshrine the right to private monopoly in legislation is a new concept, even for the Conservative party. I know that it greatly upsets some of the Conservative Members who feel that their principles are being betrayed by the Government. They are quite right to feel betrayed. It is dangerous that an under-regulated private monopoly has been created within the British Airports Authority.

I contrast that with the almost childlike obsession of the Department of Transport and its political masters with Manchester airport. Many of the actions that were taken against municipal airports were guided by the vendetta against Manchester. The elaborate nature of the financial controls are designed, ultimately, to drive Manchester

from its position as an independent private company back into this peculiar corporate structure which the Government have given us.

The use of those controls will prevent Manchester from borrowing and will prevent the development of Manchester airport. The Government hope that they will be able to force the local authority into privatisation. I regret that the economic future of Manchester, the north-west and Scotland will be jeopardised by the Government's ideological trap. They laid the trap and have fallen into it. Restrictions on capital are extremely dangerous. I hope that, even at this late stage, the Government will reconsider the stupidity of imposing such controls.

There are other issues that affect general airport policy. On the Secretary of State's desk there is a submission from the passenger transport authority in the Manchester area and from British Rail for a rail link to Manchester airport. The details of that submission have been published. Can the Minister tell me whether the Secretary of State is prepared to meet an all-party delegation to discuss the rail link? We could make progress on a matter that is important for the future of the airport. Will the Minister also agree to publish the details of the submission for a rail link to Stansted, which is a matter of great importance?

Mr. Michael Spicer: I am grateful to the hon. Gentleman for giving way at this point. I shall answer his question straightaway in case I forget to do so later.

The Department of Transport is deeply involved in the discussions that are taking place. Whether an all-party delegation should meet my right hon. Friend or other Ministers is, perhaps, not the issue. The Department is assessing the viability of both potential rail links. I am not sure what point the hon. Gentleman [illegible] is seeking to make on the matter. The matter is the subject of intense discussion and analysis.

Mr. Lloyd: I refer the Minister to the brief exchange between him and my right hon. Friend the Member for Manchester, Wythenshawe (Mr. Morris). That exchange concerned the Department's helpfulness to Manchester with regard to applications for new routes. The Minister said that the Department of Transport was beyond reproach. However, I share the view of the Singapore Government that its application for a new air route with Manchester was finally granted by the Department, after two refusals, due to the massive amount of pressure which was raised in Manchester. There were also delays before Iberia were ultimately granted an application for flights to Manchester. Such actions do not give one great faith in what goes on at the Department of Transport.

I am aware that the Department is actively involved in the discussions on the proposed rail link to Manchester airport, but I ask that there should be an all-party meeting so that the Government's thinking on the matter is known. In that way we can make progress. If such a meeting could take place it would be helpful. I will let the Minister dwell upon that matter.

The Bill does not address itself to the problems of our airport systems. We still lack an airport policy. When the Labour party comes into office such a policy will be a matter of considerable urgency. We shall use some of the powers that exist in the Bill to create an effective structure to meet the nation's air transport needs. Sadly, such needs will not be met by the present Secretary of State.

6.4 pm

Mr. John Carlisle (Luton, North): I will not follow the parochial arguments of the hon. Member for Stretford (Mr. Lloyd) about Manchester airport. He will understand if my remarks concern Luton airport.

The hon. Member for Stretford paid a tribute to those who have been involved with the Bill through all its stages. I must apologise to the House because this is my first intervention on the Bill. The simple reason is that my hon. Friend the Member for Luton, South (Mr. Bright) would normally be here to speak for the interests of his constituency. Unfortunately, my hon. Friend is indisposed and I am an inadequate stand-in to represent him and the airport. I hope the House will forgive me if my knowledge of the Bill is scant compared to that of other hon. Members.

I am sorry that my hon. Friend is not present, as he has shown enormous enthusiasm for the Bill. Such enthusiasm regrettably caused my hon. Friend to fall out with the leader of Luton council, who opposed the Bill. My hon. Friend the Under-Secretary of State may have witnessed such opposition on his recent visit to Luton. The arguments which have been put forward by my hon. Friend and by the Government in Committee have allayed some of the worst fears of Luton borough council. There is a much broader welcome in Luton for the Bill.

We are extremely proud of our airport. It is extremely well run and we are not afraid of the opportunity to become a plc. I am pleased to report to the Minister that the feeling in this constituency is more welcoming to the Bill than it was some months ago. The importance of Luton airport to the district cannot be under-estimated. Last night, that was highlighted in an intervention by my hon. Friend the Member for Bedfordshire, South-West (Mr. Madel) when he said that Luton airport was the second largest employer in the town. The prosperity of the airport is crucial to the prosperity of the town and the area.

We agree in principle with the Bill and agree that airport management can be strengthened by an intake of new directors. We are anxious to use the new sources of finance which will be made available by the Bill. When the plc is formed, I believe many local people will wish to buy shares and become part of one of the greatest assets of the area.

We welcome the assurance on pension rights given by my right hon. Friend yesterday evening. There has been much concern from one particular union. I have not been able to get that union's reaction to the altercations in the House yesterday but it appears that my right hon. Friend's words have allayed the worst fears. However, my right hon. Friend did not go as far as some unions wanted. His assurances were reasonable and should be welcomed by thinking people.

My hon. Friends the Members for Bedfordshire, North (Sir T. Skeet) and for Bedfordshire, South-West (Mr. Madel) and myself supported an amendment because of our fears of the development of a continuing subsidisation of Stansted. The Minister will be aware that there will be much concern in Luton about the unfair competition of Stansted and its effect upon Luton. Luton has been affected more than any other airport because of its proximity to Stansted. My hon. Friends and myself felt obliged to go into the Lobby against my right hon. Friend the Secretary of State because we felt our fears were not allayed by his assurances. I was pleased to support the

[Mr. John Carlisle]

right hon. Member for Manchester, Wythenshawe (Mr. Morris) and my hon. Friend the Member for Manchester, Withington (Mr. Silvester). We want to encourage scheduled flights from Luton and we are not afraid of unfair competition. If Stansted continues as a subsidised airport and is not made to stand on its own feet—the Bill will not completely force it to do so—we shall be permanently worried about competition and our attempt to attract the 5 million passengers as envisaged by my right hon. Friend will be even more difficult. Nevertheless, we are ready to take up the challenge.

I hope that my hon. Friend the Minister will have time to answer three questions, but, if not, I hope that he will write either to me or to my hon. Friend the Member for Luton, South. Luton borough council and I are worried about the financial arrangements in clause 20. At present the airport has a debt of some £17 million which needs an annual servicing of £2 million. We are worried that because of the Bill the servicing of that debt will have to be retained by the ratepayers, rather than taken on by the plc. If that is the case, it will have a devastating effect on Luton ratepayers. With the loss of £2·5 million in rate support grant, the ratepayers would face a massive rise of 60 per cent. in an attempt to find £4·5 million in the coming financial year.

I am cognisant of my precarious election positon and of that of my hon. Friend the Member for Luton, South, and I know that my hon. Friend the Minister is anxious that we return and represent that town in the House. If a 60 per cent. rates increase were proposed, probably in election year, we would have difficulty in persuading the electorate that the Bill was the best thing since sliced bread. Will my hon. Friend remind the Secretary of State that that is causing great anxiety in Luton? Can he assure me tonight that the plc can take on the servicing debt? If not, I hope that he will write to me or my hon. Friend the Member for Luton, South.

My second question is about clause 17. I apologise to the House that thanks to the good service of a Labour Whip I went home last night at a quarter to 11, so I was not present for the altercations on clause 17. It provides the basis for airport directors to remain as councillors and participate in council meetings. There is great concern about the composition of the council in Luton, where we have 23 Conservative members, 17 Labour members, seven Liberal members and one Independent Labour member. In such circumstances, if members of the council are appointed as airport directors, as we expect them to be, their interests on the council and in airport matters could conflict with clause 17. Can my hon. Friend the Minister clarify that position, which I also raised on Second Reading? Does he consider that position to be similar to that in the Transport Act 1985, or is there no way that those airport directors can take part in any proceedings on airport business in the council chamber?

My third anxiety relates to the time for proceeding towards a plc. I ask him on behalf of the borough council whether, when we proceed towards the plc, we can have a little more time and flexibility. He will understand that a vast number of different departments, such as the finance department, the environment health department, the architect's department and, even, the recreational services department, are involved in a local authority airport such as Luton. Those various departments will need a certain amount of time to unscramble the various operations that they perform at the airport. Considering the provisions of the Bill and, particularly, my right hon. Friend's comments in Committee, we believe that that unscrambling will take some time. I do not know whether he appreciates the problems that we could face. It will not be simple to assimilate the new procedures, but, obviously, we shall do so as efficiently as we can.

We wish the Bill the best of speed in the other place, and I ask the Government to consider the necessary amendments that I have proposed. It is a first-class Bill, and certainly one which the people of Luton heartily welcome.

6.15 pm

Mr. Peter Pike (Burnley): I must disagree with the line pursued by the hon. Member for Luton, North (Mr. Carlisle), and I certainly shall not vote for the Third Reading of the Bill tonight.

The Secretary of State said that the lack of interventions signified agreement with the Bill. However, my hon. Friend the Member for Aberdeen, North (Mr. Hughes) was absolutely right in saying that the Government had made so few concessions that Labour Members felt it was pointless to intervene, especially with the present Secretary of State who, as in debates on the Transport Bill, may have listened, but failed at all stages to take any notice and to make any concessions.

I certainly agree with the Secretary of State that we should have an airports policy for the United Kingdom which will attract airlines and air traffic, especially international and intercontinental flights, to British airports rather than to Frankfurt or other continental airports. That is essential. However, I do not agree with him that the Bill goes in that direction. I do not believe that it will solve our civil aviation problems. It fails to provide a national airports policy, to develop our regional airports and to solve our present problems.

I have grave reservations about the proposal to privatise the BAA—owned London airports together. I cannot see why Gatwick, Heathrow and Stansted should all come under one owner in the private sector. Obviously, I do not agree with privatisation to start with, but if they must be privatised, I do not see why they cannot be split up. Nor do I see why Stansted should not be left to stand on its own feet, especially if there is potential for it to develop. At every stage I have opposed that encouragement, but the Government have a stubborn bias and continually widen the rift between north and south. I know that they will encourage the growth of that airport at the expense of our regional airports. If the Government believe that Stansted should grow, why should it not fight for that growth on its own merits?

The Secretary of State's policy of privatising the airports together and creating a monopoly in London conflicts considerably with his position last year on the Transport Bill when he decided that the National Bus Company had to be privatised, but not as a whole, although it faces municipal and private competition. On that occasion there was a good case for privatising the company as an entity as it faced considerable competition.

The Bill fails adequately to safeguard the position of employees. Despite the Government's concession on pensions last night, I am still gravely concerned about the future of employees, whether employed by municipal airports or the BAA. Once again, the Government intend

to make privatisation work through worse conditions for existing and future employees in the industry, and by not giving them the sort of conditions to which they are entitled or a guarantee as to the type of pension scheme which most employees have at present.

The Secretary of State told us that agreement had not yet been reached on the shareholdings for employees and the type of concessions that they are to be offered. Once again, the Government have failed with regard to employee participation. If they genuinely believe in employee shareholding, why do they not also provide for employee directors to sit on the boards of the privatised industries? The percentage of shares that will be taken by employees will be so small as to have no impact on the future of the companies.

My final point is about Manchester airport. My hon. Friend the Member for Stretford (Mr. Lloyd) and the North of England Regional Consortium have made the case forcibly and concisely for Manchester and the other regional airports. Their comments were used yesterday, and so I will not refer to them today. Over many years, the Manchester authority has exercised foresight by making massive capital investments when it appeared that those investments would take some years to bear fruit. The forecasts were usually proved to be pessimistic, and the position rapidly moved into profit. The Bill, however, places grave limitations on Manchester airport's ability to spend capital in the future. Such restrictions will inhibit the growth of Manchester as a plc owned by the Manchester local authorities. I acknowledge what has been done in the past. We have a great airport with tremendous potential. I believe that, given sufficient freedom, it could develop.

My final point arises on all privatisation debates. The BAA will be privatised, and the Government will receive a capital sum. The Government have spoken about the BAA's record over many years. That record is extremely good, in spite of the shackles that the Government have imposed on publicly owned industries. The proceeds will be used once, and the income thrown away for year after year. Such assets should remain under public control, whether that of the BAA or of the municipal authorities, and we should encourage the growth of airports in that way, giving full encouragement to the development of our regional airports as well as the London airports.

6.23 pm

Mr. Bill Walker (Tayside, North): I declare an interest as director of two aviation companies. I have also tried, throughout the passage of the Bill, to look after the Scottish interest as a Scottish Member on the Government Benches. I believe that some of my Scottish colleagues are, in their kindest thoughts, calling me "airport Bill". They often call me other things, and I much prefer "airport Bill".

The Bill will bring about substantial change. It is an interesting and exciting Bill, but, as the Government know, I still believe that there are some deficiencies in it. I put down amendments both in Committee and on Report. I believe that, in its present form, the Bill will not increase competition. I believe in competition. I know that the Government are wedded to competition. Sadly, if anyone imagines that the Bill in its present form will increase competition, that view must be based on hope rather than experience. By privatising the BAA, we are turning a public monopoly into a private one.

When I talk about the BAA, I can always feel the eyes of the BAA on the back of my neck. I do not dislike what the BAA has done. It has done well. I agree with my hon. Friend the Member for Southampton, Test (Mr. Hill). Under its terms and conditions and the rules under which it has operated, the BAA has done a very good job. However, I understood that the Government policy that was to be embodied in the Bill was to be that of improving competition, providing great opportunities for the investment of public funds, and encouraging more openness in the system. Such a policy will not be achieved. I understand the limitations facing the Government when they consider how to privatise the BAA. When attempting to privatise an organisation, one needs to have the support at least of the workers or the management. If, perhaps, the employees are hostile, one needs the support of the management. If both management and employees are hostile, a difficult job becomes almost impossible.

That is why, while I supported amendments for the break-up of the BAA, I recognised that in the end we would probably end up with something like the present Bill with seven companies being privatised under one overseeing company. I accepted that, but I was surprised that more was not done in the Bill to allow competition on the airports. Ministers have said that they wish to see such competition, but there is nothing in the Bill to encourage it, and experience in other fields suggests to me that it will not arise. The provisions in the Bill will not produce the result that the Government want.

Many questions remain unanswered. While the Bill was in Committee, I twice asked a question about the local authority airport plcs. The question was never properly answered. Under the arms-length arrangements that will exist after the Bill becomes an Act, the shareholders are the local authority. I asked who would be entitled to attend the annual general meetings. One of the pressure points on any plc is what happens at the AGM. It is necessary to set everything in order so that one can tell the shareholders at the AGM, "Look how good we are." As I understand it, the meetings will be attended by the duly appointed elected councillors. The majority of them may be of the opinion that they should be doing something in a certain way because of their political point of view. They will be perfectly entitled to their views, but how will that affect the pressure that is supposed to be caused by the fact that the airport has become a plc? I wonder whether there will be any pressure, other than pressure to do exactly what the councillors want—which is what the directors may be required to do. That is another weakness in the Bill.

I approve of turning the local authority airports into plcs. I approve of making the BAA a plc. That is the right thing to do. I believe that the Bill will achieve many of the objectives that I would wish to see achieved in a new and enterprising British airports system. That system would include the new BAA plc. In Scotland, there would be the civil aviation airports. Those eight airports would also be operating as a separate plc, as the Bill stands. However, there is nothing in the Bill to suggest that they, the local authority plcs or the BAA will become involved in any competition on the airports themselves. The Bill will not lead to competition. That will be a weakness. We will not achieve what the Government set out to achieve. Notwithstanding that, there is much good in the Bill.

My right hon. Friend the Secretary of State was right to consider in the Bill the problems of traffic distribution.

[Mr. Bill Walker]

The Bill will deal wisely and sensibly with such matters. Some members of the Committee had doubts about that and tabled amendments to improve the operation of the mechanism. There is no doubt that the Bill retains the present voluntary arrangements which my right hon. Friend mentioned earlier. The scheduling committees will continue until such time as they are unable to resolve the problems. When that time comes, there will be a mechanism to deal with the problem. That is clearly laid out in the Bill. I hope that it will never be used. I hope that the scheduling committees will continue, for the foreseeable future, to continue to make decisions on slots and allocations, because that is the best way to do it.

I welcome that part of the Bill which encourages employee shareholding and my right hon. Friend's comment that a British Telecom-type shareholding will be encouraged for BAA employees. That is a good thing. I wonder whether the Bill as it stands is equipped to encourage the necessary expansion to meet the demands that we expect at Heathrow and Gatwick.

I also welcome, although with minor qualifications, the fact that, once the airports become plcs and the separate companies are set up, the accounts will show clearly how, for example, the Scottish civilian airports are subsidised —they are properly subsidised—and by how much. I welcome that, because those of us in Scotland who care dearly about the infrastructure wish the money to be used sensibly and wisely. I welcome the fact that the accounts will show how Prestwick is operating and how Glasgow, Edinburgh and Aberdeen airports are progressing. I also welcome the fact that we shall see clearly that there will be no transfer of funds from the three airports in the London system for the assistance of Stansted. The treatment of capital expenditure and investment in the new plcs is a big improvement. At present, the treatment of the British Airports Authority's accounts differs from the treatment of revenue and capital in plcs, so the change will benefit the BAA.

In general, the Bill follows the lines that I would have wished. I am unhappy with some parts, but in general the Bill does what I believe should be done. I give it a qualified welcome.

6.33 pm

Mr. Robert Litherland (Manchester, Central): Having been a member of the Standing Committee that considered the Bill, I witnessed the tremendously rough passage that it received. The Government were defeated twice, and on another occasion only the Chairman's casting vote saved them. To add insult to injury, the three amendments were tabled by Conservative Back-Bench Members of a Committee that was supposed to consist of future Ministers. Many parliamentary private secretaries were present. It is always in the Government's interests if Back Bench Members do not speak, but the *Hansard* reports of the Committee show that the Government Back-Bench Members were extremely vocal.

One issue on which Conservative Members were vocal was consultation. The first thing that the Committee did was to put right the oversight of the Secretary of State to pay tribute to the BAA workers. We said that they were the finest workers in the world and that they should be given credit for the success of the company. At the same time, we said that there should be proper and meaningful consultation. We asked the Secretary of State to table on Report an amendment to correct the lack of consultation, but nothing happened.

The BAA workers visited the House yesterday, expressed their anxiety about their future and queried what was in store for them in terms of job security and pensions. They are worried that a change of ownership might be detrimental to their well-being and that of their families. We fear that the workers will be faced with a fait accompli and that their anxieties will not be alleviated.

During the debate on consultation, the hon. Member for Tayside, North (Mr. Walker) said:

> "Nothing that I have said suggests that people investing their time and skills is not an investment. Of course, it is an investment. I believe that the greatest asset any organisation has is the people who work for it. We often confuse what companies and organisations do with the people who work for them. Those people are what really matters. I believe that that is what is behind the amendment." — [*Official Report, Standing Committee J*, 6 February 1986; c. 13.]

But the workers are still terribly confused.

Last night, there was another rebellion by more than 30 Conservative Back-Bench Members about Stansted's becoming a free-standing airport. That rebellion should show the Government and the Secretary of State that they have got it wrong. They cobbled the Bill together and even after amendments it remains cobbled. Nothing has changed. The Government Back-Bench Members were not convinced in Committee, nor were they convinced last night.

In his reply to the debate last night, the Secretary of State gave excuses rather than good reasons, and his efforts to suggest that Stansted would not receive a hidden, large and unfair subsidy came across in the pathetic lame excuse that Manchester had outstripped Stansted in its development in recent years and that the Government had assisted Manchester in its progress. If that is the case, why was Stansted given the go-ahead for a rail link while Manchester is still waiting for one? If the Government intend Manchester airport to grow, it should have been given the link long ago.

The Government are in another quandary as to how to tackle the problems of Manchester airport. The Secretary of State agreed that, if all the 10 district authorities could agree, they could set up a public limited company. After receiving legal advice on company procedure, they have now set up a legitimate company and have embarrassed the Government. They have taken the Secretary of State at his word.

The Guardian quoted the Under-Secretary of State as saying:

> "Local authority airports would be compelled to transfer their airport operations into public limited companies and sell shares to the public at the earliest opportunity. But if local authorities kept a 51 per cent. stake in their airports, the Government would retain a powerful influence over their affairs through existing controls over local authority spending."

I hope that when the Under-Secretary replies he will tell us Manchester's position. The council now has 100 per cent. of the shares. Manchester city has 55 per cent. and the districts have 5 per cent. of the shares each. How can a company be brought back under local government restraints when it will have been borrowing from the private market for a number of months? So far the Under-Secretary has not answered that question. Even now he has not listened to one word that I have said. He is having a conversation. He wants only 10 minutes to reply and to

answer that question would take much longer. I have been asking the hon. Gentleman questions now for the past five minutes and he has not heard a word that I have said.

Mr. Michael Spicer: I heard.

Mr. Litherland: I thank the hon. Gentleman very much indeed.

A directive from the Department of the Environment's consultation document said that it was

"open to authorities to establish wholly or partly owned limited companies. Under the present system capital expenditure by such a company does not count as prescribed expenditure by the authority that controls it, but contributions of a capital nature to the company by the authority do count. Moreover, such companies have freedom, subject to their articles of association, to borrow from the financial markets."

We believe that Manchester now has those articles and can borrow from the private market, so how can the Government possibly bring it back under the contraints of local authority finance?

The practical differences between the two types of companies in the Bill are significant and have never been understood by the Government. I am waiting for the Under-Secretary of State's reply to see whether, at last, he has understood what the argument is about. That is why we thought there was hybridity in the Bill. Manchester airport is set up as something entirely different. Manchester international airport no longer exists and a new company has been set up that can borrow from the private market. How can the Government once again bring it under the constraints of a local authority?

6.42 pm

Mr. Alan Haselhurst (Saffron Walden): I apologise to you, Mr. Speaker, and to the House, for not having been here for the resumption of the debate this afternoon. Unlike my hon. Friend the Member for Tayside, North (Mr. Walker) who was once delayed by an aeroplane, I was delayed by a British Rail train that was not getting there. That explains my late arrival in the House this afternoon.

In some ways the Airports Bill is a Bill of opportunity and lost opportunity. It is an opportunity to put some of our airports on a sounder business footing, and that I welcome. It is perhaps a lost opportunity to put them on a sounder competitive footing. We have fought for that argument. It may be taken up in another place. It was a real and viable argument and I hope that the arguments that were put that did not gain a majority will, nevertheless, be found with hindsight to have been the more compelling.

The Bill is an opportunity to privatise and to put at arm's length from the Government the operation of our airports, and that I welcome. Yet it seems that what the Government have thrust away from themselves with one hand they have been inclined to bind to themselves with the other with the panoply of controls which the Bill enables them to have.

Nevertheless, I speak at this stage of the Bill's proceedings in a slightly more conciliatory spirit than the hon. Member for Manchester, Central (Mr. Litherland), because I generally support the Bill. I welcome the fact that the Government have tightened the provisions to guard against the cross-subsidy factor which has been of such great concern. I am grateful to the Government for particularising the weapon of control of air traffic movements to Stansted which is, effectively, what has been done.

That is not only in the interests of those of my constituents who have been concerned about the possible future extension of Stansted, but it recognises the concerns of the aviation industry as to how such a power might at some future time be used.

I am not sure whether the Bill fully reflects all the interests of the airline as customers of the airports, but enough has been said on that for good sense to prevail and one hopes that working relationships will respect the interests that the airlines have in the use of our airports and that we might see a constructive relationship in the future which does not have some of the difficulties that have attended those relationships in the past.

I cannot help thinking that no part of my constituency could have had greater attention throughout the Bill's proceedings than the airport at Stansted, which is close to the village of Stansted Mountfitchet. It would be surprising if any part of my constituency gets such particular attention again, unless, of course, the Government were to propose to dispose of nuclear waste in the region—heaven forbid.

I bear no rancour over the development of Stansted airport. I wish it success, if modest success. I trust that no one will misunderstand that. I have never been opposed to the development of Stansted. I happen to have a view that a more limited development is the right thing for the industry and for the neighbourhood in which that airport is situated. I continue to hope that we shall be able to achieve in practice over the years the sort of compromise with which everyone can live.

I harbour no ill will to the BAA whose opponent I have had to be at various stages of the Bill. It has misunderstood my motives as it doubtless thinks that I have misunderstood its. However, throughout the Bill's proceedings the argument has been solely about what is best for the British aviation industry and for the best operation of British airports. It is my desire to work with the BAA in my constituency, as I would work with any other employer or supplier of services therein. I am grateful for the cordial relationship with the director of Stansted airport, Allan Munds, who is trying to set relationships in the area on a better footing than perhaps they have been in the past.

I am still inclined to wonder what may flow from the Bill. It will not be the final word on the pattern of Britain's airports. Allusion has already been made to Heathrow. One of the falsest trails that has been set throughout the airports debate has been the question of the competitive position of London, as though that required the full expansion of three airports. Hon. Members on both sides of the House have had to say time and time again that the nub of the argument is whether Heathrow can be made to be the sharpest competitive force against the foreign airport systems. That is what it is all about, and it will come to that in the end. One hopes that nothing in the Bill will preclude the possibility of the maximisation of facilities at Heathrow.

The Government have had difficulty in picking a way through British airports policy. It has pleased the Government to obtain a development at Stansted in the first place. It has pleased the Government to say that the limitation at Heathrow is the runway capacity. I shall not go into those arguments now, but they will not go away. We shall have to turn back to them at some stage. We must ensure that Heathrow, together with the other airports, are all a success in the name of Britain.

[Mr. Alan Haselhurst]

I hope for the best for British civil aviation and it is because I do so that I hope for the best from the Bill, and I shall certainly support it in the Lobbies tonight.

6.49 pm

Mr. Roger King (Birmingham, Northfield): In the three years that I have had the pleasure of being a Member of the House, I seem to have involved myself, by dint of serving on the Select Committee on Transport, with the future of airports. Indeed, that Committee for nearly 12 months discussed the future structure of British airports. I was privileged to take part in those discussions and to compare the running of airports not just in this country but in other parts of the world. Although the Bill does not outline what I would have liked as the preferred solution, I think that it goes a long way to improving the potential of our airports system to compete with the systems in Europe.

I felt that privatised British airports, with Gatwick as a separate undertaking, might be a preferred solution for the London area. None the less, given the criticisms and problems that a separate Gatwick might well have raised, I am happy to accept the Bill as it stands and the controls introduced therein. Never has an undertaking had so many restrictions put on it to ensure as much fair play as possible in the future privatised system.

I mentioned that I was interested in airports. Indeed, airport security is a matter under discussion in the Select Committee. Although our national and international airports are considered to be gateway airports to the world, it must be remembered that they are also gateway airports into this country. I hope that when we publish our findings we shall endeavour to point out the risks of having too much open security visible to everybody, because of the danger of deterring people from coming to this country.

In the course of debates in Committee, many points were raised by hon. Members on both sides. My hon. Friend the Member for Meriden (Mr. Mills) and I had the pleasure of highlighting the problems of Birmingham which I wish now to repeat. My right hon. Friend the Secretary of State was very generous when he summed up our concern about Birmingham airport's £30 million debt as a result of expansion. He was kind enough to say that he would be very flexible about the establishment of a debt-equity ratio. He said:

"It is important to find a solution for each airport to suit its financial circumstances. We shall be as helpful as we can in arranging a debt-equity ratio for Birmingham that will be as advantageous as possible." — [*Official Report, Standing Committee J*, 6 March 1986; c. 454.]

I hope that we can hold him to his word and that Birmingham can prosper as a public limited company, which I am sure it will be.

6.52 pm

The Parliamentary Under-Secretary of State for Transport (Mr. Michael Spicer): I suspect the House will not wish me to prolong this debate much further. The debates we have had on this Bill on Second Reading, during 19 sittings of the Standing Committee and until the early hours of this morning on Report have been detailed and at times complex and highly technical. Many of those right hon. and hon. Members who have contributed to the debates have been extremely knowledgeable about the subjects that they discussed, and Ministers have had to be pretty agile just to keep up with them.

Several of my hon. Friends have displayed not only the depths of their knowledge on the subject of aviation but the intensity of their passion in battling for constituency and other causes that they have espoused. Some have taken a last bow, at least for the time being, on the Bill today —my hon. Friends the Members for Saffron Walden (Mr. Haselhurst), for Hayes and Harlington (Mr. Dicks), for Tayside, North (Mr. Walker) and for Birmingham, Northfield (Mr. King), to name but four—and there have been new arrivals in the form of my hon. Friends the Members for Southampton, Test (Mr. Hill) and for Luton, North (Mr. Carlisle). Their contributions have been most welcome.

I can tell the House that the results of those efforts by my hon. Friends have manifested themselves in amendment, and, indeed, improvement of the Bill. My hon. Friend the Member for Saffron Walden was generous enough to mention one of them, although it has to be said that some of my hon. Friends will say that the process has not gone far enough. In doing so, they may themselves underestimate the impact that they have made.

I shall deal briefly with one or two specific points that were raised. The right hon. Member for Manchester, Wythenshawe (Mr. Morris) and his hon. Friend the Member for Stretford (Mr. Lloyd) claimed that we were carrying our some sort of vendetta against Manchester, and that all the licences were despite us rather than because of us. They mentioned, in particular, the question of Singapore Airlines. The formal request of the Singapore Government for access to Manchester was not received until mid-March 1985. Official consultations were held at the beginning of May, at which agreement was reached for the services to start on 1 April 1986. That additional time was needed for the company to make local arrangements and decide on the routeing for its new services. I hope that hon. Members will spend as much time lobbying foreign Governments to let in our airlines as they claim to lobby on behalf of foreign airlines to allow them to come into our airports.

I have two things to say to my hon. Friend the Member for Luton, North. We will be flexible about the debt-equity ratios at airports, but perhaps I might write to him on what would be a complex matter to cover tonight. Councillors who are directors will be able to discuss airport matters but not to vote on specific matters concerning contracts, which seems to be a reasonable compromise.

The Bill that the House now has before it opens the way to the privatisation of Britain's major airports. As such it is a further manifestation of what this Government mean by full and genuine public ownership—the possession of shares and rights in public companies by employees and by the greatest possible number of individual members of the public.

The airports over which the Government currently have direct control and ownership and which they therefore have the right to sell to the public are the seven British Airports Authority airports. Those we shall sell as separate companies under one holding company,. In selling these companies, we shall use every marketing method that we can to help us to reach the widest public.

We are confident that the owners of the 16 local authority airports covered by the terms of the Bill will increasingly see the benefits of introducing private capital.

Finance for development, employee participation, management incentives and, if over 51 per cent. of the shares are sold, loss of public sector capital controls are four benefits which spring immediately to mind. Indeed, the hon. Member for Aberdeen, North (Mr. Hughes) raised that specific point. He wondered whether it was unfair that, while they remained in the public sector, they should have those controls. We do not accept that. They have the public sector guarantee behind them, which distinguishes them in the public sector. If they come out of the public sector, they will reap the benefits of privatisation.

Concern has been expressed about the controls once the airports are in the private sector. I give the House the assurance once more that economic and anti-monopolistic regulation will ensure that the new public airport companies do not act anti-competitively and against the public interest.

We have also taken or retained powers to protect the interests of the state in matters of security with respect to the impact made by the operations of the airports on the environment. On the latter point, I would say to the House that we totally accept that a Government as successful as this Government have been in pursuing the interests of aviation—to the point where our international airports are the busiest in the world, where Manchester airport alone is one of the largest in Europe and where our airlines are collectively the most successful outside the United States—a Government with these achievements to their credit, are bound to be highly sensitive to the environmental impact of this growth and success.

That explains in large measure why, at those airports where we have taken direct powers over noise abatement, we are engaged in major reviews of aircraft track keeping, monitoring methods, noise abatement procedures, night restrictions, noise insulation policies and also the noise indices that were mentioned by my hon. Friend the Member for Twickenham (Mr. Jessel). Should the need arise, we shall be able to extend those powers to any airport.

This Airports Bill, to which I now ask the House to give a Third Reading, will, I am sure, prove to be a historic milestone for this country. The privatisation of utilities, such as major airports, will be no mean feat. It would seem that we are now to be followed by other countries, notably the United States of America.

Question put, That the Bill be now read the Third time:—

The House divided: Ayes 303, Noes 138.

Division No. 130] **[7 pm**

AYES

Adley, Robert
Aitken, Jonathan
Alexander, Richard
Alison, Rt Hon Michael
Amess, David
Ancram, Michael
Arnold, Tom
Ashby, David
Aspinwall, Jack
Atkins, Rt Hon Sir H.
Atkins, Robert *(South Ribble)*
Atkinson, David *(B'm'th E)*
Baker, Rt Hon K. *(Mole Vall'y)*
Baker, Nicholas *(Dorset N)*
Baldry, Tony
Batiste, Spencer
Bellingham, Henry
Bendall, Vivian
Bennett, Rt Hon Sir Frederic
Benyon, William
Best, Keith
Bevan, David Gilroy
Biffen, Rt Hon John
Biggs-Davison, Sir John
Blackburn, John
Blaker, Rt Hon Sir Peter
Body, Sir Richard
Boscawen, Hon Robert
Bottomley, Peter
Bottomley, Mrs Virginia
Bowden, A. *(Brighton K'to'n)*
Bowden, Gerald *(Dulwich)*
Braine, Rt Hon Sir Bernard
Brandon-Bravo, Martin
Brinton, Tim
Brittan, Rt Hon Leon
Brooke, Hon Peter
Browne, John
Bruinvels, Peter
Bryan, Sir Paul
Buck, Sir Antony
Burt, Alistair
Butler, Rt Hon Sir Adam
Butterfill, John
Carlisle, John *(Luton N)*
Carlisle, Rt Hon M. *(W'ton S)*
Carttiss, Michael
Cash, William
Chalker, Mrs Lynda
Chapman, Sydney
Chope, Christopher
Churchill, W. S.
Clark, Hon A. *(Plym'th S'n)*
Clark, Sir W. *(Croydon S)*
Clarke, Rt Hon K. *(Rushcliffe)*
Cockeram, Eric
Colvin, Michael
Conway, Derek
Coombs, Simon
Cope, John
Couchman, James
Currie, Mrs Edwina
Dickens, Geoffrey
Dicks, Terry
Dorrell, Stephen
Dover, Den
du Cann, Rt Hon Sir Edward
Dunn, Robert
Durant, Tony
Dykes, Hugh
Eggar, Tim
Emery, Sir Peter
Eyre, Sir Reginald
Fairbairn, Nicholas
Fallon, Michael
Farr, Sir John
Favell, Anthony
Fenner, Mrs Peggy
Finsberg, Sir Geoffrey
Fletcher, Alexander
Fookes, Miss Janet
Forman, Nigel
Forth, Eric
Fowler, Rt Hon Norman
Fox, Marcus
Franks, Cecil
Fraser, Peter *(Angus East)*
Freeman, Roger
Fry, Peter
Galley, Roy
Gardiner, George *(Reigate)*
Gardner, Sir Edward *(Fylde)*
Garel-Jones, Tristan
Gilmour, Rt Hon Sir Ian
Goodlad, Alastair
Gow, Ian
Gower, Sir Raymond
Grant, Sir Anthony
Greenway, Harry
Gregory, Conal
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Grist, Ian
Ground, Patrick
Grylls, Michael
Gummer, Rt Hon John S
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Jeremy
Hannam, John
Hargreaves, Kenneth
Harris, David
Haselhurst, Alan
Havers, Rt Hon Sir Michael
Hawkins, C. *(High Peak)*
Hawksley, Warren
Hayes, J.
Hayhoe, Rt Hon Barney
Heathcoat-Amory, David
Heddle, John
Henderson, Barry
Heseltine, Rt Hon Michael
Higgins, Rt Hon Terence L.
Hill, James
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holland, Sir Philip *(Gedling)*
Holt, Richard
Hordern, Sir Peter
Howard, Michael
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Howell, Rt Hon D. *(G'ldford)*
Howell, Ralph *(Norfolk, N)*
Hubbard-Miles, Peter
Hunter, Andrew
Irving, Charles
Jenkin, Rt Hon Patrick
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
Jopling, Rt Hon Michael
Joseph, Rt Hon Sir Keith
Kellett-Bowman, Mrs Elaine
Key, Robert
King, Roger *(B'ham N'field)*
King, Rt Hon Tom
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Lamont, Norman
Lang, Ian
Lawler, Geoffrey
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lewis, Sir Kenneth *(Stamf'd)*
Lightbown, David
Lilley, Peter
Lloyd, Peter *(Fareham)*
Lord, Michael
Luce, Rt Hon Richard
Lyell, Nicholas
McCrindle, Robert
McCurley, Mrs Anna
Macfarlane, Neil
MacKay, Andrew *(Berkshire)*
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
McNair-Wilson, P. *(New F'st)*
Madel, David
Major, John
Malins, Humfrey
Malone, Gerald
Maples, John
Marland, Paul
Mates, Michael
Maude, Hon Francis
Mawhinney, Dr Brian
Mayhew, Sir Patrick
Mellor, David
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Mitchell, David *(Hants NW)*
Moate, Roger
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morris, M. *(N'hampton S)*
Morrison, Hon C. *(Devizes)*
Moynihan, Hon C.
Mudd, David
Neale, Gerrard

Nelson, Anthony
Neubert, Michael
Newton, Tony
Nicholls, Patrick
Onslow, Cranley
Oppenheim, Phillip
Oppenheim, Rt Hon Mrs S.
Osborn, Sir John
Ottaway, Richard
Page, Richard *(Herts SW)*
Parris, Matthew
Patten, J. *(Oxf W & Abgdn)*
Pattie, Geoffrey
Pawsey, James
Peacock, Mrs Elizabeth
Percival, Rt Hon Sir Ian
Pollock, Alexander
Portillo, Michael
Powell, William *(Corby)*
Powley, John
Prentice, Rt Hon Reg
Price, Sir David
Prior, Rt Hon James
Pym, Rt Hon Francis
Raffan, Keith
Rathbone, Tim
Rees, Rt Hon Peter *(Dover)*
Renton, Tim
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Rifkind, Rt Hon Malcolm
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rossi, Sir Hugh
Rowe, Andrew
Ryder, Richard
Sackville, Hon Thomas
Sainsbury, Hon Timothy
St. John-Stevas, Rt Hon N.
Scott, Nicholas
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Shersby, Michael
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Smith, Sir Dudley *(Warwick)*
Smith, Tim *(Beaconsfield)*
Speed, Keith
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Squire, Robin
Stanbrook, Ivor
Stanley, Rt Hon John
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Allan *(Eastwood)*
Stewart, Andrew *(Sherwood)*
Stewart, Ian *(Hertf'dshire N)*
Stradling Thomas, Sir John
Sumberg, David
Tapsell, Sir Peter
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Tebbit, Rt Hon Norman
Temple-Morris, Peter
Terlezki, Stefan
Thatcher, Rt Hon Mrs M.
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thornton, Malcolm
Thurnham, Peter
Townend, John *(Bridlington)*
Townsend, Cyril D. *(B'heath)*
Tracey, Richard
Trippier, David
Trotter, Neville
Twinn, Dr Ian
van Straubenzee, Sir W.
Vaughan, Sir Gerard
Viggers, Peter
Waddington, David
Wakeham, Rt Hon John
Waldegrave, Hon William
Walden, George
Walker, Bill *(T'side N)*
Wall, Sir Patrick
Waller, Gary
Walters, Dennis
Ward, John
Wardle, C. *(Bexhill)*
Warren, Kenneth
Watts, John
Wells, Sir John *(Maidstone)*
Wheeler, John
Whitfield, John
Whitney, Raymond
Wiggin, Jerry
Wilkinson, John
Wolfson, Mark
Wood, Timothy
Woodcock, Michael
Yeo, Tim
Young, Sir George *(Acton)*

Tellers for the Ayes:
Mr. Carol Mather and
Mr. Archie Hamilton.

NOES

Adams, Allen *(Paisley N)*
Alton, David
Ashley, Rt Hon Jack
Atkinson, N. *(Tottenham)*
Bagier, Gordon A. T.
Barnett, Guy
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Bidwell, Sydney
Blair, Anthony
Boyes, Roland
Bray, Dr Jeremy
Brown, Gordon *(D'f'mline E)*
Brown, Hugh D. *(Provan)*
Brown, N. *(N'c'tle-u-Tyne E)*
Brown, R. *(N'c'tle-u-Tyne N)*
Brown, Ron *(E'burgh, Leith)*
Callaghan, Rt Hon J.
Callaghan, Jim *(Heyw'd & M)*
Campbell-Savours, Dale
Carlile, Alexander *(Montg'y)*
Carter-Jones, Lewis
Cartwright, John
Clarke, Thomas
Clay, Robert
Clwyd, Mrs Ann
Cocks, Rt Hon M. *(Bristol S)*
Cohen, Harry
Cook, Frank *(Stockton North)*
Cook, Robin F. *(Livingston)*
Corbyn, Jeremy
Craigen, J. M.
Cunningham, Dr John
Dalyell, Tam
Davies, Ronald *(Caerphilly)*
Deakins, Eric
Dewar, Donald
Dixon, Donald
Dormand, Jack
Duffy, A. E. P.
Eastham, Ken
Edwards, Bob *(W'h'mpt'n SE)*
Ewing, Harry
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Foot, Rt Hon Michael
Forrester, John
Foster, Derek
Foulkes, George
Freeson, Rt Hon Reginald
Garrett, W. E.
Gilbert, Rt Hon Dr John
Godman, Dr Norman
Golding, John
Hamilton, James *(M'well N)*
Hamilton, W. W. *(Fife Central)*
Harrison, Rt Hon Walter
Hart, Rt Hon Dame Judith
Hattersley, Rt Hon Roy
Haynes, Frank
Healey, Rt Hon Denis
Home Robertson, John
Howells, Geraint
Hughes, Dr Mark *(Durham)*
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
Hughes, Sean *(Knowsley S)*
Jenkins, Rt Hon Roy *(Hillh'd)*
John, Brynmor
Kaufman, Rt Hon Gerald
Kennedy, Charles
Kilroy-Silk, Robert
Kirkwood, Archy
Lambie, David
Lamond, James
Lewis, Terence *(Worsley)*
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
Loyden, Edward
McCartney, Hugh
McKay, Allen *(Penistone)*
McKelvey, William
McNamara, Kevin
McTaggart, Robert
Madden, Max
Marek, Dr John
Marshall, David *(Shettleston)*
Martin, Michael
Mason, Rt Hon Roy
Maxton, John
Maynard, Miss Joan
Meacher, Michael
Meadowcroft, Michael
Michie, William
Mikardo, Ian
Millan, Rt Hon Bruce
Miller, Dr M. S. *(E Kilbride)*
Mitchell, Austin *(G't Grimsby)*
Morris, Rt Hon A. *(W'shawe)*
Morris, Rt Hon J. *(Aberavon)*
Nellist, David
Oakes, Rt Hon Gordon
O'Neill, Martin
Owen, Rt Hon Dr David
Park, George
Parry, Robert
Patchett, Terry
Pavitt, Laurie
Penhaligon, David
Pike, Peter
Powell, Raymond *(Ogmore)*
Redmond, Martin
Richardson, Ms Jo
Roberts, Allan *(Bootle)*
Robertson, George
Ross, Ernest *(Dundee W)*
Sedgemore, Brian
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Silkin, Rt Hon J.
Skinner, Dennis
Smith, Rt Hon J. *(M'ds E)*
Stott, Roger
Thomas, Dafydd *(Merioneth)*
Thompson, J. *(Wansbeck)*
Tinn, James
Torney, Tom
Wallace, James
Wardell, Gareth *(Gower)*
Weetch, Ken
Wigley, Dafydd
Wilson, Gordon
Young, David *(Bolton SE)*

Tellers for the Noes:
Mr. Norman Hogg and
Mr. John McWilliam.

Question accordingly agreed to.

Bill read the Third time, and passed.

Armed Forces (Re-Committed) Bill

Order for consideration, as amended (in the Select Committee), read.

Motion made, and Question put, That the Bill be re-committed to a Select Committee.—*[Mr. McNamara.]*

The House divided: Ayes 130, Noes 238.

Division No. 131] **[7. 14 pm**

AYES

Adams, Allen *(Paisley N)*
Alton, David
Ashley, Rt Hon Jack
Atkinson, N. *(Tottenham)*
Bagier, Gordon A. T.
Barnett, Guy
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Bidwell, Sydney
Blair, Anthony
Boyes, Roland
Bray, Dr Jeremy
Brown, Gordon *(D'f'rmline E)*
Brown, Hugh D. *(Provan)*
Brown, N. *(N'c'tle-u-Tyne E)*
Brown, R. *(N'c'tle-u-Tyne N)*
Brown, Ron *(E'burgh, Leith)*
Buchan, Norman
Callaghan, Rt Hon J.
Callaghan, Jim *(Heyw'd & M)*
Canavan, Dennis
Carlile, Alexander *(Montg'y)*
Carter-Jones, Lewis
Cartwright, John
Clarke, Thomas
Clay, Robert
Clwyd, Mrs Ann
Cocks, Rt Hon M. *(Bristol S)*
Cohen, Harry
Cook, Frank *(Stockton North)*
Cook, Robin F. *(Livingston)*
Craigen, J. M.
Cunningham, Dr John
Dalyell, Tam
Davies, Ronald *(Caerphilly)*
Deakins, Eric
Dewar, Donald
Dixon, Donald
Dormand, Jack
Duffy, A. E. P.
Eastham, Ken
Edwards, Bob *(W'h'mpt'n SE)*
Ewing, Harry
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Foot, Rt Hon Michael
Forrester, John
Freeson, Rt Hon Reginald
Godman, Dr Norman
Golding, John
Hamilton, W. W. *(Fife Central)*
Harrison, Rt Hon Walter
Hart, Rt Hon Dame Judith
Hattersley, Rt Hon Roy
Haynes, Frank
Healey, Rt Hon Denis
Home Robertson, John
Howells, Geraint
Hughes, Dr Mark *(Durham)*
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
Hughes, Sean *(Knowsley S)*
Jenkins, Rt Hon Roy *(Hillh'd)*
Kaufman, Rt Hon Gerald
Kennedy, Charles
Kilroy-Silk, Robert
Kirkwood, Archy
Lambie, David
Lamond, James
Lewis, Terence *(Worsley)*
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
Loyden, Edward
McCartney, Hugh
McKay, Allen *(Penistone)*
McKelvey, William
McNamara, Kevin
McTaggart, Robert
Madden, Max
Marek, Dr John
Marshall, David *(Shettleston)*
Martin, Michael
Mason, Rt Hon Roy
Maxton, John
Meacher, Michael
Meadowcroft, Michael
Michie, William
Mikardo, Ian
Millan, Rt Hon Bruce
Mitchell, Austin *(G't Grimsby)*
Morris, Rt Hon A. *(W'shawe)*
Morris, Rt Hon J. *(Aberavon)*
Nellist, David
Oakes, Rt Hon Gordon
O'Neill, Martin
Owen, Rt Hon Dr David
Park, George
Parry, Robert
Patchett, Terry
Pavitt, Laurie
Penhaligon, David
Pike, Peter
Powell, Raymond *(Ogmore)*
Redmond, Martin
Richardson, Ms Jo
Roberts, Allan *(Bootle)*
Robertson, George
Ross, Ernest *(Dundee W)*
Sedgemore, Brian
Sheldon, Rt Hon R.
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Silkin, Rt Hon J.
Skinner, Dennis
Smith, Rt Hon J. *(M'ds E)*
Stott, Roger
Thomas, Dafydd *(Merioneth)*
Thompson, J. *(Wansbeck)*
Tinn, James
Wallace, James
Wardell, Gareth *(Gower)*
Weetch, Ken
Wigley, Dafydd
Wilson, Gordon
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Norman Hogg and
Mr. John McWilliam.

NOES

Aitken, Jonathan
Alexander, Richard
Amess, David
Arnold, Tom
Ashby, David
Aspinwall, Jack
Atkins, Rt Hon Sir H.
Atkins, Robert *(South Ribble)*
Atkinson, David *(B'm'th E)*
Baker, Rt Hon K. *(Mole Vall'y)*
Baker, Nicholas *(Dorset N)*
Baldry, Tony
Batiste, Spencer
Bellingham, Henry
Bennett, Rt Hon Sir Frederic
Benyon, William
Best, Keith
Bevan, David Gilroy
Biggs-Davison, Sir John
Blackburn, John
Blaker, Rt Hon Sir Peter
Body, Sir Richard
Boscawen, Hon Robert
Bottomley, Peter
Bottomley, Mrs Virginia
Bowden, A. *(Brighton K'to'n)*
Bowden, Gerald *(Dulwich)*
Brandon-Bravo, Martin
Brinton, Tim
Brittan, Rt Hon Leon
Brooke, Hon Peter
Browne, John
Bruinvels, Peter
Buck, Sir Antony
Butterfill, John
Carlisle, John *(Luton N)*
Carlisle, Rt Hon M. *(W'ton S)*
Carttiss, Michael
Cash, William
Chalker, Mrs Lynda
Chapman, Sydney
Chope, Christopher
Clark, Hon A. *(Plym'th S'n)*
Clark, Sir W. *(Croydon S)*
Clarke, Rt Hon K. *(Rushcliffe)*
Colvin, Michael
Conway, Derek
Coombs, Simon
Cope, John
Couchman, James
Cranborne, Viscount
Dickens, Geoffrey
Dicks, Terry
Dorrell, Stephen
Dover, Den
du Cann, Rt Hon Sir Edward
Dunn, Robert
Durant, Tony
Dykes, Hugh
Eggar, Tim
Emery, Sir Peter
Eyre, Sir Reginald
Fairbairn, Nicholas
Fallon, Michael
Favell, Anthony
Finsberg, Sir Geoffrey
Fletcher, Alexander
Fookes, Miss Janet
Forth, Eric
Fowler, Rt Hon Norman
Fox, Marcus
Franks, Cecil
Fraser, Peter *(Angus East)*
Freeman, Roger
Fry, Peter
Galley, Roy
Gardiner, George *(Reigate)*
Gardner, Sir Edward *(Fylde)*
Garel-Jones, Tristan
Gilmour, Rt Hon Sir Ian
Greenway, Harry
Gregory, Conal
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Ground, Patrick
Grylls, Michael
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Jeremy
Hargreaves, Kenneth
Harris, David
Haselhurst, Alan
Havers, Rt Hon Sir Michael
Hawkins, C. *(High Peak)*
Hawksley, Warren
Hayes, J.
Hayhoe, Rt Hon Barney
Heathcoat-Amory, David
Henderson, Barry
Higgins, Rt Hon Terence L.
Hill, James
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holland, Sir Philip *(Gedling)*
Holt, Richard
Hordern, Sir Peter
Howard, Michael
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Howell, Ralph *(Norfolk, N)*
Hubbard-Miles, Peter
Hunter, Andrew
Irving, Charles
Jenkin, Rt Hon Patrick
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
Kellett-Bowman, Mrs Elaine
King, Roger *(B'ham N'field)*
King, Rt Hon Tom
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Lamont, Norman
Lang, Ian
Lawler, Geoffrey
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lilley, Peter
Lloyd, Peter *(Fareham)*
Luce, Rt Hon Richard
Lyell, Nicholas
McCrindle, Robert
McCurley, Mrs Anna
Macfarlane, Neil
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
McNair-Wilson, P. *(New F'st)*
Major, John
Malone, Gerald
Maples, John
Marland, Paul
Mates, Michael
Mather, Carol
Mawhinney, Dr Brian
Mayhew, Sir Patrick
Mellor, David
Merchant, Piers
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Mitchell, David *(Hants NW)*
Moate, Roger
Montgomery, Sir Fergus
Moore, Rt Hon John
Morris, M. *(N'hampton S)*
Morrison, Hon C. *(Devizes)*

Moynihan, Hon C.
Neale, Gerrard
Newton, Tony
Onslow, Cranley
Patten, J. *(Oxf W & Abgdn)*
Pawsey, James
Pollock, Alexander
Portillo, Michael
Powell, William *(Corby)*
Powley, John
Price, Sir David
Prior, Rt Hon James
Pym, Rt Hon Francis
Raffan, Keith
Rathbone, Tim
Rhys Williams, Sir Brandon
Rifkind, Rt Hon Malcolm
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rossi, Sir Hugh
Rowe, Andrew
Ryder, Richard
Sackville, Hon Thomas
Sainsbury, Hon Timothy
Scott, Nicholas
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Smith, Sir Dudley *(Warwick)*
Smith, Tim *(Beaconsfield)*
Speed, Keith
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Squire, Robin
Stanbrook, Ivor
Stanley, Rt Hon John
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Andrew *(Sherwood)*
Stradling Thomas, Sir John
Sumberg, David
Tapsell, Sir Peter
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Tebbit, Rt Hon Norman
Temple-Morris, Peter
Terlezki, Stefan
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thornton, Malcolm
Thurnham, Peter
Townend, John *(Bridlington)*
Townsend, Cyril D. *(B'heath)*
Tracey, Richard
Trotter, Neville
Twinn, Dr Ian
van Straubenzee, Sir W.
Vaughan, Sir Gerard
Viggers, Peter
Waddington, David
Walden, George
Waller, Gary
Ward, John
Wardle, C. *(Bexhill)*
Watts, John
Wells, Sir John *(Maidstone)*
Wheeler, John
Whitfield, John
Whitney, Raymond
Wilkinson, John
Wolfson, Mark
Wood, Timothy
Woodcock, Michael
Yeo, Tim

Tellers for the Noes:
Mr. Michael Neubert and
Mr. Francis Maude.

Question accordingly negatived.

Bill immediately considered in Committee.

The Chairman of Ways and Means (Mr. Harold Walker): My attention has been drawn to the fact that the name of the hon. Member for Crawley (Mr. Soames) has been mistakenly printed as a supporter of new clauses 3, 4 and 5 instead of the name of the hon. Member for Greenock and Port Glasgow (Dr. Godman).

Clauses 1 to 10 ordered to stand part of the Bill.

Clause 11

EXTENSION OF POWER TO MAKE CUSTODIAL ORDERS IN RELATION TO CIVILIANS

Motion made, and Question proposed, That the clause stand part of the Bill.

7.25 pm

Mr. James Wallace (Orkney and Shetland): I oppose the clause and urge the Committee to vote against it. Its purpose is to lower from 17 to 15 the age limit of male offenders upon whom a court martial or standing civilian court can impose a custodial sentence. There appears to be sexism in the clause. We are told that one of the reasons why girls are not included is the absence of a suitable institution for girls in the 15 to 17 age group. The memorandum submitted to the Select Committee by the Ministry of Defence indicated that there was a feeling against the appropriateness of custodial sentences for girls under the age of 17, although at no stage was substantive evidence given to back up that allegation.

One of the main reasons for the clause may be to bring military law into line with the provisions of the Criminal Justice Act 1982. When the matter was discussed by the Select Committee, the civil servants who appeared before it were unable to answer without notice whether the proposal would bring military law into line with Scottish criminal law. I accept that there is merit in bringing military law into line with general civilian law, but in this case the arguments have not been particularly well made out. First, I do not believe that a court martial is necessarily the best place for such a sentence to be imposed. In the Armed Forces Act 1981 power was given to enable a court martial to sentence young service men to detention in a corrective institution. In paragraph 7 of its report on that legislation, the Select Committee queried "whether a court-martial, in sentencing a young offender . . . would enjoy as full an understanding of the background to the offender's case as a civil court."

Mr. Gerald Bermingham (St. Helens, South): Does the hon. Gentleman agree that when juveniles—those aged 15 to 17—come before a civilian court, there is a specially empanelled bench trained to deal with such juvenile offenders? Does he also agree that to make a 15-year-old boy appear before a general, a brigadier and a couple of colonels is an obscenity?

Mr. Wallace: I share the hon. Gentleman's view. Not only is the composition of the court undesirable for a person of that age, but a court martial is under no duty to have regard to social inquiry reports. The safeguards which are required when young children face sentences in civilian courts are not required in a court martial. It is a retrograde step that military law should impose custodial sentences at a time when there are moves towards greater emphasis on care orders for young people under 17.

In Scotland, almost invariably a young person under 16 will be dealt with at a children's hearing, where the welfare of the child will be paramount. In England, from the time of the Children and Young Persons Act 1969, we have moved towards phasing out custodial sentences for children under 17. There is currently under departmental consideration a report which emphasises moving away from custodial sentences towards the concept of care orders. Therefore, it is wrong that in military law we should be retreating to the era of custodial sentences.

7.30 pm

The case put forward by the Ministry of Defence in this regard would have been stronger if it could have proved from experience some need for the power which it is seeking to give to courts martial and standing civilian courts. But, as was borne out in the Committee, the number of cases where that argument might have been used over the past three or four years is minuscule: one in 1983, two in 1982, one in 1981 and two in 1980. We are not talking of serious offences, such as rape, murder, arson or manslaughter. Almost invariably they would lead to the return of the accused person to the United Kingdom to be dealt with by the civilian courts here.

Those who gave evidence to the Committee had great difficulty in postulating circumstances in which the custodial sentence might be appropriate. Indeed, the type of serious offences with which, with some lack of conviction, they eventually came up seemed wholly

inconsistent with a custodial sentence which, under the provisions of this clause, would have a maximum duration of 12 months. The other argument put forward was that the penalty available at the moment—a reception order—could result in young people being kept in care until their 18th or 19th birthday alongside children who were in care for purely social reasons and that this mix is apparently undesirable. There is nothing in the clause which takes away the reception order, so we shall still have cases where the two groups of young people live side by side. Certainly no case was ever made out that the one or two exceptions over the past three or four years would in any respect disturb these institutions, and certainly no evidence was ever brought forward to substantiate that.

The other reason why I feel particularly strongly about this matter is that it appears to pay scant regard to the separate provisions relating to juvenile justice north of the border.

One thing that is welcome is the amendment made in Committee with regard to clause 11(3), which took account of changes in the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985. I am sure that if the Commitee deletes this clause, the Minister will find means in another place of bringing back the two amendments relating to children between the ages of 17 and 21.

In Scotland, there are circumstances in which a custodial sentence can be imposed on a young person under the age of 17, but they are very rare. The sentence would be that he may be detained for a period set by the court and in such a place and in such conditions as are directed by the Secretary of State for Scotland. That would happen only in the rare event of a child having been convicted by the court on indictment. The offence must be of an exceptionally serious character, such as would in any event be sent back to the United Kingdom for trial, or where, for example, an appropriate penalty cannot be imposed by a children's hearing — for example, disqualification for driving. It is certainly not envisaged that children under the age of 16 will regularly be brought before the criminal courts of Scotland. Indeed, the Lord Advocate must give express instructions before that can happen. That safeguard is not present in connection with this clause, under which a custodial sentence can be imposed. Furthermore, the court, before imposing a custodial sentence, must be assured that there is no other satisfactory method of disposal. As far as I can see, that qualification is not inserted here either.

Even then, if a child has been brought before the High Court or the sheriff court and been convicted, the court has power under the Scottish criminal procedure to remit to a children's hearing for disposal. Again, that would not apply. In fact, the provisions imposed by this clause weaken the Scottish input compared with what happens at the moment. At present, after a reception order has been made and a child has been received into care by a local authority in England or Wales nominated by the Secretary of State, if that local authority thinks it more appropriate that the child's case should be dealt with in Scotland, it can send the case, under paragraph 8 of schedule 5A to the Army Act 1955 or the equivalent provisions of the Naval Discipline Act and the Air Force Act, to an appropriate Scottish local authority, where it will be dealt with by the children's panel.

Mr. Tam Dalyell (Linlithgow): Would not a Scottish service man be dealt with far more advantageously under Scottish law? Is it not an exaggeration to say that these proposals are against our law?

Mr. Wallace: The hon. Member is right. The whole concept of juvenile justice in Scotland is different from that south of the border. This provision runs wholly counter to the ethos and spirit of Scottish juvenile justice, and, indeed, it weakens what is already there. At present, if there is a reception order, a child of Scottish domicile can end up before an appropriate children's hearing. But if a custodial order is imposed under the new power, that possibility will no longer be available; it will be circumvented.

As a matter of interest, the Judge Advocate General, Mr. Stuart-Smith, at page 56 of the Select Committee report, said:

"the policy, as I understand it, and the belief has always been that it is, where possible, generally preferable that people of our own country should be tried according to the system of law which they understand in a language which is their own, and that might perhaps be thought the more preferable if it is a juvenile."

Why should someone who has had no connection with England suddenly find himself subject to an alien system of law? If the clause goes through, it will cut off even the one line back to the Scottish system which now exists. An examination of the Scottish system and what happens to a child underlines the inappropriateness of what is proposed in the clause.

What kind of disposal is meant by imprisonment? Clause 11(3)(i) says:

"if the offender is a male person who is under the age of 16 years, such place as the Secretary of State may direct".

What kind of places are open? Imprisonment is inappropriate for a person under the age of 21. A court may not impose a sentence of detention at either a detention centre or a young offenders' institution on someone under the age of 16. Clearly, the legislature has thought it inappropriate that children under the age of 16 should go to such institutions. If it were to be one of those institutions to which the Secretary of State decided to send him, I submit that it would be an inappropriate sentence. Alternatively, the Secretary of State might direct that the child be sent to a place of residential care, or a list D school, where he could be side by side with other children who are there not for criminal but for social reasons—the very thing that the Ministry of Defence says it is trying to avoid. That only underlines how ill-thought-out and unnecessary this provision is.

Having regard to the trend towards care orders and also the very few cases and the lack of almost any need for this power, I hope that the House will reject the clause.

The Minister of State for the Armed Forces (Mr. John Stanley): The hon. Gentleman has repeated in Committee of the whole House much of what he said in Committee and he touches on a matter which no doubt the Committee will touch on later when we come to consider the various amendments tabled by the hon. Member for Greenock and Port Glasgow (Dr. Godman) in relation to child care procedures.

As the Committee well knows, in this area of law and in many other aspects of social law, there are differences between the provisions of English and Scottish law. Far be it from me, as a non-lawyer, to adjudicate as to the relative merits of the two. I entirely understand the strength of feeling of Members of the House from Scotland

[Mr. John Stanley]

who feel that their law is superior to English law. The dilemma facing the Government is that, as far as possible, they must produce an approximation under the Armed Forces legislation to what is already on the statute book for the civil community.

The Committee will be aware that the clause gives service courts the power to impose custodial orders of up to 12 months on young males of 15 and 16 on the same lines as are provided to the criminal courts under the Criminal Justice Act 1982. That legislation was, of course, carefully considered and approved by the House. When we considered the equivalent situation in relation to this Bill, it seemed right to bring the Armed Forces legislation into line with provisions in that Act.

Although I agree with the hon. Member for Orkney and Shetland (Mr. Wallace) that we are talking about a very small number of cases where young men of 15 and 16 would commit such crimes as might require custodial sentences, the service authorities feel that there should be an appropriate penalty on the statute book. Thus, given the provisions in the 1982 Act, I must ask the Committee to accept that the clause should stand part of the Bill.

Mr. Dalyell: Before the Minister sits down, perhaps he could help the Committee. I have no intention of trying to catch him out, and it would not be right to take advantage of a non-lawyer. But this is a real point in relation to Scots law. Is it not reasonable to ask for a letter or comment from the Lord Advocate or the Solicitor-General, as I sincerely believe that what we are doing contravenes Scots law?

Mr. Bermingham: I had the dubious privilege of serving on this Select Committee. I put it that way with great sadness but it is a matter of record that I walked out in frustration and annoyance. I have served on many Standing Committees and I have served on a Select Committee since I came to the House. The object of a Select Committee is to investigate. Many of the points that the hon. Member for Orkney and Shetland (Mr. Wallace) raised this evening were put to witnesses in Committee. He, like me, suffered on occasions from the "choke off" system. That is when one is "choked off" in the middle of a set of questions because the majority party felt that those of us who were in the minority party did not have the right to ask such questions.

The Committee was conducted in an absolutely disgraceful way. When the Question was put on whether a witness should be heard, we were outvoted on straight party lines. At that point I decided that I had had enough, and I did not attend a single sitting thereafter. Tonight we shall try again to bring a little sanity to the Bill. We get the chance only once every five years.

I shall keep within the parameters of the clause, because my remarks are pertinent to it. The hon. Member for Orkney and Shetland kindly allowed me to intervene during his speech, when he spoke about incarceration. I tried to make the same point by questioning witnesses and moving amendments. Of course all the Opposition amendments automatically fell. However, as in other Committees, the voice of the Opposition is listened to, and worthwhile points are taken on board, although they may be amended. However, I say to the Minister as kindly as I can that in that Committee it was a waste of time to try to make a point. No matter how reasonable it was, we found that we were not listened to. On clause 11 we had the first of the classic examples of that. We are talking about one or two or perhaps three cases at the most in a year. We are talking about putting children before service courts and incarcerating 15-year-old boys for up to one year. I leave aside the question of girls because there are no places for them. If there were, however, I am sure that this Government would try to incarcerate them. *[Interruption.]* I hear the hon. Gentleman make a comment.

If he had attended the Committee he would know what we are talking about and he would have heard the evidence against us and the comments we to have put up with. A very important principle is involved here. We are trying to equate in our society the position of the volunteer with that of the civilian. Regrettably, the volunteer in our society is now becoming almost the victim of backwoodsmen-thinking. What is the purpose of seeking to imprison? Of course, if one puts the right to imprison on the statute book some court-martial somewhere will imprison as quickly as it can. It is one more bullet and whereas there have only been one or two cases in the past few years I guarantee that Scots boys of 15 or 16 will find themselves in English detention centres or gaols 'ere 12 months is out.

I make this plea from the heart to the Minister. Let not once again deafness reign in the Government ranks. For once may the voice of the Opposition and the comments we have to make be listened to. Many will be made from long experience. Perhaps then we shall get some movement on this Bill. What we have had to date on clause 11 and other matters has been almost contempt for the voice of the Opposition.

Mr. Dalyell: I thought it might be useful, before the Bill goes to the Lords, to get some comment from the Lord Advocate.

7.45 pm

Mr. Stanley: All I can say to the hon. Gentleman is that the drafting of these provisions was carried out in close consultation with the Scottish Office and it is wholly familiar with these provisions and this reflects the collective position of the whole Government.

Question put, That the clause stand part of the Bill:

The Committee divided: Ayes 134, Noes 68.

Division No. 132] **[7.47 pm**

AYES

Alexander, Richard	Carttiss, Michael
Amess, David	Chapman, Sydney
Ashby, David	Chope, Christopher
Atkins, Robert *(South Ribble)*	Colvin, Michael
Atkinson, David *(B'm'th E)*	Conway, Derek
Baker, Nicholas *(Dorset N)*	Cope, John
Batiste, Spencer	Couchman, James
Bellingham, Henry	Dicks, Terry
Bennett, Rt Hon Sir Frederic	Dunn, Robert
Bevan, David Gilroy	Eggar, Tim
Biggs-Davison, Sir John	Eyre, Sir Reginald
Blackburn, John	Fairbairn, Nicholas
Body, Sir Richard	Favell, Anthony
Bottomley, Peter	Finsberg, Sir Geoffrey
Bottomley, Mrs Virginia	Forth, Eric
Bowden, Gerald *(Dulwich)*	Fox, Marcus
Braine, Rt Hon Sir Bernard	Fraser, Peter *(Angus East)*
Brinton, Tim	Freeman, Roger
Brittan, Rt Hon Leon	Galley, Roy
Buck, Sir Antony	Gardiner, George *(Reigate)*
Carlisle, John *(Luton N)*	Garel-Jones, Tristan
Carlisle, Rt Hon M. *(W'ton S)*	Gregory, Conal

Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Ground, Patrick
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hargreaves, Kenneth
Harris, David
Haselhurst, Alan
Hawkins, C. *(High Peak)*
Henderson, Barry
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holt, Richard
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Hubbard-Miles, Peter
Hunter, Andrew
Jackson, Robert
Jenkin, Rt Hon Patrick
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
Kellett-Bowman, Mrs Elaine
King, Roger *(B'ham N'field)*
King, Rt Hon Tom
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Lang, Ian
Lawler, Geoffrey
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lilley, Peter
Lloyd, Peter *(Fareham)*
Lyell, Nicholas
McCurley, Mrs Anna
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
Major, John
Malone, Gerald
Marland, Paul
Mather, Carol
Mellor, David
Merchant, Piers
Miller, Hal *(B'grove)*
Moate, Roger
Newton, Tony
Pollock, Alexander
Powell, William *(Corby)*
Powley, John
Raffan, Keith
Rifkind, Rt Hon Malcolm
Roe, Mrs Marion
Rossi, Sir Hugh
Rowe, Andrew
Ryder, Richard
Sainsbury, Hon Timothy
Shaw, Sir Michael *(Scarb')*
Shepherd, Colin *(Hereford)*
Silvester, Fred
Sims, Roger
Smith, Tim *(Beaconsfield)*
Speed, Keith
Spencer, Derek
Stanbrook, Ivor
Stanley, Rt Hon John
Stern, Michael
Stewart, Andrew *(Sherwood)*
Stradling Thomas, Sir John
Sumberg, David
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Tebbit, Rt Hon Norman
Temple-Morris, Peter
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thornton, Malcolm
Thurnham, Peter
Tracey, Richard
van Straubenzee, Sir W.
Viggers, Peter
Waddington, David
Waller, Gary
Wardle, C. *(Bexhill)*
Watts, John
Whitfield, John
Wilkinson, John
Wolfson, Mark
Wood, Timothy

Tellers for the Ayes:
Mr. Francis Maude and
Mr. Tony Durant.

NOES

Adams, Allen *(Paisley N)*
Alton, David
Atkinson, N. *(Tottenham)*
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Brown, Gordon *(D'f'rmline E)*
Brown, N. *(N'c'tle-u-Tyne E)*
Brown, R. *(N'c'tle-u-Tyne N)*
Buchan, Norman
Caborn, Richard
Campbell-Savours, Dale
Carter-Jones, Lewis
Clarke, Thomas
Clay, Robert
Cocks, Rt Hon M. *(Bristol S)*
Cook, Frank *(Stockton North)*
Cook, Robin F. *(Livingston)*
Dalyell, Tam
Deakins, Eric
Dewar, Donald
Dixon, Donald
Dormand, Jack
Eastham, Ken
Edwards, Bob *(W'h'mpt'n SE)*
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Freeson, Rt Hon Reginald
Godman, Dr Norman
Golding, John
Gould, Bryan
Haynes, Frank
Hogg, N. *(C'nauld & Kilsyth)*
Howells, Geraint
Hughes, Robert *(Aberdeen N)*
Kirkwood, Archy
Lamond, James
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
Loyden, Edward
McNamara, Kevin
McWilliam, John
Madden, Max
Marshall, David *(Shettleston)*
Maxton, John
Meadowcroft, Michael
Michie, William
Millan, Rt Hon Bruce
Morris, Rt Hon A. *(W'shawe)*
Nellist, David
Owen, Rt Hon Dr David
Park, George
Parry, Robert
Patchett, Terry
Pike, Peter
Powell, Raymond *(Ogmore)*
Redmond, Martin
Richardson, Ms Jo
Robertson, George
Short, Ms Clare *(Ladywood)*
Skinner, Dennis
Thompson, J. *(Wansbeck)*
Wallace, James
Wardell, Gareth *(Gower)*
Wigley, Dafydd
Wilson, Gordon
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Noes:
Mr. Alex Carlile and
Mr. David Penhaligon.

Question accordingly agreed to.
Clause 12 ordered to stand part of the Bill.

Clause 13

CHANGE OF PLACE OF SAFETY AND RETURN TO UNITED KINGDOM OF CHILDREN IN NEED OF CARE OR CONTROL

Dr. Norman A. Godman (Greenock and Port Glasgow): I beg to move amendment No. 1, in page 14, line 23, at end add—

'(7) In section 14 of the Armed Forces Act 1981, for subsection (4) there shall be substituted the following subsection—

"(4) The grounds which justify the making of such an order are that there is reasonable cause to believe that damage to the child's health or well-being is likely unless he is immediately removed to or detained in a place of protection for the duration of the order.".'.

The Chairman: With this it will be convenient to take the following amendments: No. 2, in page 14, line 23, at end add—

'(7) In section 14 of the Armed Forces Act 1981 there shall be inserted the following subsection—

"(6A) *(a)* for the purpose of any hearing at which an order under this section is being sought, the officer, who under subsections (5) and (6) above has the power to make the order, may insist that person be nominated to protect and represent the interests of the child at any hearing.

(b) A person nominated under paragraph *(a)* above shall be described as the 'safeguarder' of the child.".'.

No. 3, in page 14, line 23, at end add—

'(7) In section 14 of the Armed Forces Act 1981, after subsection (9) there shall be inserted the following subsection—

"(9A) An officer making an order under this section shall have power to authorise the withholding of the childs' address and of access, and to specify the conditions on which access should be granted.".'.

No. 4, in page 14, line 23, at end add—

'(7) In section 14 of the Armed Forces Act 1981 there shall be added at the end the following subsection—

"(12) *(a)* At any hearing overseas or in the UK at which an order under this section is being sought, the parent or parents shall have the right to attend and to nominate a representative to attend on their behalf.

(b) The parent or parents or their nominated representative shall have the right to appeal against an order made under this section on their child".'.

No. 5, in page 14, line 23, at end add—

'(7) In section 14 of the Armed Forces Act 1981, there shall be added the following subsection—

"(12) *(a)* Written statements supporting an application to be made under this section should be provided at the hearing where practicable, or in any case within 12 hours of the order being made. The officers making the order must record in writing his reasons for doing so.

(b) The written application and the reasons for the order should be supplied after the hearing by the applicant to the parents and the child, and the parents should be given information by the officer presiding about their right to seek legal advice.".'.

Dr. Godman: I am deeply interested in the detection, prevention and treatment of child abuse, which is a crucial issue even if only a handful of cases each year is involved. As I said once in Committee, there was only one Jasmine Beckford, and that little girl, because of negligence and

[Dr. Godman]

other reasons, is now dead. With the amendments, I seek to strengthen the position of a child who, regrettably, is unfortunately placed at the centre of an application for a place of safety order.

Amendments Nos. 1, 3, 4 and 5 strengthen amendment No. 2 which is concerned principally with the child's interests. I hope that it is in order for me to say at this point that I shall seek a Division on amendment No. 2. The interests of the child or children should be given primacy over the interests of all others. I believe that the Government are reluctant to accept the amendments.

8 pm

The 1981 report of the Armed Forces Bill Select Committee rightly paid close regard to the serious problems surrounding children at risk. Paragraph 10 on page 6 of the report stated:

"The grounds on which an order may be made (e.g. that the child is being ill-treated, exposed to moral danger, or beyond control) follow civil legislation."

That is what the Minister suggested when he said that in military law the Government sought an approximation to extant law in the United Kingdom. The Committee continued:

"One lacuna, however, in its likely operation came to light in the course of evidence taken from the Ministry of Defence. Unlike Clause 13, the Clause contains no provisions regulating the return to the United Kingdom of children affected by it once the short-term holding orders have run their course. It is envisaged that, if the most secure future for a child is adjudged to be within the care of a United Kingdom local authority, then the child's family would be returned administratively to the UK, whereupon the child could be taken into care under English law."

I am not happy with that reference to English law. If nothing else, it reveals a lamentable ignorance of Scottish law in terms of the detection, prevention and treatment of child abuse. In fairness, I should point out that there were no Scottish Members on that Committee—the members were all from south of the border. In fairness to the Government, I point out that clause 13 is to be welcomed, albeit with serious reservations—hence the amendments.

The report of the Armed Forces Bill Select Committee, which was published yesterday, dealt with the need to defend and promote the interests of children in cases of child abuse. This time the Committee acknowledged the difference between Scots law and practices and English law and practices in the detection and treatment of child abuse. The Committee was made aware of those highly significant differences by the hon. Member for Orkney and Shetland (Mr. Wallace) and myself.

Mr. Gordon Wilson (Dundee, East): A powerful combination.

Dr. Godman: The report by the Armed Forces Bill Select Committee has a bearing on amendments Nos. 2, 3, 4 and 5. Paragraph 16 on pages viii and ix states:

"The procedures under service law for dealing with children at risk are broadly comparable to those under English civilian law. Different procedures, however, operate in Scotland. Under Scots law, a child detained in a place of safety must be brought before a 'children's hearing', composed of 3 lay members, within 1 or 2 days. The hearing has power to appoint a 'safeguarder' to represent the child's interests."

I used that phrase in one of my amendments. The paragraph continues:

"Both the child and its parents have the right to be represented at the hearing, and to appeal against the hearing's decision. These various safeguards for both the child and its parents do not exist in English law or, consequently, in military law."

My amendment seeks "an approximation"—to use the Minister's words — to Scots civilian law rather than English civilian law. The report continues:

"The Committee accept that the special circumstances of service life overseas may make it difficult for a full range of safeguards on the Scots model to be built into the system for dealing with children at risk. Nonetheless, we recommend that the MoD consider whether it would not be possible to extend to military law some at least of the relevant provisions of Scots law, in order better to protect the interests of children and parents."

That is precisely what my amendment seeks to accomplish.

As I said to the Select Committee, Scots law is superior to English law. I make no apology for that statement. It is easier for me to say that than it is for the hon. Member for Orkney and Shetland, because I am a Yorkshire man who has been domiciled for a long time in Scotland and who had the good sense to marry a Scots girl. I can say with no false modesty that Scots law is superior with respect to the detection, prevention and treatment of child abuse.

Amendment No. 1 closely follows a recommendation of the review of child care law, which was a report to Ministers by an interdepartmental working party which was published last year. Paragraph 13.8 on page 86 of that excellent report stated:

"We are concerned that the present grounds for an order do not address the purpose of removing the child. Further, by expressly referring to the grounds for care proceedings in section 1(2) of the 1969 Act"—

an English Act—

"the wording of section 28(1) might have contributed to the frequent use of place of safety orders as a means of starting care proceedings. An emergency protection order should not become a matter of course"—

that is the term used instead of a place of safety order—

"where care proceedings are a likely option. We recommend that the grounds for such an order should be that if the child is not removed or detained *now* he is likely to suffer harm. Put another way, the child must be at risk of damage to his health or well-being which necessitates his immediate removal or detention for a brief period."

The report goes on to say in paragraph 13.10:

"We are aware that our suggested grounds . . . concentrate on apprehended harm to the child. This is consistent with the rationale for an emergency order. The prospective grounds clearly increase the risk of unwarranted intervention. However, we would limit intervention to cases where it is necessary to make the order for the period in question, so that the order is precisely addressed to the needs of the children."

The report was discussing English law. It went on:

"Further, the magistrate should be satisfied that there is reasonable cause to believe that such harm is likely to the child. This is a stricter test than the present requirement that the court be satisfied that the applicant has reasonable cause to believe that certain conditions exist. Finally we consider that the word 'likely' places a sufficiently difficult burden of proof on the applicant to prevent unwarranted orders."

Those two paragraphs from that fine report substantiate the argument for amendment No. 1.

In that context — I promise that this is the last quotation from that report—paragraph 13.11 says:

"It is not for us to suggest the exact wording of new grounds. However the present wording of the power to 'detain and take' the child to a place of safety causes problems in practice. Some magistrates may be reluctant to grant orders for children who are in hospital, since they do not need to be 'taken' to a place of protection, even though detention may be in their interests. Revised grounds should enable such children to be made subject to an order if they are at risk of harm."

I do not want to take up too much time so I shall now deal with amendment No. 2, which I think is the linchpin of these amendments. The amendment seeks to employ Scots law and Scottish practices in order better to protect

the interests of the child or children concerned. Let me remind the House that where an applicant — for example, a police officer or social worker — believes that a child has been physically or sexually abused he may seek to place all of the children in the family in care. Most of the emphasis in discussions and debates of this kind concentrates on the child. However, the social worker, policeman or perhaps the paediatrician who has examined a child for non-accidental injuries may urge the taking into safety of all of the children in the family.

8.15 pm

In Scotland, we have what are known as children's hearings. They play a decisive role in combating the social evil of child abuse. The children's panel or hearings were set up under the provisions of the Social Work (Scotland) Act 1968 and amending legislation under a Conservative Government. Under English law the child has no right to be represented at hearings. Under Scottish law — I am using a document which was kindly provided to Members of the Committee by the Ministry of Defence — the child has a right to be represented before the children's hearing. The panels are comprised of three lay persons plus a reporter. The reporters are employed by the regional and island councils but they cannot be dismissed other than by the Secretary of State for Scotland. Therefore, there are safeguards for the children and the parents. In addition to the right to be represented at a hearing the document says:

"where the panel"—

it means the hearing—

"considers that there is a conflict between the interests of the child and those of his parents, the panel may appoint a 'safeguarder' to represent the child's interests."

That is an important development in the process of dealing with child abuse. That is why I have used the term in amendment No. 2.

In Scotland a safeguarder may be a retired social worker. On our list of safeguarders in the Strathclyde region we have Miss Vera Hiddleston who is the head of the social work training unit at the Jordanhill college of education. She is a vastly experienced specialist in this field. It is such people who can be appointed by a children's hearing to act as the safeguarder of the child.

Time is against me so I shall conclude my remarks on amendment No. 2 by urging the Committee to accept, apart from all else, that the amendment is presented with sincerity and in good faith. As I said earlier, and I am willing to repeat it, in this case the law north of the border is better than that south of the border.

Amendment No. 3 seeks to protect the child, or children, and their caretakers. Let me give an example. If a child of less than five years was removed from his parents stationed in, for example, Osnabruck, and returned to the Strathclyde region in Scotland, no one will tell me that such a child would be returned to England. He would be placed with foster parents. No child being taken into care in the Strathclyde region goes anywhere other than to foster parents. Such foster parents are most carefully selected by the social work department in Strathclyde. It may well be that there are all kinds of risks involved here, not only to the child but to the foster parents. Therefore, it is important that the authorities and officers concerned have the right to refuse access and to refuse to disclose the whereabouts of such a child. At the same time we should remember the wise words of the working party on child care law:

"If the applicant is other than a local authority, he should inform the relevant authority of the order, the child's address and who has the charge of the child at that address, and whether access is to be granted. Local authorities should have to satisfy themselves of the welfare of the child under the order, including the arrangements for access."

Those are recommendations in the report, but it is established practice in Scotland.

"They should be able to apply for the emergency order"—

the place of safety order—

"to be transferred to them from the applicant if transfer would be in the child's interests. The local authority should continue to be under a duty to pay the expenses of the person providing the place of protection (section 73(2) of the 1980 Act)."

Amendment No. 4 is concerned with the rights of parents. I think that it is only right and proper that the interests of the child should always take priority, but we have also to pay close and serious regard to the rights of the parents. Let me remind the House that, in many cases of child abuse — physical or sexual — only one of the parents is involved. The husband and father or cohabitee may subject the mother and child or children to physical abuse of the most violent kind. In such cases, why should the mother suffer? Why should the mother be separated from her child or children? In cases such as this the applicant may recommend that all the children should be taken into care. Why should the mother be torn apart from her family in such circumstances?

The objective in child care law — it surely coincides with Conservative party philosophy — is the maintenance of the family as an integrated unit. The mother must have her rights protected and promoted by those in authority especially in the dreadful circumstances in which a woman may find herself.

In support of the amendment I quote, with modesty, an amendment that was proposed by the hon. Member for Greenock and Port Glasgow to the report of the Select Committee on the Armed Forces Bill, but which Government Members of the Committee chose to vote down:

"There is, however, a need for parents to have an opportunity to be heard and to be supported by a representative at a hearing where the decision as to whether or not to return the child to the United Kingdom is made. If a decision is made to return the child to the United Kingdom, then there would need to be safeguards both to protect the child's welfare and to ensure that parents can attend and be represented at a court hearing in the United Kingdom. The Report to Ministers of an interdepartmental working group on English Child Care Law regards as unsatisfactory the present procedure under English law whereby only the child and the applicant are parties to care proceedings".

I found that appalling and that was why I moved the amendment. The amendment continues:

"The Report recommends that under a new law parents should be parties to proceedings. It is our view that this reflects a sensible and humane approach to a most serious problem . We therefore recommend that military law concerned with children at risk should take cognisance of the Report's recommendations in this regard."

I regret to say that that amendment was lost.

Amendment 5 also seeks to protect the interests of the parents. I make no apology for returning once more to the interdepartmental report. If one studies the wording of the amendment, one appreciates that the quotation from paragraph 14.20 on page 98 of the report is apposite:

"The court . . . should be under a duty to serve notice of the proceedings on the "parents" . . .anyone with charge or control of the child (this would include foster parents); and anyone with whom the child has had his home for six weeks or more within the six months preceding the application. In addition, it should

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have a discretion to serve notice on any other person who has or may have an interest in the proceedings and wishes to participate in them".

Taken together, amendments Nos. 1, 2, 3, 4 and 5 seek to strengthen the position of both the child and the parents. However amendment No. 2 is primus inter pares—it has to be. The child's interests and welfare, present and fuure, must always, whether we are discussing a family stationed in Osnabruck or a family in Greenock and Port Glasgow, be given priority. I suggest, with humility, to this Committee that my amendment will strengthen clause 13 in the new Bill. It will bring about an approximation to military law to Scots law—Scots law at its finest, Scots child care law.

Mr. Wilson: I wish to speak in favour of the amendments put forward by the hon. Member for Greenock and Port Glasgow (Dr. Godman). I do so largely because of the excellent way in which he has put them forward. I have not had the experience of serving on the Select Committee on the Armed Forces Bill and therefore I come fairly fresh to the subject and to the legislation. I have had some experience of child law in my past career.

I do not necessarily share the view of the hon. Member for Greenock and Port Glasgow in adopting, or seeking to put forward, amendments to the Armed Forces Bill to bring the law of England into line with the law of Scotland. I can accept his argument about the superiority of the Scottish law, but I would not necessarily show the same degree of humility as I am both a Scottish Nationalist and a Scottish lawyer to boot.

I wish to raise another serious principle which is bound up with the terms of these amendments and the Bill as it is to be framed. England is displaying imperialism in seeking to impose upon Scotland any part of the English law. It is an entrenched part of the Treaty of Union that Scotland would not have imposed upon it any part of the law of England. Regardless of that international treaty, which the House has broken time and time again, provisions have been adopted which put the Scots at a disadvantage. It is a constitutional right that the Scots should be exposed to their own legal system and should not, whether it is inferior or superior, have any provisions of an alien legal system imposed upon them. It does not matter whether someone is serving with the armed forces or is a civilian. It is utterly wrong that, as citizens, such provisions should be imposed upon them.

I concede that there may be special arguments concerning the fact that service personnel are volunteers and are alleged to serve in the United Kingdom, not the English armed forces. Thus it could be argued that they have consented to accept the English legal system. Nevertheless, it cannot be accepted under any circumstances that any spouse or child or service personnel should have their birthright, the Scots legal system, removed from them.

I support the hon. Member for Greenock and Port Glasgow in terms which may cause him some embarrassment. It is the constitutional right of Scots to live under their own legal system. The fact that one person may serve in the armed forces does not give any Government or the House authority, in terms of the Treaty of Union, to dilute the privileges to which they are entitled by domicile and birth.

If it is correct that the child, or indeed the parents, may not be entitled to representation in connection with the proceedings that may be taken under the Bill, I would argue that that is in defiance of natural justice. I should be interested to hear the Minister's reply. It is an essential part of human rights that we are entitled to representation. No decision should be taken in secret or taken apart from one party or another.

If I follow the case presented by the hon. Member for Greenock and Port Glasgow, the Scottish system confers those rights. If, under the Bill, the British system does not provide those essential rights, perhaps it is time somebody raised the matter with the European Court of Human Rights at Strasbourg. Obviously, it is no surprise to me that Britain has been hauled before that court more frequently than any other member of the European Community for a lack of constitutional protection of rights which are safeguarded to nationals of other countries. It seems wrong that such a right should be denied, and I accept what the hon. Gentleman said about that. If what he says is correct, I am both shocked and alarmed that those rights of natural justice should not be afforded under the legislation.

For that reason, if not for the vital constitutional provision that I mentioned, I hope that the Minister will ensure that no Scottish citizen is deprived of his legal rights under the Scottish legal code.

8.30 pm

Mr. Stanley: I certainly appreciate the detailed and expert consideration that the hon. Member for Greenock and Port Glasgow (Dr. Godman) has brought to this aspect of the Bill throughout our proceedings both in Committee and on the Floor of the House tonight. As he acknowledged, the hon. Member for Orkney and Shetland (Mr. Wallace) has also made a considerable contribution.

I appreciate the fact that the hon. Member for Greenock and Port Glasgow tabled his amendments early, as I certainly wish to consider them carefully. I hope that he will be able to conclude from my response that, although for the reasons that I shall endeavour to explain I cannot meet him in all respects, we have taken his amendments seriously and made a proper, considered response to them.

The hon. Member for Dundee, East (Mr. Wilson) made a characteristically powerful, anti-imperialist speech. I wonder whether, if clause 13 had been based entirely on Scots law, he would have made exactly the same speech. As a lawyer, I wish to make a simple practical point to him. I hope that he will recognise as a lawyer that it is only possible and sensible for the services to administer their disciplinary legislation in the context often of small groups, units, battalions, and sometimes even smaller groups that may be posted overseas, on the basis of a single corpus of law. It would not be practical to provide within a single unit the operation of, for example, Scots law and English law simultaneously in relation to the same offence. Having said that, I hope that the best points of both English and Scots law can be combined in legislation. We in the armed services would certainly wish to follow the best legislation that can be put together.

Mr. Wilson: I am grateful to the Minister for that assurance, but it is always strange to me that the code of law which seems to be adopted to deal with the armed forces comes purely from the English common law, and that little Scots law is borrowed, especially regarding the

identification, representation and statements made under the criminal law as it may apply to courts martial. Will the Minister explain why Scots law is never adopted as the major code, and why we always seem to rely on English law in these matters?

Mr. Stanley: In this area we tend to take the lead from the Department of Health and Social Security. I am sure that my right hon. Friend the Secretary of State makes a careful study of what happens regarding the same social problems north of the border when he makes amendments to legislation. I am sure he wishes to come up with the most satisfactory legislative solutions.

Mr. Wilson: I am not reassured by that. I have on-going correspondence with the Treasury and the DHSS both of which refuse to admit the differences in majority and the rights of young people from the age of 16 onwards. They, too, follow the English pattern.

Mr. Stanley: I note what the hon. Gentleman says, and I am relieved that that correspondence is not with me.

I should like to deal with each of the important amendments in turn. Regarding amendment No. 1, the present wording of section 14(4) of the Armed Forces Act 1981, which the hon. Gentleman seeks to amend, deliberately follows that of section 1 of the Children and Young Persons Act 1969 which applies to England and Wales. I hope that the House will agree that in such matters it is right and proper that the services should adopt the same criteria, and work to the same principles in deciding whether a child should be removed to a place of safety as those which would apply were the case being considered by civil authorities under the equivalent civil legislation.

The hon. Gentleman's proposed amendment would remove that commonality with civil child care legislation in England and Wales, and substitute different criteria, which, for example, would make it difficult to remove a child beyond the control of his parents to a place of safety.

Mr. Bermingham *rose*——

Mr. Stanley: I shall give way, but it may be helpful if I conclude my remarks on amendment No. 1.

Obviously, I appreciate that the equivalent Scottish legislation, which is section 37(2) of the Social work (Scotland) Act 1968, contains no provision for a place of safety order where the child is beyond the control of his parents. I am also aware that a Scottish hon. Member—indeed, this evening we have already seen this—is unlikely to be impressed with the merits of English and Welsh legislation, compared with equivalent Scottish legislation, although he will perhaps draw some comfort from the fact that the Children and Young Persons Act 1969 was of course the work of a previous Labour Government.

The hon. Gentleman will, however, be aware that my right hon. Friend the Secretary of State for Social Services is conducting a review of child care law. I am sure that the differences between the law in Scotland and in England and Wales on this point will be carefully considered. Should my right hon. Friend decide to amend the Children and Young Persons Act on that point, I am sure that we would want to consider appropriate amendments to the armed forces legislation.

Meanwhile, I hope the hon. Gentleman will understand that I do not feel it would be right for me to anticipate the outcome of my right hon. Friend's review and embark on a piecemeal amendment of these provisions in the armed forces legislation. For those reasons I am afraid that I am not able to accept amendment No. 1.

Mr. Bermingham: While I listened with care to the Minister's remarks and understand that, if further amendments to the law are carried, it is possibly pre-emptive at this stage to amend the law in anticipation of what might or might not happen, does the Minister agree that it may be necessary for the Ministry to take on board the consideration of a child's position in being returned to Scotland as opposed to England because in Scotland a child has certain rights which he would not have in England? If the Minister will undertake to consider that matter, it may assist my hon. Friend the Member for Greenock and Port Glasgow (Dr. Godman) with his amendments, without having to press them to a vote.

Mr. Stanley: As I understand it, in the normal course of events a Scottish child would be returned to Scotland and be dealt with under Scottish legislation.

Mr. Kevin McNamara (Kingston upon Hull, North): The right hon. Gentleman made an interesting point about the review by the Secretary of State for Social Services. Can he undertake that, if legislation is introduced, it will be so phrased that this legislation will automatically be amended? We will not then have to wait three or four years for suitable alterations to be made in the next quinquennial review.

Mr. Stanley: In answering that question, one becomes involved in the issue of the scope of legislation that is at the moment entirely hypothetical. I cannot give an undertaking such as the hon. Gentleman asks for. I can, however, assure him that we are anxious that in all aspects of legislation, and especially the sensitive and important area of social legislation, service legislation should be up to the civil standard and should reflect the latest thinking of the Government. If it were practical and possible in legislative terms, we would want our legislation to be kept in line with amending legislation that might be produced by another Department. If it were possible to use another Department's Bill to produce an equivalent amendment in our own legislation, we would, in principle, want to do so.

Amendment No. 2 provides for the appointment of what is termed a safeguarder to protect a child's interests at any hearings. This proposal is derived from Scots law on child care. However, in Scots law a safeguarder is not appointed when the initial application is made to the justice of the peace or the sheriff for a place of safety warrant, but only at a later stage, before a children's panel, when the child's longer-term future is being considered —in other words, once care proceedings are under way. However, service law does not deal with care proceedings but only with the temporary removal of the children from danger. The proceedings are equivalent to a place of safety order under English law and to the stage prior to a children's hearing in Scotland.

Just as there is no occasion for the provision of a safeguarder at that stage in either English or Scots civil law, so there is no occasion for such provision at the equivalent stage in service procedure. That is why the clause is drafted as it is. I hope that the hon. Member for Greenock and Port Glasgow, will understand that at the equivalent stage there is no provision for a safeguarder either in Scots or English law.

Mr. Wilson: If the child were at risk while the parents and the child were, for instance, in Hong Kong, and it was necessary for the child to be taken to a place of safety for reasons that we all understand—I accept the Minister's argument — what would happen? Would the child be taken straight back to Scotland if the parents were still based in Hong Kong? At what stage, and under what procedure, would the long-term arrangements for the child's future be taken care of? It is peculiar to take a child away to Scotland to make use of the rights of representation if the parents are still in Hong Kong, yet the Scottish proceedings would not apply in Hong Kong, or under the Army Acts.

Mr. Stanley: The hon. Gentleman refers to the relationship between the short-term and the long-term procedures. I will deal with that on another amendment.

I assume that the intention of amendment No. 3 is that there should be power to withhold details of the whereabouts of the actual place of safety from the parents of the child on whom an order is made, if that is justified.

I should first stress that there are likely to be very few cases indeed, if any, in which such action would be justified. The services are likely in every case to want to reassure parents that their children are in good hands. Of course, where a child has been, or may be, the victim of serious abuse by a parent, it would be important to keep the parent away from the child. In such rare cases commanding officers would invaribly have adminstrative means at their disposal to select a place of safety under service control that would effectively ensure the exclusion of the parent.

The amendment of the hon. Member for Greenock and Port Glasgow would in fact not be consistent with either English or Scots civil law. No powers for withholding a child's address and access to the child have been given either to the magistrate when a place of safety order is granted in England, or to a sheriff in Scotland when an authorisation by a court or justice of the peace is made for the detention of a child in a place of safety pending arrangements for bringing him before a children's hearing.

8.45 pm

The amendment also contains a number of technical deficiencies. For example, it is not made an offence to disclose the child's address, or to make provision for the revocation or variation of orders denying access.

However, I assure the hon. Member that we shall review this matter as part of the reconsideration of section 14 of the 1981 Act that the Select Committee has asked us to undertake, and in the light of any changes that may emerge from the DHSS review of child care legislation to which I have referred.

I know that the laudable intentions of the hon. Member for Greenock and Port Glasgow in amendment No. 4 and the other amendments to clause 13 that he has tabled are to protect as far as possible the interests of both parents and children when place of safety orders are being considered. However, I think that he may have somewhat misunderstood the purpose of the place of safety order provisions in service legislation.

The provisions that the hon. Member envisages for attendance or representation at hearings, and for appeal, are of course entirely appropriate where child care proceedings are being considered, and where the child's longer-term future is at stake. However, section 14 of the Armed Forces Act 1981 does not deal with care proceedings. It deals only with temporary emergency place of safety orders which may only be made overseas — not in the United Kingdom, contrary to the amendment—and which can last for a maximum of 28 days in total.

Such orders are designed primarily to remove children as quickly as possible from a potential source of danger and to provide for their safe keeping until the way ahead is determined. They are thus broadly equivalent to place of safety proceedings in England and Wales or to the stage prior to a children's hearing in Scotland.

The next step might be either to return the child to the family or to transfer him or her to the United Kingdom, into the hands of local welfare authorities which will decide what further action by way of care proceedings might be required. Such further care proceedings would take place under local civil law—either English or Scots law—where the statutory provision as to representation or appeal would apply. The amendment would go far beyond the equivalent provisions affecting the initial granting of a place of safety order in England or Scotland so far as attendance, representation and appeal by parents are concerned.

Service law already goes further than either English or Scots law in providing that parents have a right, wherever practicable, to make representations to the commanding officer before the order is made. It would not be right to go further. To do so would risk delaying proceedings while possibly leaving a child in a dangerous situation. I am sure that that would not be acceptable to the House.

In amendment No. 5, the hon. Member for Greenock and Port Glasgow proposes that there should be written statements supporting applications for a place of safety order. The suggestion derives, perhaps, from a misunderstanding of the type of procedures involved. Service place of safety orders do not involve written applications and formal hearings. They are designed to react swiftly to events where the child is in immediate danger. What usually happens is that a case conference will hastily be convened involving medical staff, social workers and others with knowledge of the family. If they decide that a place of safety order is necessary, a request for such an order will be made to the commanding officer.

What the hon. Gentleman proposes in terms of written applications goes far beyond anything in English child care law or, indeed, in Scots law in relation to the initial application to a justice of the peace or a sheriff. This provision might cause an unacceptable delay in removing a child from the source of danger. Of course, where a child is transferred back to the United Kingdom and after care proceedings are instituted by the local authorities, the services make arrangements to provide all the necessary supporting evidence and documentation to the United Kingdom courts.

However, on another aspect of the amendment, I am sympathetic to the proposal that the officer making the order should record on it his reasons for doing so and the fact that the parents should formally be told of the reasons. In practice, it is most unlikely that parents would be left in ignorance of the reasons, but, having considered this, I have decided that, from now on, as a matter of administrative practice, the officer making the place of safety order should include on the form the grounds on which it is made and a copy of the order should be given to the parents or guardian of the child.

The appropriate service guidelines will be amended accordingly. I hope that the hon. Gentleman will accept that it is practicable to accept the substance of his amendment by the administrative change that I have described.

The hon. Gentleman's amendment also refers to the need to remind parents of their right to seek legal advice. I have decided to accept the substance of the hon. Gentleman's amendment on that point. However, I should explain that the Queen's regulations for each service already contain paragraphs which make it clear that for those serving overseas service lawyers will provide legal advice free of charge on non-criminal matters, including matrimonial and family affairs. By amending the appropriate service guidelines, I shall ensure that, in future, parents whose children are subject to place of safety orders have their attention drawn to the relevant paragraphs of the Queen's regulations.

I hope that, on the basis of what I have said and the responses that I have made, the hon. Gentleman will believe that his amendments — which are important — have been carefully considered. I hope that he believes that this is an acceptable response and that his major anxieties have been met.

Mr. Dalyell: Often in Committee we are a bit curmudgeonly, but I wish to say two things. In my constituency experience, the services, almost without exception, have been sensitive and helpful in handling these difficult matters, and credit is due to the good sense of commanding officers. I very much welcome what the Minister of State said. Some formal notification of the reasons is the answer to the problems that some of us have experienced.

Dr. Godman: I echo the comments of my hon. Friend the Member for Linlithgow (Mr. Dalyell). In the rare constituency cases that have arisen concerning the sons of my constituents serving overseas, I have been most grateful for the sensitive care and attention that has been devoted to the parents. I am pleased to put that on the official record.

I hope that I am not whingeing when I say that, unlike my hon. Friend the Member for Dundee, East (Mr. Wilson), I am not a lawyer, so I am a little handicapped. I wish to read what the Minister said, although I assure him that I listened most attentively to his remarks. Nor am I served by the platoon — at times it looked like a battalion — of Ministry of Defence officials who gave evidence to the Select Committee. Much of my experience is based on the good advice and guidance given to me by my wife who, as I told Mr. Fracer of the Ministry of Defence, is a senior social worker and highly experienced in these matters. If I have made any mistakes, they are entirely my responsibility and nothing to do with my wife. My dear wife, who is from Govan, is a little larger than I am.

Although I do not have the benefit of a platoon of specialists, I am grateful for the care and attention that has been given to the amendments. I accept that, in several instances, they are technically inadequate. That can only be blamed on my ignorance of these matters. In the Select Committee, and this evening, I have tried to establish the need to protect the interests of the child. If such dreadful circumstances were to arise in connection with the child of a Scottish soldier, which led to the child being removed from its family, that child must be returned to Scotland — as my hon. Friend the Member for Dundee, East said, to his place of birth or where he and his family are domiciled.

When the Minister dealt with amendment No. 3, he said that a Scottish child would be returned to care in Scotland. Having been given that assurance — I know that the Minister is honourable—I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clauses 13 to 17 ordered to stand part of the Bill.

New Clause 1

COMPOSITION OF COURTS-MARTIAL

'(4) After section 89 of the Army Act 1955 there shall be inserted the following section—

"89A Notwithstanding the provisions of sections 87, 88 and 89 in the case of a general, district, of field general court martial convened to try a person of below commissioned rank, the defendant shall have the right to insist that at least one member of the court-martial is also a person of below commissioned rank.".

(2) After section 89 of the Air Force Act 1955 there shall be inserted the following section—

"89A Notwithstanding the provisions of sections 87, 88 and 89 in the case of a general, district, or field general court martial convened to try a person of below commissioned rank, the defendant shall have the right to insist that at least one member of the court-martial is also a person of below commissioned rank.".

(3) In Section 54 of the Naval Discipline Act 1957, at the end there shall be added the following subsection—

"(9) In the case of a court martial convened to try a person of below commissioned rank, the defendant shall have the right to insist that at least one member of the court-martial is also a person of below commissioned rank.—*[Dr. Godman.]*

Brought up, and read the First time.

Dr. Godman: I beg to move, That the clause be read a Second time.

The time has come to change the composition of courts martial where those proceeded against are of non-commissioned rank. In essence, the accused — for example, a sergeant—should have the right if he cares to exercise it to be judged by his peers as well as by his superiors. That is my sincere view and I have subscribed to it for many years.

I should point out that my experience of these matters is severely dated. But I have had the honour as a national service man to serve with that most honourable group of people, the royal military police. Therefore, I have some experience, albeit of a severely dated nature.

9 pm

Mr. Dalyell: I am not entirely happy about this. One does not want to put it frivolously, but are we sure that we want to put the royal military policeman in that position, let alone the regimental sergeant-major because it might be the RSM or the company sergeant-major who was delegated to that task?

Dr. Godman: That is a pertinent question. I take the point that if the accused who was being proceeded against were to be a member of the Corps of Royal Military Police, I would see—as I say, based on my severely dated experience — no objection being made simply because his peer was a senior non-commissioned officer of the corps. But I take my hon. Friend's point. It is a serious matter.

Mr. Bermingham: I hope that my hon. Friend will not think that I am being in any way facetious when I ask him whether he agrees that, just as a civilian can challenge up to three members of a jury, the service man might be allowed to challenge the odd member of the court martial, bearing in mind that they are judges of both fact and law?

Dr. Godman: That would be a useful regulation. I regret that that does not appear in my new clause.

I said that this is my sincere view. I have discussed the idea with a number of former senior non-commissioned officers, principally from the Army, and they expressed sympathy and support for such an innovation. I do not have documentary evidence of that sympathy and support but that has been said to me not 20 yards from where I stand now.

I have no doubt that that view is regarded as an abomination by the hidebound or seemingly hidebound Ministry of Defence, as well as, perhaps, some Conservative Members who are present tonight. I have no doubt that we shall hear once again the classic conservative argument that the moment has not yet arrived; that the moment is not propitious for such radical change. Nevertheless, I shall pursue the argument.

Support for this conservative approach to the composition of the courts martial is often sought from the findings of the Lewis report, which was published in 1946. That committee, under the chairmanship of Mr. Justice Lewis, stated that it would not recommend that other ranks served on courts martial.

However, Mr. Raymond Blackburn, a Labour Member of Parliament, added by way of an addendum a note of dissent to the conclusions and recommendations of the Lewis report. My amendment is in broad sympathy with what he said. Incidentally, Mr. Blackburn served as a captain with that fine county regiment, the East Yorkshire regiment, my late father's regiment. My father was awarded the military medal when he served with, I think, the fourth battalion of that regiment. Mr. Blackburn was also, I believe, the author of a pamphlet entitled "The Soldier's Guide to His Rights and Duties".

Let me quote from Mr. Blackburn's note of dissent these long years ago. He said:

"While subscribing to the Report as a whole, I regret that on one subject I do not wholly agree with my colleagues on the Committee, namely on the composition of the Court in Courts-Martial. I believe:—

(a) That a private soldier, lance-corporal, or corporal (or lance-bombardier or bombardier) should have the right to demand that one corporal (or bombardier) should sit on a Court-Martial composed of three persons trying him, or that two corporals (or bombardiers) should sit on a Court-Martial composed of five persons trying him."

I make no apologies for quoting liberally from Mr. Blackburn's note of dissent. He went on to say:

"*(b)* That a serjeant or warrant officer should have right to demand that one serjeant or warrant officer, as the case may be, should sit on a Court-Martial composed of three persons trying him, or that two serjeants or warrant officers should sit on a Court-Martial composed of five persons trying him.

(c) That the remaining members of the Court should be officers and should be the only members of the Court determining sentence."

One can see the gist of his remarks. He is suggesting something which seems to me to be analogous to the civilian jury system. He then said:

"In civilian life a man charged with a serious offence has in effect the right to demand trial by his peers because a jury is taken at random from all the sections of the community to try him."

I have a great deal of sympathy with that. I also sympathise with what Mr. Blackburn said next:

"In the services, one cannot introduce a similar provision to ensure that a jury is drawn at random from all members of the services, because to do so would conflict with discipline."

I would not disagree with Mr. Blackburn there. He continued:

"The central problem in Courts-Martial is the reconciliation of discipline with justice. But I suggest that an attempt should be made to assimilate Court-Martial procedure to civilian procedure in this important respect, if it can be done without affecting discipline."

Mr. Bermingham: It seems something of an anachronism, for example, that on a Thursday a man is a sergeant-major and is not eligible to sit on a court martial yet he can be promoted the following Thursday to be a lieutenant and he is eligible. Does that make much difference, in my hon. Friend's opinion?

Dr. Godman: As I said in Committee, somebody who is promoted from the rank of regimental sergeant-major to lieutenant in my view would be precisely the same kind of man. It may well be that the Minister of Defence, other Ministers and some Conservative Members would argue that such a man would receive the appropriate training to enable him to perform a useful role when sitting on a court martial. With regard to the proportion of officers who have come up through the ranks, I seem to remember having been told by Ministry of Defence officials that in the Navy the figure was in the region of 20 per cent. and in the Royal Air Force it was about the same proportion, with a percentage not so very different for the Army.

Mr. Peter Viggers (Gosport): Those figures are correct, but they exclude officers who have been promoted before the age of 30 from the ranks. In other words, the numbers of serving officers who have served in the ranks are higher than the figures mentioned by the hon. Gentleman.

Dr. Godman: I am grateful for that intervention as the hon. Gentleman has considerable experience, I think I am right in saying, in the Royal Navy and in service matters in general. His graceful intervention supports what I was saying in reply to my hon. Friend the Member for St. Helens, South (Mr. Bermingham).

If I may press on with Mr. Blackburn, he went on to say:

"But corporals (or bombardiers) are men who have received promotion because they have a sense of responsibility and discipline. If they can be trusted with the lives of their sections in the exacting predicaments of battle, surely they can be trusted to serve as members of a jury. The proposal which I have made would limit their conscience to serving as jury men, as they would not be consulted on sentence."

There I part company with Mr. Blackburn, though in general I have a great deal of sympathy for his remarks. His note of dissent stands the test of time.

Paragraph 16 on page ix of the 1981 report of the Select Committee on the Armed Forces Bill says:

"Various evidence was taken by the Committee on the composition of courts-martial. We asked in particular whether the time had come for those below commissioned rank to be represented on courts-martial. Although it was denied by the Ministry of Defence that there was any identifiable wish for such a change within the Services and argued by them that American and Canadian experience showed a majority of Servicemen preferring to be tried by officers rather than by their peers, we

did not feel that these defences of the status quo were wholly satisfactory. The absence of general discontent with the existing system does not necessarily mean the denial of the right of choice to those, even if only a minority, who would prefer to be tried under some closer approximation to the jury system. It is possible that a greater flexibility in administering Service justice might be found which would not undermine the virtues of the present arrangements. Since this issue has not been subjected to a full review since the Lewis Committee and the Pilcher Committee in the 1940s we believe that such a review is now due and ought to be conducted before the introduction of the 1986 Armed Forces Bill."

The Select Committee's report which was published yesterday contains a somewhat disingenuous statement. Paragraph 30 on page xiii of the report says:

"We note that the Ministry of Defence has in every case modified the rules of service discipline as recommended. In two cases where the 1981 Committee recommended a review of the present practice—with regard to the statutory definition of 'the enemy' and to composition of courts martial—the Government carried out such a review but concluded that changes are not practicable or desirable. The Committee accept the validity of the government's arguments in these two cases, and consider that in general the recommendations of the 1981 Committee relating to service discipline have been implemented in a satisfactory manner."

I do not accept that slick statement, and it helps to explain why I voted against the report. There is a good case for the change that is proposed in new clause 1.

Mr. Viggers: The hon. Member for Greenock and Port Glasgow (Dr. Godman) made an interesting speech on Second Reading. One of his points related to the constitution of courts martial, and I thought that it would be a very interesting and worthwhile point to pursue. I have made a number of inquiries since then. They confirm the view that I held previously: that it would not be a good idea to change the existing constitution of courts martial.

I say that for two reasons. It is appropriate for officers to sit as members of courts martial. They have had specific training in various matters, including law, which enables them to contribute properly to courts martial. This point is made on page 200 of the committee's report. Paragraph 5 of the 1985-86 report of the Select Committee on the Armed Forces Bill the Ministry of Defence says:

"commissioned officers . . .are selected and specifically prepared through a planned programme of courses and training throughout their Service, to fulfil the responsibilities of commissioned rank. A part of that career planning is progressive training in military law and responsibility for the administration of discipline from the outset of their commissioned Service."

So there is a plus point in having officers serve as members of courts-martial: they have been properly trained.

9.15 pm

Not only is there a plus point—I hope and believe that my feelings about this are as genuine as those of the hon. Member for Greenock and Port Glasgow (Dr. Godman), who gives serious thought to these matters—there is also a minus point if non-commissioned officers are to be included as members of courts-martial. On page 201, our report says:

"It was also felt that the Warrant Officer's position with functions in the disciplinary field concerned with prevention, investigation and reporting of offences should continue to remain separated from the judcial role, the responsibility of commissioned officers."

It goes on to say:

"Firm views were expressed by senior non-commissioned officers, the category from which representation would be obtained, that membership of courts-martial should continue to be confined to commissioned officers who were ultimately responsible for the maintenance of discipline."

It is right that the maintenance of discipline should be the responsibility of officers who, let us remember, are separated in a number of carefully graded ways from the non-commissioned officers and other men in the armed forces. That careful separation of officers from men exists not just for some old-fashioned, out-dated social reason but because officers have a specific responsibility for discipline and other matters. There is a real benefit in having officers as members of courts-martial and a disadvantage in not having them. Because of this, I oppose the amendment.

Mr. Bermingham: In 1946 Mr. Justice Lewis was looking at the world of 1946; in 1986 we are supposed to be looking at the world of 1986. I listened with care in Committee—it was one of the stages at which I was present, before the row developed between me and the Committee and I departed, not in high dudgeon but in despair because, once again, the arguments trotted out in Committee were arguments which were as old as time: we have officers and we have others. To a large extent, we have got rid of that kind of concept in the rest of our social structure. There was a time when it was the squire who was the magistrate and the labourer who was always the defendant. In 1986 it is the farm worker, whether he be a manager or a farm labourer, who very often sits by the squire on the magisterial bench. No Member of the House would deny that many of our courts are well manned by people who do ordinary jobs.

Of course, they are taught the law. We teach magistrates the law. Why can we not teach the senior non-commissioned officers in the armed services the appropriate amount of law? In any case, courts-martial have a judge advocate in attendance to advise. A court-martial is a court of fact. If we broaden the group of people who are to judge the facts, we may on occasion bring to its deliberations a degree of common sense. There is an old doctrine: it is called the doctrine of common sense. The ability to use it is found in the private as well as in the general.

In what is supposed to be an intelligent and increasingly better educated society, I cannot understand why we have to retain in our courts-martial system principles and prejudices more suited to the 17th and 18th centuries, when only members of the officer class were taught to read and write. All that we have sought to do in this Committee in 1986, and all that my hon. Friend has sought to do, is to bring to the court-martial a touch of the 20th century, a touch of trial by one's peers. One's peers are not just one's commanding officer but also one's compatriots, one's friends, fellow members of one's regiment or ship or squadron, people who understand the various aspects of day-to-day life. If we fail on this one in 1986, those of us who are still here in 1991 will have to come back to the same argument. I have done my arithmetic and that is when the legislation will come before us again.

We cannot stop the passage of time and the development of social awareness. The Government cannot retreat for ever, as the Ministry did so often when answering questions from myself and others in the Select Committee, behind the barricades of history by using the defence, "We have always done it this way." For the second time tonight I ask the Minister to accept that when my hon. Friends and I move amendments we are not trying

[Mr. Bermingham]

to upset the constitution or to pull down the pillars of the establishment. All we are trying to do is to move the Ministry into the 20th century before we get to the 21st.

Mr. Wallace: The Select Committee did not give sufficient attention to this important matter. Clearly the world of 1946 was very different from the world of 1986, as the hon. Member for St. Helens, South (Mr. Bermingham) has said. The days of the rich man in his castle and the poor man at his gate have gone out of the window.

I have given careful thought to the new clause. Various factors do not persuade me to support it. Not least of them is the amount of training which is part of an officer's career scheme. It is doubtful whether a panel of senior NCOs with the necessary training would be available to participate in a court-martial when required. Many of us were not entirely satisfied about the amount of consultation on some points. Sometimes we felt that if something was not mentioned it was assumed that everyone was happy with it. Since the passage of the previous legislation there has been a review with this specifically in mind. From the evidence presented to the Committee about the Army, it seemed to have gone into the matter in considerable detail. There was confidence in the system, and confidence in a judicial system is important

The hon. Member for Gosport (Mr. Viggers) might have continued to read from the report and to give the view of some service men that there might be representation on a court martial by warrant officers. Although in some cases they might not be suitable because of their functions in regard to discipline, it was felt that they might have something to contribute because their understanding of a soldier's motivation or background experience might be different from that of a commissioned officer. There might be a good case for giving further consideration to whether those of the rank of warrant officer might be suitable to sit on a court martial. Because the new clause goes further than that, I cannot support it.

Mr. Stanley: Hon. Members have largely covered all the essential points of argument on both sides. I merely want to stress to the Committee that the Government took seriously the recommendation of the 1981 Select Committee. We were asked to consider the issue again. It is an issue about which my colleagues and I in the Department did not have any preconceived notions and which we approached with an open mind.

The study was carried out very carefully. The hon. Member for Orkney and Shetland (Mr. Wallace) referred to the extensive work which was done by all three services and that is detailed in memorandum No. 18, which starts on page 200. Very careful consultation took place and in the light of that consultation and the advice that we received from the services we came to the conclusion that there was no basic case for departing from the initial conclusion that goes back to the Lewis report that the present system works thoroughly satisfactorily.

We are undoubtedly influenced by the fact that, having carried out an extensive consultation within the three services, in our view there is no doubt at all that there is no evidence of any material desire within the non-commissioned ranks of the armed forces for the composition of courts-martial to be altered.

I was most interested by the observations of my hon. Friend the Member for Gosport (Mr. Viggers). Clearly, he has made his own independent soundings in the constituency he represents, which has one of the highest concentrations of service men in the country, and the feedback to him was the same.

I believe that, as the hon. Member for Orkney and Shetland quite rightly said, the crucial factor is whether the existing composition of courts-martial commands the confidence of service men of all ranks and at all levels. I think that without any question the answer to that is an emphatic yes. Given that we have a system at present which is working well and satisfactorily and that there is no material desire for a change, I believe that the Committee's conclusion that the present system should be kept was the right one, and I must ask the Committee to reject the new clause.

Mr. McNamara: I believe that in looking at this clause the Government, the hon. Member for Gosport (Mr. Viggers) and the hon. Member for Orkney and Shetland (Mr. Wallace) omitted to notice one important thing—that it contains an option. It is not mandatory. It would meet the point that was raised by some hon. Gentlemen that they would not want to have on their court-martial a regimental sergeant-major or senior warrant officers. It would also meet another very important point, that there should be felt to be within the court martial a degree of experience and understanding particularly of the position of the private soldier which the officer, for all his legal training and concern for his soldiers, sailors or airmen, might not have.

When the Lewis committee was looking at this back in 1946 the reason why it rejected the suggestion of having non-commissioned officers on the committee—and I am not now talking about Mr. Blackburn's amendment, a note of dissent which my hon. Friend mentioned—was that

"today, when nearly all officers have to graduate from the ranks, the danger in question is a remote risk".

The danger in question was that officers would not have experience of the problems of the ordinary soldier and sailor.

But, if the majority of officers at that time did come through the ranks because of what was happening in the war, that is not the case on this occasion. When we sought information on this from the Ministry, we found that in the Royal Navy 22 per cent., in the Royal Marines 24 per cent., in the Army, male officers, 22 per cent. and in the RAF 21 per cent. — barely one fifth, certainly not a majority — of serving officers had come through the ranks. That is proved if one looks at the footnote to which the hon. Member for Gosport referred in the supplementary note from the Ministry of Defence.

I put it to the Committee that there is room for experimentation here. I accept that no great dissatisfaction has been expressed with the present system. But it seems to have been part of the Panglossian attitude of the Ministry of Defence throughout that if there have been no grumbles the situation is not capable of being improved. The Opposition do not believe that the court-martial system as it exists at present is necessarily the best possible system.

9.30 pm

If the defendant had the option of having someone there who had experienced his society and his type of life, it would help. It would not be impossible to ensure that the

necessary training was given to non-commissioned officers. No wonderful sleight of hand can make a regimental sergeant-major into a commissioned subaltern with sufficient experience to sit immediately on a court-martial.

Thus the argument does not stand up and the dependence on Lewis does not stand up, because the facts have changed. There is room to make this alteration. Accordingly, we shall seek to divide the Committee.

Question put, That the clause be read a Second time:—

The Committee divided: Ayes 50, Noes 127.

Division No. 133] **[9.30 pm**

AYES

Archer, Rt Hon Peter
Atkinson, N. *(Tottenham)*
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Brown, Hugh D. *(Provan)*
Caborn, Richard
Carter-Jones, Lewis
Clarke, Thomas
Clay, Robert
Cocks, Rt Hon M. *(Bristol S)*
Cook, Robin F. *(Livingston)*
Corbyn, Jeremy
Craigen, J. M.
Dalyell, Tam
Deakins, Eric
Dewar, Donald
Dixon, Donald
Dormand, Jack
Eastham, Ken
Edwards, Bob *(W'h'mpt'n SE)*
Fields, T. *(L'pool Broad Gn)*
Foster, Derek
Freeson, Rt Hon Reginald
Godman, Dr Norman
Gould, Bryan
Hardy, Peter
Haynes, Frank
Lamond, James
Lloyd, Tony *(Stretford)*
Loyden, Edward
McNamara, Kevin
Madden, Max
Marshall, David *(Shettleston)*
Maxton, John
Michie, William
Millan, Rt Hon Bruce
Nellist, David
Park, George
Parry, Robert
Patchett, Terry
Pike, Peter
Powell, Raymond *(Ogmore)*
Redmond, Martin
Richardson, Ms Jo
Skinner, Dennis
Smith, C. *(Isl'ton S & F'bury)*
Wardell, Gareth *(Gower)*
Wigley, Dafydd
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Norman Hogg and
Mr. John McWilliam.

NOES

Alexander, Richard
Alton, David
Amess, David
Ashby, David
Atkins, Robert *(South Ribble)*
Atkinson, David *(B'm'th E)*
Baker, Nicholas *(Dorset N)*
Batiste, Spencer
Bellingham, Henry
Bevan, David Gilroy
Biggs-Davison, Sir John
Blaker, Rt Hon Sir Peter
Body, Sir Richard
Bottomley, Peter
Bowden, Gerald *(Dulwich)*
Braine, Rt Hon Sir Bernard
Brinton, Tim
Brittan, Rt Hon Leon
Buck, Sir Antony
Carlile, Alexander *(Montg'y)*
Carlisle, John *(Luton N)*
Carttiss, Michael
Chapman, Sydney
Chope, Christopher
Conway, Derek
Coombs, Simon
Cope, John
Couchman, James
Currie, Mrs Edwina
Dicks, Terry
Dunn, Robert
Eggar, Tim
Eyre, Sir Reginald
Fairbairn, Nicholas
Favell, Anthony
Forth, Eric
Fowler, Rt Hon Norman
Fraser, Peter *(Angus East)*
Freeman, Roger
Galley, Roy
Gregory, Conal
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Ground, Patrick
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hampson, Dr Keith
Hargreaves, Kenneth
Harris, David
Haselhurst, Alan
Hawkins, C. *(High Peak)*
Hawksley, Warren
Henderson, Barry
Hind, Kenneth
Holt, Richard
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Howells, Geraint
Hubbard-Miles, Peter
Hunter, Andrew
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
King, Roger *(B'ham N'field)*
King, Rt Hon Tom
Kirkwood, Archy
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Lang, Ian
Lennox-Boyd, Hon Mark
Lilley, Peter
Livsey, Richard
Lloyd, Peter *(Fareham)*
Lyell, Nicholas
McCurley, Mrs Anna
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
Major, John
Malone, Gerald
Marland, Paul
Mather, Carol
Maude, Hon Francis
Meadowcroft, Michael
Merchant, Piers
Miller, Hal *(B'grove)*
Newton, Tony
Penhaligon, David
Pollock, Alexander
Powell, William *(Corby)*
Powley, John
Raffan, Keith
Rhys Williams, Sir Brandon
Rifkind, Rt Hon Malcolm
Roe, Mrs Marion
Rowe, Andrew
Ryder, Richard
Shaw, Sir Michael *(Scarb')*
Sims, Roger
Speed, Keith
Spencer, Derek
Stanbrook, Ivor
Stanley, Rt Hon John
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Andrew *(Sherwood)*
Stradling Thomas, Sir John
Sumberg, David
Taylor, John *(Solihull)*
Tebbit, Rt Hon Norman
Temple-Morris, Peter
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thurnham, Peter
Tracey, Richard
van Straubenzee, Sir W.
Viggers, Peter
Waddington, David
Wakeham, Rt Hon John
Walden, George
Wallace, James
Waller, Gary
Wardle, C. *(Bexhill)*
Watts, John
Whitfield, John
Wilkinson, John
Wolfson, Mark
Wood, Timothy

Tellers for the Noes:
Mr. Tim Sainsbury and
Mr. Tony Durant.

Question accordingly negatived.

New Clause 2

SOCIAL INQUIRY REPORTS

'For any case brought before a court martial or a standing civilian court, the court shall have power to call for a social inquiry report to be made where it is considered that to do so would assist the court.'.—[*Dr. Godman.*]

Brought up, and read the First time.

Dr. Godman: I beg to move, That the clause be read a Second time.

If every other court in the land on occasion seeks the advantageous use of social inquiry reports, why not courts martial?

Mr. Stanley: The proposition of the hon. Member for Greenock and Port Glasgow (Dr. Godman) is straightforward, but I shall speak at greater length than he did.

The 1981 Select Committee accepted that current procedures already provided a great deal of relevent information about the character, background and circumstances of an accused person. However, the Committee suggested that full information of this type was particularly important in the case of young offenders and recommended the evolution of a system under which social inquiry reports on young offenders could be made more readily available. As a result of our consideration of this recommendation, I announced during the debate on the Army, Air Force and Naval Discipline Acts (Continuation) Order 1985 that a system had been introduced which would allow social inquiry reports to be provided in cases where a young Army or RAF service man was appearing before a court martial charged with a serious offence. Social inquiry reports may also be provided in other cases if appropriate. They will also be provided in similar circumstances for young civilian offenders appearing before a standing civilian court or court martial. These reports will be prepared by qualified SSAFA social workers or, in Germany, by the senior probation officer. In the case of the Navy, social inquiry reports will continue to be provided by the naval personal and families service. This system of social inquiry reports has now been in place for nearly a year and appears to be working well.

In the new clause, the hon. Gentleman seeks to extend the provision of social inquiry reports to all courts martial and standing civilian courts. However, his draft clause is, I am afraid, seriously defective. It contains no definition of the term "social inquiry report" which is defined where it appears in other legislation. The draft clause does not lay a statutory duty on any particular body or person to produce social inquiry reports where these are called for and, without this, the amendment can have no legal effect.

More substantively we do not consider this amendment to be necessary. Even where a formal social inquiry report is not provided, full information on an offender's character, background and circumstances must already be given to the court as a matter of course under regulations governing the conduct of the various types of service courts. In the Army and RAF the information thus routinely provided has recently been improved and expanded in order to provide the fullest possible detail. No comparable improvement was necessary in the Navy since there are already facilities to provide full social inquiry reports on all offenders. This is possible because of the much smaller number of courts martial in the Navy. I can assure the House that the duty to provide this information is taken very seriously. However, if the court is not satisfied with the information it has been given, it can order such extra information as it requires and adjourn while that is prepared.

9.45 pm

Taken together with the provision of formal social inquiry reports on all young offenders wherever practicable and also on other, older, offenders where deemed appropriate and where resources permit, I believe that the personal information already provided to service courts is perfectly sufficient. On that basis I ask the Committee to reject the amendment because I believe that it is superfluous in terms of the practice we are already following.

Mr. McNamara: I have listened carefully to what the Minister said. We do not accept the point that he has made. We do not think that the clause is inappropriate. We think that more mandatory information should be given. If the clause of my hon. Friend the Member for Greenock and Port Glasgow (Dr. Godman) is defective we should be happy if the Minister would accept the principle of it and allow it to go through to be amended in another place. I hope that we shall divide on the clause.

Mr. Dalyell: On the matter of older offenders, was there a social inquiry report and did the procedure work in the case of the airman of 9 Royal Signals Regiment who was tried as a result of the so-called Cyprus spy trial? This is not the time nor place to go into that, but some of us begin to wonder whether far more inquries ought to have been made before charges were initiated.

Question put, That the clause be read a Second time:—

The Committee divided: Ayes 58, Noes 121.

Division No. 134] **[9.46 pm**

AYES

Alton, David
Archer, Rt Hon Peter
Atkinson, N. *(Tottenham)*
Beckett, Mrs Margaret
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Brown, Hugh D. *(Provan)*
Caborn, Richard
Carlile, Alexander *(Montg'y)*
Carter-Jones, Lewis
Clay, Robert
Cocks, Rt Hon M. *(Bristol S)*
Cook, Robin F. *(Livingston)*
Corbyn, Jeremy
Craigen, J. M.
Dalyell, Tam
Deakins, Eric
Dewar, Donald
Dixon, Donald
Dormand, Jack
Eastham, Ken
Edwards, Bob *(W'h'mpt'n SE)*
Fields, T. *(L'pool Broad Gn)*
Foster, Derek
Freeson, Rt Hon Reginald
Godman, Dr Norman
Hardy, Peter
Haynes, Frank
Howells, Geraint
Kirkwood, Archy
Lamond, James
Livsey, Richard
Lloyd, Tony *(Stretford)*
Loyden, Edward
McCartney, Hugh
McNamara, Kevin
Madden, Max
Marshall, David *(Shettleston)*
Maxton, John
Meadowcroft, Michael
Michie, William
Millan, Rt Hon Bruce
Nellist, David
Park, George
Parry, Robert
Patchett, Terry
Penhaligon, David
Pike, Peter
Powell, Raymond *(Ogmore)*
Redmond, Martin
Richardson, Ms Jo
Skinner, Dennis
Smith, C. *(Isl'ton S & F'bury)*
Wallace, James
Wardell, Gareth *(Gower)*
Wigley, Dafydd
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Norman Hogg and
Mr. John McWilliam.

NOES

Alexander, Richard
Amess, David
Ashby, David
Atkins, Robert *(South Ribble)*
Atkinson, David *(B'm'th E)*
Baker, Nicholas *(Dorset N)*
Batiste, Spencer
Bellingham, Henry
Bevan, David Gilroy
Biggs-Davison, Sir John
Blackburn, John
Body, Sir Richard
Bottomley, Peter
Bottomley, Mrs Virginia
Bowden, Gerald *(Dulwich)*
Braine, Rt Hon Sir Bernard
Brinton, Tim
Brittan, Rt Hon Leon
Buck, Sir Antony
Carlisle, John *(Luton N)*
Carttiss, Michael
Chapman, Sydney
Chope, Christopher
Conway, Derek
Coombs, Simon
Cope, John
Couchman, James
Currie, Mrs Edwina
Dicks, Terry
Dunn, Robert
Durant, Tony
Eggar, Tim
Eyre, Sir Reginald
Fairbairn, Nicholas
Favell, Anthony
Forth, Eric
Fowler, Rt Hon Norman
Fraser, Peter *(Angus East)*
Freeman, Roger
Galley, Roy
Gregory, Conal
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Ground, Patrick
Gummer, Rt Hon John S
Hampson, Dr Keith
Hargreaves, Kenneth
Harris, David
Haselhurst, Alan
Hawkins, C. *(High Peak)*
Hawksley, Warren
Heathcoat-Amory, David
Henderson, Barry
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holt, Richard
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Hubbard-Miles, Peter
Hunter, Andrew
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
King, Roger *(B'ham N'field)*
King, Rt Hon Tom
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Lang, Ian
Lennox-Boyd, Hon Mark
Lilley, Peter
Lloyd, Peter *(Fareham)*
Lyell, Nicholas
McCurley, Mrs Anna
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
Major, John
Malone, Gerald
Marland, Paul
Mather, Carol
Maude, Hon Francis
Merchant, Piers
Miller, Hal *(B'grove)*
Newton, Tony
Pollock, Alexander
Powell, William *(Corby)*
Powley, John
Raffan, Keith
Rhys Williams, Sir Brandon
Rifkind, Rt Hon Malcolm
Roe, Mrs Marion
Rowe, Andrew
Ryder, Richard
Sainsbury, Hon Timothy
Shaw, Sir Michael *(Scarb')*
Sims, Roger
Speed, Keith
Spencer, Derek
Stanbrook, Ivor
Stanley, Rt Hon John
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Andrew *(Sherwood)*
Stradling Thomas, Sir John
Sumberg, David
Taylor, John *(Solihull)*
Tebbit, Rt Hon Norman
Temple-Morris, Peter
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thurnham, Peter
Tracey, Richard
van Straubenzee, Sir W.
Viggers, Peter
Waddington, David
Walden, George
Waller, Gary
Wardle, C. *(Bexhill)*
Watts, John
Whitfield, John
Wilkinson, John
Wolfson, Mark
Wood, Timothy

Tellers for the Noes:
Mr. Donald Thompson and
Mr. Archie Hamilton.

Question accordingly negatived.

New Clause 3

ABOLITION OF CAPITAL PUNISHMENT

'(1) In section 43 of the Naval Discipline Act 1967 the words "*(a)* death" shall be removed.

(2) In section 71 of the Army Act 1955 the words "*(a)* death" shall be removed.

(3) In section 71 of the Air Force Act 1955 the words "*(a)* death" shall be removed.

(4) All consequential references in the above Acts to the application of death sentences shall cease to have effect.'.—*[Mr. Bermingham.]*

Brought up, and read the First time.

Mr. Bermingham: I beg to move. That the clause be read a Second time.

It seems almost anachronistic that in this day and age a serving soldier in the United Kingdom in peace time who is taking part in an exercise which may well lead to the restraint, of strikers, for example, could find himself on a charge which led to the imposition of the death penalty. In the United Kingdom today, if a soldier changes sides in a combat, we can hang him.

We have debated time and time again the whole question of capital punishment. During the Committee stage of the Bill—I refer to paragraphs 412 to 464 of the report — I make no apologies for the fact that throughout the bulk of that period the questions were asked by myself.

BUSINESS OF THE HOUSE

It being Ten o'clock, the debate stood adjourned.

Motion made, and Question put,

That, at this day's sitting, the Armed Forces Bill may be proceeded with, though opposed, until any hour. — *[Mr. Sainsbury.]*

The House divided: Ayes 109, Noes 49.

Division No. 135] **[10.01 pm**

AYES

Alexander, Richard
Amess, David
Arnold, Tom
Ashby, David
Atkins, Robert *(South Ribble)*
Atkinson, David *(B'm'th E)*
Batiste, Spencer
Bellingham, Henry
Biggs-Davison, Sir John
Blackburn, John
Body, Sir Richard
Bowden, Gerald *(Dulwich)*
Brinton, Tim
Brittan, Rt Hon Leon
Buck, Sir Antony
Carlisle, John *(Luton N)*
Carttiss, Michael
Cash, William
Chapman, Sydney
Chope, Christopher
Conway, Derek
Coombs, Simon
Cope, John
Couchman, James
Currie, Mrs Edwina
Dicks, Terry
Dunn, Robert
Durant, Tony
Eggar, Tim
Eyre, Sir Reginald
Fairbairn, Nicholas
Favell, Anthony
Forth, Eric
Fraser, Peter *(Angus East)*
Freeman, Roger
Galley, Roy
Gregory, Conal
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Ground, Patrick
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hampson, Dr Keith
Hargreaves, Kenneth
Harris, David
Haselhurst, Alan
Hawkins, C. *(High Peak)*
Hawksley, Warren
Henderson, Barry
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holt, Richard
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Hubbard-Miles, Peter
Hunter, Andrew
Jones, Gwilym *(Cardiff N)*
King, Roger *(B'ham N'field)*
King, Rt Hon Tom
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Lang, Ian
Lilley, Peter
Lyell, Nicholas
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
Major, John
Malone, Gerald
Marland, Paul
Mather, Carol
Maude, Hon Francis
Merchant, Piers
Miller, Hal *(B'grove)*
Newton, Tony
Pollock, Alexander
Powell, William *(Corby)*
Powley, John
Raffan, Keith
Rhys Williams, Sir Brandon
Rifkind, Rt Hon Malcolm
Roe, Mrs Marion
Rowe, Andrew
Ryder, Richard
Sackville, Hon Thomas
Sainsbury, Hon Timothy
Shaw, Sir Michael *(Scarb')*
Sims, Roger
Speed, Keith
Spencer, Derek
Stanbrook, Ivor
Stanley, Rt Hon John
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Andrew *(Sherwood)*

Stradling Thomas, Sir John
Sumberg, David
Tebbit, Rt Hon Norman
Temple-Morris, Peter
Thompson, Donald *(Calder V)*
Thorne, Neil *(Ilford S)*
Thurnham, Peter
Tracey, Richard
Viggers, Peter
Waddington, David
Walden, George
Watts, John
Whitfield, John
Wolfson, Mark
Wood, Timothy

Tellers for the Ayes:
Mr. Mark Lennox-Boyd and
Mr. Peter Lloyd.

NOES

Alton, David
Archer, Rt Hon Peter
Atkinson, N. *(Tottenham)*
Beckett, Mrs Margaret
Bermingham, Gerald
Brown, Hugh D. *(Provan)*
Carlile, Alexander *(Montg'y)*
Clay, Robert
Cook, Robin F. *(Livingston)*
Corbyn, Jeremy
Dalyell, Tam
Davis, Terry *(B'ham, H'ge H'l)*
Deakins, Eric
Dewar, Donald
Dixon, Donald
Dormand, Jack
Eastham, Ken
Fields, T. *(L'pool Broad Gn)*
Foster, Derek
Freeson, Rt Hon Reginald
Godman, Dr Norman
Hardy, Peter
Haynes, Frank
Hogg, N. *(C'nauld & Kilsyth)*
Howells, Geraint
Hughes, Simon *(Southwark)*
Kirkwood, Archy
Lamond, James
Livsey, Richard
Lloyd, Tony *(Stretford)*
Loyden, Edward
McNamara, Kevin
Madden, Max
Maxton, John
Meadowcroft, Michael
Michie, William
Nellist, David
Parry, Robert
Patchett, Terry
Penhaligon, David
Pike, Peter
Powell, Raymond *(Ogmore)*
Redmond, Martin
Skinner, Dennis
Wallace, James
Wardell, Gareth *(Gower)*
Wigley, Dafydd
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Noes:
Mr. Chris Smith and
Mr. John McWilliam.

Question accordingly agreed to.

Bill, as amended (in the Select Committee), again considered.

Question again proposed, *That the clause be read a Second time.*

Mr. Bermingham: As I was saying, before the commercial break that we have just had, the purpose behind the probing questions that lay between paragraphs 412 and 464 was to ascertain the real position. At the risk of repeating what is to be found in the report, after a series of questions to various Members of the Ministry of Defence from myself and various other hon. Members, we eventually reached a point where Mr. Facer was answering the questions.

It appears that there are five offences under the various Army Acts which can be summed up as giving aid and comfort to the enemy. We began by seeking to probe what was meant by "the enemy". But it appears that we have no definition of that. The enemy appears to be anybody who opposes a soldier. That means that he can be a civilian. It took us a little probing finally to establish that.

We reached the point where we found that if a soldier is opposed and gives aid to the enemy, it did not really matter whether we were in peace time or at war because it then turned out that "being at war" meant anything. We have not had an official war since 1945, but we have had many disagreements. In Northern Ireland at present we have an enemy. Apparently, we have had an enemy in various other parts of the world. We can even have an enemy in the United Kingdom. But we do not have to be at war.

We began to prove the next aspect of this little matter. We found out that if a soldier is opposed he therefore has an enemy and if he gives aid and comfort to that enemy he may be guilty of one of the five offences. If he is, the court can then sentence him to death.

We then reached the rather interesting point in the discussion as to how we could sum all that up. I asked Mr. Facer question 464:

> "But it is possible at this moment in time, even though we are in a peacetime situation, for a British serviceman to be sentenced to death for one of these five offences if the offence occurs either in the United Kingdom, Northern Ireland, Belize, Gibraltar—anywhere where there is a British serviceman currently stationed, and he is liable for one of these five offences, if the court sees fit, to be sentenced to death?"

Mr. Facer, for the Ministry of Defence, replied, "That is so".

It would appear that a court martial can sentence any British serving soldier to death anywhere in the world for one of those five offences.

10.15 pm

We were then told in Committee that that would not happen. We asked why and were told that it was not the policy to execute anybody. Soldiers could be sentenced to death, but it was not the policy to execute them. The question naturally then came from me and from others: if it is not the policy now, who makes the policy? We established that it was the Government of the day. Therefore, if the Government changed their mind the sentence of death could be imposed in peacetime on a British serving soldier.

We then asked why and whether that had been done since 1945 and were told no. We then asked how it was known that it was a deterrent — what evidence was there. The reply was that since 1945 we have been able to do it, but we have never done it and it is not our policy to do it, so it must be a deterrent. We suggested turning the question the other way round. If, since 1945, it had been the policy not to do it and it had not been done, was there any evidence that it was a deterrent? We were told no, and the person who said no we never saw in the Committee again, I think because he gave us the wrong answer and let the cat out of the bag.

The truth is that the Ministry has no evidence to support the contention that the Army, which is full of volunteers, should be subject to a different form of legislation, punishment and control from anybody else. There is no justification for the position and there is no evidence to support the position—there is nothing. But, because we have been executing soldiers since they first marched across the face of the world, we have to carry on having this, and the Army has to have its death penalty for these five matters. It must be able in peacetime to string up by the neck until he is dead a soldier who, when he is asked to oppose a civilian group of people, and actually agrees with them and goes and joins them, is committing an offence which is punishable by hanging. That is an appalling situation.

Parliament has said time after time since the 1960s in respect of terrorism and many other matters that it will not hang men or women, yet the Armed Forces Bill retains the right — without evidence to support that retention, without justification, without any reason that we could ascertain in the Committee—and wishes to continue to retain the right, to hang. I ask the Minister why.

When we reached the stage in Committee at which amendments were tabled—and I drafted the amendment

on this Section—I did not attend the meeting for the reasons that I have already given earlier tonight. We were so muddled in that Committee that I had walked out and made my position perfectly clear over the vote on the hon. Member for Newry and Armagh (Mr. Mallon) who wanted to give evidence to the Committee that it would not hear. When this was moved, we were defeated on straight party lines and the hon. Member was muzzled. I walked out at that stage. I stood by my decision not to take any further part in the proceedings and I did not attend the amendment sessions. Each of the amendments to the report falls according to straight party lines.

I said earlier that Select Committees are meant to be about the exchange of ideas. I felt that it was pointless to continue to attend meetings of the Committee. Therefore, I am bringing the arguments that I would have used in the Select Committee on to the Floor of the House. I make no apologies for taking time over it. It is an issue of principle and of conscience. Why should a soldier who volunteers to risk his life in the service of his country face any different form of justice and punishment from that which is faced by evey other citizen of this land? It is not right. If this House believes that it is a barbaric and ancient punishment that is best consigned to the history books, why should it be retained on the statute book for service personnel, even though the Ministry of Defence says that it is not its policy to use it?

Every five years we have the opportunity to try to bring the armed forces into line with the rest of the nation. In about 25 minutes from now, I suspect that, along party lines, we shall lose this new clause. If we lose it, it will be a tragedy. We shall have to wait another five years before we are able once again to seek to remove it from the statute book, just one more trace of our ancient past which does not do us much credit—the execution of human beings.

I accept that many hon. Members will disagree with me on equally strong points of conscience. I understand and respect their point of view. However, I ask the Committee to accept that this clause is moved very much in line with the thinking of many hon. Members who believe that the death penalty serves nobody well and ought not to remain in the Acts which govern the armed forces.

Mr. Kenneth Hind (Lancashire, West): The hon. Member for St. Helens, South (Mr. Bermingham) did not attend the meetings of the Select Committee to put forward his arguments. He has chosen instead to state them in this Chamber. Therefore, I intend to set out the arguments that would have been put to him by Conservative Members who serve on the Select Committee had he been there to listen to them.

It is important to note that this is hardly a hangover from our barbaric past. Only very specific offences attract the death penalty. They are the result of consideration in this House in 1981 when the then Armed Forces Bill was brought before the House and passed.

Two entirely different situations arise which must be stressed. If civilian types of offence are committed not during the course of hostilities, the civilan law applies to them If a soldier who is not on military duty or engaged in hostilities murders a comrade, he is subject to the normal law of this country and the death penalty does not arise. That does not apply to some of the other armed forces of the world, particularly in the United States. The death penalty applies there in peacetime for offences of murder, felony and rape and particularly, in the case of the Navy, for the offence of endangering a ship.

The situation in this country at present is that only those offences connected with hostilities attract the death penalty. It is eminently sensible that they should and there are very strong policy reasons for their doing so. They are:

"Misconduct in action (ie with intent to assist the enemy) . . . assisting the enemy (ie with intent to assist the enemy, communicating with or giving intelligence to the enemy or failing to make known to the proper authorities any information received from the enemy) . . . obstructing operations (ie with intent to assist the enemy) . . . mutiny (ie taking part in a mutiny having as its object the refusal or avoidance or any duty etc against or in connection with operations against the enemy) . . . and failure to suppress mutiny (ie with intent to assist the enemy, failing to use utmost endeavours to suppress or prevent a mutiny" . . . .

All these relate to hostilities. When hostilities occur, each member of the armed forces is responsible for assisting in the preservation of the lives of his colleagues. Failure to carry out his duty, for example, by mutiny, will seriously affect his colleagues and, no doubt, bring about the death of large numbers of them in groupings such as battalions or divisions. So it is essential to maintain discipline in order to save life.

Mr. Jeremy Corbyn (Islington, North): *rose*——

Mr. Hind: No, not the hon. Member. He has just come in.

Mr. Corbyn: I have been sitting here all the time.

Mr. Hind: The hon. Member for St. Helens, South made a point about hostilities and when they arise. When the Falklands war took place, that was not technically hostilities. There was no official declaration of war. Suppose that the soldiers who landed from the Sir Galahad had gone to their death as a result of information passed to the enemy by a serving soldier. We would have been failing in our duty if that had not been dealt with on the basis of the death penalty. Even though there had been no formal declaration of hostilities, they clearly existed.

These offences cover soldiers, airmen and naval personnel under fire from an enemy which is attempting to destroy British forces. These sections are important in strengthening discipline for men under fire. They are special. These categories do not apply to the kind of offence normally dealt with by the civilian code. They are there to protect not only the interests of our country but also the lives of serving personnel.

I can do no better than quote the answer in Select Committee of Lieutenant-General Sir John Chapple who, in answer to the hon. Member for St. Helens, South, described the offences which attract the death penalty. He said:

"They do require a positive act of treachery, or armed mutiny in one case, which could have a significant effect on our military effort and ultimately, therefore, on our national security and survival. For that reason all these five offences, which carry with them either the words 'with intent to assist the enemy' or 'with the object of avoiding duty against or impending operations against the enemy' are considered by the Ministry of Defence to warrant remaining in being."

That is a view that I endorse.

It must be borne in mind that the death penalty for these offences is not mandatory. It is subject to the discretion, first of all, of the court-martial. It is subject to the review procedure, the approving officer, and then, in the case of the Army, of the Army Board. There are provisions for

[Mr. Hind]

appeal to the courts-martial appeals committee. It would have been better if the hon. Member for St. Helens, South had tried to strengthen the provisions for safeguards by suggesting that the courts-martial appeals committee be given the right to consider a sentence, which at the moment it has not got, rather than introducing this new clause which would remove a matter of fundamental policy which is necessary during hostilities.

10.30 pm

The armed services have made clear their policy. The provisions have not operated during peacetime for these offences because that is the policy of the Ministry of Defence, but they have to be there. Because of situations like the Falklands, we cannot change the provisions and say that there must have been a declaration of war.

In those circumstances, I urge all my colleagues to reject the argument that has been put forward and to vote against the new clause.

Mr. Stanley: As my hon. Friend the Member for Lancashire, West (Mr. Hind) has rightly said, the first and fundamental point is that the death penalty can be applied only where the offence is committed with the deliberate intention of assisting the enemy or, where mutiny is concerned, there is a deliberate attempt to avoid or impede operations against the enemy. Where the deliberate intention of assisting the enemy or avoiding or impeding operations against the enemy is present, there are now only five offences, to which hon. Members have referred, in the service Discipline Acts which would carry the death penalty. Those are misconduct in action, assisting the enemy, obstructing operations, mutiny and failure to suppress mutiny.

The 1981 Select Committee considered those five offences in considerable detail. It accepted that the death penalty should be retained as an ultimate and, of course, discretionary—not mandatory—punishment where there was a deliberate intention to assist the enemy. The 1981 Select Committee asked us to reconsider the definition of the enemy used in the legislation. The Department did that in great detail but, as I explained on Second Reading of the Bill, we came to the conclusion that all the alternative definitions are less satisfactory than the present definition and would be likely to widen rather than reduce the ambit of the death penalty.

In the Department we also considered carefully whether the death penalty should be retained for each of the five offences, and we concluded that it should. The 1986 Select Committee has also examined the issue, taking both oral and written evidence. It has concluded that no change should be made—rightly, in my view.

It must be stressed that the only circumstances in which the death penalty could be applied to service men would be for offences tantamount to the civilian criminal offence of treason where, unlike under service law, the death penalty is still mandatory. Treasonable activity within the ranks of the armed services in war would undoubtedly be a crime of the utmost seriousness. If committed, it would almost certainly lead directly to the loss of the lives of other service men performing their operational duties bravely and trusting in the loyalty of those serving with them.

The armed services were unanimous and clear in their advice to Ministers that it was right to retain the death penalty for offences tantamount to treason, and the Government accepted that advice. If the Opposition wish to press the new clause to a Division, I must ask my right hon. and hon. Friends to vote against it.

Mr. McNamara: The Opposition regret very much the advice which the right hon. Gentleman has given to his colleagues, because we feel that this is a matter of principle, as my hon. Friend the Member for St. Helens, South (Mr. Bermingham) said. We feel that there are circumstances and cases, particularly now, in view of the nature of our armed forces at the present time—that they are purely volunteers, that they are unlikely to be people who will go into it against their own wishes—which place them in difficulties. If they crack, it will not be because they are going to commit treason. They will crack because their own individual psyches are being put under enormous stress.

The Minister said that these were offences akin to treason. I think that the Judge Advocate-General said before the Committee that these were offences akin to treachery. If that is so and this is a civilian crime, so be it. Then members of the armed forces, who are, after all, only civilians in uniform, will be subject to that legislation. But in terms of the profession they follow, which is an honourable one, to maintain the security of our nation, these are volunteers, and it is an insult to them that the Government think it necessary to have these provisions in the Army discipline code at the present time.

One thing that worries us in particular is again the Panglossian attitude of the Ministry of Defence to these matters. When we asked the Ministry why it was that in other NATO countries it was not felt necessary to have the death penalty, we got a special supplementary memorandum from the Department on it. Roughly half maintain it, but half do not, and significant among the half that do not are precisely those countries which, like us, have had a lot of conflict, particularly as they have divested themselves of, or in some cases have sought to retain, empire and therefore have been engaged in armed conflict since the war. Countries such as France and Portugal, in particular, which have had tremendous colonial wars, have abolished the death penalty. I cite those two because they are similar in nature and in status to our country.

It was in reply to the hon. Member for Ilford, South (Mr. Thorne) that the game was given away. He asked whether the maintenance of the death penalty prevented subversion, whether it really operated as a deterrent—question 409:

> "Surely, if one is recruiting people as volunteers it does not stop one from recruiting people from subversive powers, and if such people are recruited surely there is no proof they are discouraged from being recruited because there is a death penalty?
>
> (Mr. *Facer*.) It is extremely difficult to prove these things, and evidence of deterrence even in other areas tends to be inconclusive."

That is pretty good from an Under-Secretary at the Ministry of Defence when they are spending all this money on Trident; but be that as it may, he went on:

> "I think it would be fair to say we take the view that the existence of the death penalty for these particular offences provides an extra dimension to deterrence which may prevent an act of this kind, which we all hope would never occur anyway; it may make it even less likely than it is. I think that is about all I can say on the subject of deterrence."

That, roughly, is all the Committee heard from the Department. They had no evidence. They had not looked

at other countries and asked why they had taken it away or why had they retained it. They just sat there, smug and content. It had been around a long time and they thought they ought to retain it.

When I was listening to the hon. Member for Lancashire, West (Mr. Hind), who spoke in support of retaining the death penalty, I did not feel that we were getting any argument which showed the effectiveness of retaining the death penalty as a deterrent. I thought that he was speaking only in terms of retribution. Retribution may be an argument for maintaining the death penalty, but it is not one that I would accept and it was never advanced by the Ministry of Defence when it was putting forward its case. Its argument was purely and simply on the basis of deterrence.

Mr. Hind: Perhaps the hon. Member would consider that, far from the death penalty being retribution, its deterrence factor in this situation is related to the need to stand by one's colleagues. If there is an option for a person to run away and save his own life in the face of knowing he will lose the lives of many of his colleagues, in such cases it is important to have the death penalty as the deterrent. That is the key to the matter. Retribution is not the essential element: the essence is deterrence.

Mr. McNamara: We no longer have a conscript Army; we have an Army and services of honourable. people who are not likely to crack in that way. If they do crack, it will not be because of cowardice but because of something wrong in their psyche.

It is possible under the existing legislation for a soldier to commit an offence and for it to carry the death penalty. It cannot be a good thing that other people, who are not members of the armed services, can commit the same offence and not be subject to the death penalty.

Question put, That the clause be read a Second time:—

The Committee divided: Ayes 38, Noes 113.

Division No. 136] **[10.40 pm**

AYES

Archer, Rt Hon Peter
Atkinson, N. *(Tottenham)*
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Brown, Hugh D. *(Provan)*
Clay, Robert
Cook, Robin F. *(Livingston)*
Corbyn, Jeremy
Dalyell, Tam
Dewar, Donald
Dixon, Donald
Eastham, Ken
Fields, T. *(L'pool Broad Gn)*
Foster, Derek
Freeson, Rt Hon Reginald
Godman, Dr Norman
Hardy, Peter
Haynes, Frank
Hogg, N. *(C'nauld & Kilsyth)*
Kirkwood, Archy
Lamond, James
Lloyd, Tony *(Stretford)*
Loyden, Edward
McNamara, Kevin
Madden, Max
Maxton, John
Michie, William
Nellist, David
Parry, Robert
Patchett, Terry
Pike, Peter
Powell, Raymond *(Ogmore)*
Redmond, Martin
Skinner, Dennis
Wardell, Gareth *(Gower)*
Wigley, Dafydd
Winnick, David

Tellers for the Ayes:
Mr. John McWilliam and
Mr. Chris Smith.

NOES

Alexander, Richard
Amess, David
Ashby, David
Atkinson, David *(B'm'th E)*
Baker, Nicholas *(Dorset N)*
Batiste, Spencer
Bellingham, Henry
Biggs-Davison, Sir John
Blackburn, John
Bottomley, Peter
Bottomley, Mrs Virginia
Bowden, Gerald *(Dulwich)*
Braine, Rt Hon Sir Bernard
Brinton, Tim
Brittan, Rt Hon Leon
Brooke, Hon Peter
Carlisle, John *(Luton N)*
Carttiss, Michael
Cash, William
Chapman, Sydney
Chope, Christopher
Conway, Derek
Coombs, Simon
Cope, John
Couchman, James
Currie, Mrs Edwina
Dunn, Robert
Durant, Tony
Eggar, Tim
Eyre, Sir Reginald
Fairbairn, Nicholas
Favell, Anthony
Forth, Eric
Fraser, Peter *(Angus East)*
Freeman, Roger
Galley, Roy
Garel-Jones, Tristan
Gregory, Conal
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Ground, Patrick
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hampson, Dr Keith
Hargreaves, Kenneth
Harris, David
Haselhurst, Alan
Hawkins, C. *(High Peak)*
Hawksley, Warren
Henderson, Barry
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holt, Richard
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Howells, Geraint
Hubbard-Miles, Peter
Hunter, Andrew
Jackson, Robert
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
King, Roger *(B'ham N'field)*
Knight, Greg *(Derby N)*
Lang, Ian
Lilley, Peter
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
Major, John
Malone, Gerald
Marland, Paul
Mather, Carol
Maude, Hon Francis
Merchant, Piers
Miller, Hal *(B'grove)*
Morris, M. *(N'hampton S)*
Neubert, Michael
Page, Richard *(Herts SW)*
Pollock, Alexander
Powell, William *(Corby)*
Powley, John
Raffan, Keith
Rhys Williams, Sir Brandon
Roe, Mrs Marion
Rowe, Andrew
Ryder, Richard
Sackville, Hon Thomas
Sainsbury, Hon Timothy
Shaw, Sir Michael *(Scarb')*
Smith, Tim *(Beaconsfield)*
Speed, Keith
Spencer, Derek
Stanbrook, Ivor
Stanley, Rt Hon John
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Andrew *(Sherwood)*
Stradling Thomas, Sir John
Sumberg, David
Temple-Morris, Peter
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thurnham, Peter
Tracey, Richard
van Straubenzee, Sir W.
Viggers, Peter
Waddington, David
Wakeham, Rt Hon John
Walden, George
Waller, Gary
Watts, John
Whitfield, John
Wilkinson, John
Wolfson, Mark
Wood, Timothy

Tellers for the Noes
Mr. Mark Lennox-Boyd and
Mr. Peter Lloyd.

Question accordingly negatived.

New Clause 4

QUALIFICATION TO OFFENCE OF INDECENT BEHAVIOUR

'(1) In section 66 of the Army Act 1955 at the end there shall be added the words—"provided that for an action to constitute an offence of disgraceful conduct of an indecent or unnatural kind it must be one which is prejudicial to good conduct and discipline.".

(2) In section 66 of the Air Force Act 1955 at the end there shall be added the words "provided that, for an action to constitute an offence of disgraceful conduct of an indecent or unnatural kind, it must also be one which is prejudicial to good conduct and discipline".

(3) In section 37 of the Naval Discipline Act 1957, at the end there shall be added the words—"provided that, for an action to constitute an offence of disgraceful conduct of an indecent or unnatural kind, it must also be one which is prejudicial to good conduct and discipline".',—*[Mr. McNamara.]*

Brought up, and read the First time.

Mr. McNamara: I beg to move, That the clause be read a Second time.

In our dealings with the armed forces we have always suggested that they are civilians in uniform. The separate

[Mr. McNamara]

army code of discipline is regrettably necessary because of the nature of the calling. Generally, we have sought to say that a soldier is no more than a civilian in uniform. Therefore, he should have the same rights, the same way of life, and the same right to organise his life as any other citizen. That is not the case with homosexual conduct.

I was the only person on the Committee who had been present and taken part in the debates in 1967 on the Bill of my hon. Friend the Member for Tornaen (Mr. Abse), then the hon. Member for Pontypool, which sought, and eventually achieved its aim, of no longer making homosexual conduct in private between consenting males of adult age a criminal offence. That is the way we feel it should be in the armed services. That does not mean that we condone the act or that we necessarily approve of it. It merely means that we should no longer regard it as a criminal offence in the armed forces. It is sufficient, in the terms of the amendment we have tabled, that it should be treated as heterosexual conduct would be. If it is

"prejudicial to good order and discipline." it should be an offence, but for no other reason.

The Ministry of Defence's evidence on this matter is a mess of contradictions and prejudice. There is no scientific or sociological research to back up the ways it has looked at the matter. It did not even know some of the witnesses, even the senior witness. It did not know that AIDS is a communicable disease or that there were differences in the evidence given by witnesses. The Ministry's idea was based on a social perception for which no evidence could be produced. The Ministry claimed that it was a perception held in society but it was certainly not one held in Britain in the past 30 years.

The Ministry advanced a series of arguments in favour of regarding the homosexual act as an offence in military terms. That evidence was challenged by the Campaign for Homosexual Equality and by evidence from the Conservative Group for Homosexual Equality, which numbers among its patrons the hon. Member for Derbyshire, West (Mr. Parris), the hon. Member for Hornchurch (Mr. Squire) and Mr. Martin Stevens, the late hon. Member for Fulham.

The main argument advanced is that the law on homosexuality endangers national security because it renders soldiers embarking upon that course of conduct liable to blackmail. They are liable to blackmail only because it is a criminal offence. If it was not a criminal offence we would not have had the Cyprus inquiry. We would have avoided the great loss of money and the show trial at the Old Bailey under section 1 of the Offical Secrets Act. We could have saved the country a great deal of money and prevented a lot of egg from going on the face of the Ministry.

There is no reason why homosexuality should be a danger to national security other than the fact that it is an offence under the Armed Forces Act. If it is prejudicial to good conduct and discipline, it should be treated in that way. Every example cited by the Ministry's witnesses was an example that could have been dealt with under conduct prejudicial to discipline.

The Conservative group argues that the present law can adversely affect recruitment and the retention of good personnel. It argues that the application of the law has been marred by abuse and unnecessary suffering and is haphazard in its application. It is relevant to note that our NATO allies do not feel it is necessary to have such legislation.

For those reasons, we argue that homosexual conduct —not something of which I approve—should not be a criminal offence under Army law. It must be treated in the same way as heterosexual behaviour. When such behaviour is prejudicial to good conduct and discipline it should be dealt with. Otherwise, it should be ignored.

The Royal Air Force in its evidence came close to admitting that if homosexual conduct occurred off the station between two consenting males it was not especially bothered. It was bothered only when it was prejudicial to discipline. I do not think that the Government have made any case except one derived from a tangle of prejudices, outmoded thought and a desire to inflict upon the armed services a morality that the rest of society no longer accepts. I do not believe that we should treat our soldiers, sailors and airmen in that way.

Mr. Stanley: I shall start by repudiating the comments of the hon. Member for Kingston upon Hull, North (Mr. McNamara) regarding the Government's approach. He appears to believe that it is based on prejudice and mistaken, anachronistic, social views, but that is not so. We have considered the issue seriously in the context of this quinquennial review, and it is our clear view that we must maintain the best possible discipline and operational efficiency in the armed services. It is against that yardstick, and not against any outmoded prejudice or anachronistic social view, that we have approached the problem.

11 pm

Mr. Chris Smith (Islington, South and Finsbury): Will the Minister then tell the House what it is in a gay relationship between two males which would endanger the good discipline in the services?

Mr. Stanley: If the hon. Gentleman will allow me to reply to the opening speech, I shall be glad to try to do so.

The aim of the new clause is to make homosexual practices on the part of members of the armed forces an offence against service discipline only where it can be construed as being prejudicial to good conduct and discipline.

The Committee will be aware that all homosexual practices involving service personnel continue to be offences under the Service Discipline Acts, regardless of the sex, age or willing consent of those involved. That position is specifically preserved by section 1(5) of the Sexual Offences Act 1967 which otherwise permitted sexual acts between consenting adult males in private. The Committee will want to register that that legislation is just under 20 years old, and was the subject of a specific reservation at that time.

The exemption of the armed forces was in recognition of the unique circumstances of service life. Membership of the armed forces involves service men and service women serving in conditions where, both on and off duty, they are unavoidably living in close proximity and sometimes under stress. In addition, service life, particularly in demanding operational circumstances, requires absolute trust and confidence between all service men based on disciplined and professional relationships. Both the services and the Government are clear that the

more permissive approach to homosexuality proposed in the amendment would not be in the interests of the good discipline or the professional efficiency of the services as a whole.

The issue was fully considered by the Select Committee which received evidence, not merely from the Ministry of Defence, but from bodies in favour of allowing a more permissive approach to homosexuality in the armed forces. The Select Committee took great care to consider both sides of the issue, and concluded in paragraph 25 of its report that it would not be wise to change the existing law. That is also the Government's view. That is a clear view put to us, not only by the top ranks in the services, but down through every level. There is complete endorsement of the existing legislation expressed in all three services from top to bottom.

We are clear that if we try to change the law as proposed, it would be prejudicial to the proper professionalism and fighting and managerial efficiency of the armed services. Therefore, if the Opposition wish to press the matter, I ask the Committee to reject the new clause.

Mr. McNamara: Usually I would not seek to reply, but the Committee should be aware of some of the statements made by the Minister which I do not accept. During an evidence session the Chairman asked:

"On that point, do you have any indication of the level of promiscuity in homosexual relationships? Do you have any figures available?

(Mr. *Facer*) No.

Mr. McNamara: That is something based on evidence; it is your general perception and feeling — common gossip — without any scientific support?

(Mr. *Facer*) It is based on general perceptions of society, not a judgment we take inside the Ministry of Defence."

That was the line on which the argument was based. In answer to the question

"Why should they be treated as military offences?"

Brigadier Peck replied:

"Because the military view is that homosexuality goes against the requirements of the Services."

I asked

"Why? Do not shrug your hands; I want to know why."

Then the admiral came on the scene to rescue the Army.

There is no evidence for the Minister's statements. Many of our NATO allies, who have a fighting reputation as great as ours, do not treat homosexuality as a criminal offence. The Government have not examined the evidence. There has been no sociological report. The Government's whole attitude is based on outworn prejudices such as we have come to expect from them. We shall divide the House on the issue.

Question put, That the clause be read a Second time:—

The Committee divided: Ayes 34, Noes 104.

Division No. 137] **[11.05 pm**

AYES

Alton, David
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Brown, Hugh D. *(Provan)*
Clay, Robert
Cook, Robin F. *(Livingston)*
Corbyn, Jeremy
Dalyell, Tam
Fields, T. *(L'pool Broad Gn)*
Freeson, Rt Hon Reginald
Godman, Dr Norman
Hardy, Peter
Haynes, Frank
Hogg, N. *(C'nauld & Kilsyth)*
Howells, Geraint
Kirkwood, Archy
Livsey, Richard
Lloyd, Tony *(Stretford)*
Loyden, Edward
McNamara, Kevin
Madden, Max
Maxton, John
Michie, William
Nellist, David
Parry, Robert
Patchett, Terry
Penhaligon, David
Pike, Peter
Powell, Raymond *(Ogmore)*
Redmond, Martin
Skinner, Dennis
Wallace, James
Wigley, Dafydd

Tellers for the Ayes:
Mr. Chris Smith and
Mr. John McWilliam.

NOES

Alexander, Richard
Amess, David
Ashby, David
Baker, Nicholas *(Dorset N)*
Batiste, Spencer
Bellingham, Henry
Biggs-Davison, Sir John
Blackburn, John
Bottomley, Peter
Bottomley, Mrs Virginia
Bowden, Gerald *(Dulwich)*
Braine, Rt Hon Sir Bernard
Brinton, Tim
Brittan, Rt Hon Leon
Brooke, Hon Peter
Buck, Sir Antony
Carlisle, John *(Luton N)*
Carttiss, Michael
Cash, William
Chope, Christopher
Conway, Derek
Coombs, Simon
Cope, John
Couchman, James
Currie, Mrs Edwina
Dunn, Robert
Durant, Tony
Eggar, Tim
Eyre, Sir Reginald
Fairbairn, Nicholas
Favell, Anthony
Forth, Eric
Freeman, Roger
Galley, Roy
Garel-Jones, Tristan
Gregory, Conal
Griffiths, Peter *(Portsm'th N)*
Ground, Patrick
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hampson, Dr Keith
Hargreaves, Kenneth
Harris, David
Hawksley, Warren
Henderson, Barry
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holt, Richard
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Hubbard-Miles, Peter
Hunter, Andrew
Jackson, Robert
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
King, Roger *(B'ham N'field)*
Knight, Greg *(Derby N)*
Lang, Ian
Lennox-Boyd, Hon Mark
Lilley, Peter
Lloyd, Peter *(Fareham)*
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
Major, John
Mather, Carol
Maude, Hon Francis
Merchant, Piers
Miller, Hal *(B'grove)*
Morris, M. *(N'hampton S)*
Pollock, Alexander
Powell, William *(Corby)*
Powley, John
Raffan, Keith
Rhys Williams, Sir Brandon
Roe, Mrs Marion
Rowe, Andrew
Ryder, Richard
Sackville, Hon Thomas
Sainsbury, Hon Timothy
Shaw, Sir Michael *(Scarb')*
Smith, Tim *(Beaconsfield)*
Speed, Keith
Spencer, Derek
Stanbrook, Ivor
Stanley, Rt Hon John
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stradling Thomas, Sir John
Sumberg, David
Temple-Morris, Peter
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thurnham, Peter
Tracey, Richard
Viggers, Peter
Waddington, David
Wakeham, Rt Hon John
Walden, George
Waller, Gary
Watts, John
Whitfield, John
Wilkinson, John
Wolfson, Mark
Wood, Timothy

Tellers for the Noes:
Mr. Michael Neubert and
Mr. Gerald Malone.

Question accordingly negatived.

New Clause 5

DISCRIMINATION

'For the purposes of the Armed Forces Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957, it shall be an offence for any person subject to those Acts to discriminate against, harass, hold in contempt or ridicule any person or persons on the grounds of religion, race, colour or political belief.'.—*[Mr. McNamara.]*

Brought up, and read the First time.

11.15 pm

Mr. NcNamara: I beg to move, That the clause be read a Second time.

This is an unusual clause because it is based upon no conclusions or even argument within the Committee. Yet the Committee had before it a 31-paragraph statement from the hon. Member for Newry and Armagh (Mr. Mallon), with eight appendices, which the Ministry of defence sought to rebut in a supplementary memorandum of 16 paragraphs. The Select Committee, in its wisdom, reached a majority decision to print both sets of evidence cheek by jowl, and then never came to any conclusion about them.

Yet if the evidence of the hon. Member for Newry and Armagh is correct, the Ministry of Defence's statement is nonsense. If the Ministry of Defence's statement is correct, the evidence of the hon. Member for Newry and Armagh is nonsense. With the wisdom that only this Select Committee could have, it decided not to reach any conclusion, not to examine the Ministry of Defence and not to examine the hon. Member for Newry and Armagh. That is regrettable.

The hon. Member for Newry and Armagh wrote to the Select Committee and asked to give evidence. He was told that the Select Committee would consider that when he submitted his evidence. He did so and was told to hold himself ready to come forward to give oral evidence, but he was not called. One would normally say, "Hard lines," but in this case there were pressing reasons why the hon. Member for Newry and Armagh should have been permitted by the Select Committee to come forward, and I should have thought that those reasons would have commended themselves to democrats.

The hon. Member for Newry and Armagh, in a difficult by-election, fought against two principal opponents. One, from Provisional Sinn Fein, was fought on an abstentionist platform. The other, from the Official Unionist party, was fought on a partial abstentionist platform; in other words, he would come in, sign up, get his money and go away. The Official Unionist candidate was defeated.

The hon. Member for Newry and Armagh desires as his ultimate objective to see the six counties of Northern Ireland part of a united Ireland. He seeks to achieve that not by the bullet or the bomb, but by arguing his case and by working constructively for it. He fought against opponents who had shown by their conduct how much they disparaged Parliament — Provisional Sinn Fein and the Official Unionists.

It was essential for this House to show its belief in the democratic method — its desire to give official democratic opportunities to people who advanced their point of view — and to show that Parliament had a forum, a great and unique Assembly, in which to discuss just those matters. I refer to the Select Committee that was discussing this Bill.

We are told that Ministers from the Northern Ireland Office told the majority on that Committee, "Do not call Seamus Mallon." *[Interruption.]* That statement has been made and has not be rebutted.

Mr. Stanley: I am happy to rebut it.

Mr. McNamara: On behalf of the Northern Ireland Office?

Mr. Stanley: I am happy to rebut it as a member of the Select Committee.

Mr. Viggers: I rebut it as another member of the Select Committee.

Mr. McNamara: The Minister and his hon. Friend should talk to some of their hon. Friends to discover why one of them told one of my hon. Friends that what I have described occurred. My hon. Friend in question was also a member of the Select Committee, and I value his opinion.

The evidence on both sides was contradictory. The Government said — and to show that I am not discriminating, I agree that the clause would apply to all regiments and all services—that they

"reject any suggestion that either the discipline or training of the UDR is unsatisfactory."

Yet it was only at the turn of the year that the Government felt it necessary to make fresh arrangements for training the UDR. They then said:

"Training must lay special emphasis on the skills required by soldiers who act in support of the civil power and who, therefore, come into daily contact with members of the public."

That is why we say:

"it shall be an offence for any person subject to these Acts to discriminate against, harass, hold in contempt or ridicule any person or persons on the grounds of religion, race, colour or political belief."

The members of this regiment have power to search and question members of the public. The Government say that there is a good complaints procedure and they sent the Opposition a copy of it. The amendment then says:

"It is suggested that the procedure discourages members of the minority community from making complaints, but there is no reason why this should be the case."

I quote from a letter that was sent to the Select Committee from the parish priest of Bessbrook, Newry, County Down. He said:

"In my recent parish of Carrickmore, County Tyrone, I had reason to make representations on behalf of two of my parishioners at their request when they claimed they were ill treated by men from the UDR. I am enclosing copies of those statements and their accompanying letters and I would appreciate it if your committee would consider the allegations with a view to concrete steps. I believe that many who allege ill treatment at the hands of the UDR never make a formal complaint because I think they feel that it would be futile. Today I have spoken with the people connected with my enclosed complaints and there appears to be no follow up to the complaints. It all seems to have petered out or to have been shelved. They are interested in pursuing their complaints. Others, I feel, are afraid to complain."

The Committee had no opportunity to find out whether those complaints had been pursued because it was not allowed to take the evidence.

In its statement the Ministry of Defence says:

"If a member of the public is reluctant for any reason to make a complaint of this sort directly to a UDR unit, it may be addressed either to a higher army headquarters or through local civil representatives."

However, I received a letter at the beginning of this month which says:

"On Tuesday the 25th March I gave a detailed account to the civil representative who takes complaints regarding the British army and I gave him a copy of the enclosed. Every day of Holy Week the UDR, the British army and on one occasion the RUC did not cease to stand guard over St. Mallachy's church, question and search people coming in and out of the different Holy Week ceremonies and search cars around the church."

The conclusion of this particular parish priest was this:

"This would seem to have been a deliberate action on the part of the local military authorities following my statement."

There is dissatisfaction among the minority community in Northern Ireland about present procedures. It does not

trust them. It does not believe that they are followed through. This is bad for the Ministry of Defence, the armed forces and the UDR.

Mr. Michael McNair-Wilson (Newbury): Is not the hon. Gentleman making a very discriminatory speech? Is he not aware that at least 10 per cent. of the UDR is drawn from the minority community in Northern Ireland? Is he not further aware that the UDR was set up with the specific purpose of recruiting as many people as possible from the minority community who wanted to play a part in upholding law and order in their Province in order to keep the community as a whole at peace and enable it to enjoy the same pleasures as we enjoy on this side of the Irish sea?

Mr. McNamara: According to the figures that were given to the Committee by the Ministry of Defence, those quoted by the hon. Gentleman are inaccurate. I remember the circumstances, because I took part in the debates. The UDR was introduced, following Lord Hunt's report, to replace the role of the former B Specials. It was hoped that the UDR would be seen as part of the British Army, as under the discipline of the British Army and as controlled by the British Army, and that it would therefore be regarded as an impartial enforcer of the law in that part of the United Kingdom which is called the six counties of Northern Ireland. Unfortunately——

Mr. Hind *rose*——

Mr. McNamara: I shall give way to the hon. Gentleman in a moment. Perhaps he will allow me first to answer this point.

Unfortunately, that did not prove to be the case. I shall now give way to the hon. Gentleman.

Mr. Hind: Does the hon. Member not agree that during the course of their evidence to the Committee the witnesses from the Ministry of Defence said that there had been an active campaign by the IRA in Northern Ireland against Catholic members of the UDR when it had first been set up, and that there had been a large number of killings of Catholic members, which had effectively reduced, through fear, the proportion of Catholic members of the UDR to the present 2 per cent. or so?

11.30 pm

Mr. McNamara: I am grateful to the hon. Gentleman for making what were going to be parts of my speech. I am not seeking to disguise or glorify the role of the IRA, nor to gloss over the terrible way in which it has treated members of the UDR. Nor am I trying to minimise the casualties suffered by the UDR. That is not my role in this particular debate. My role is to try to find a way in which the minority community can feel some sense of support for the UDR.

There have been complaints about the conduct of the UDR and many individual members of it. I have not cited the examples given in this letter that I have here, because I did not want to inflame the situation, but these are complaints which have been made and which, in the first two cases, at any rate, have not been followed up. It is true to say that the UDR is seen by the minority community not to be an impartial enforcer of law and order, acting in support of the RUC and engaged in the pursuit of terrorists but, in many cases, to be harassing people, bringing weight to bear on them, making life difficult for people because they happen to have different political or religious views from the majority of the members of the UDR.

That may be regrettable. It may be that, because of pressure brought by the IRA, there are not as many Catholics in the regiment as the Government might wish. But it does not alter the fact of the present situation, that the UDR is seen by the majority of the people who voted for the hon. Member for Newry and Armagh as a force of oppression which has nothing particularly to do with suppressing terrorism but has more to do with keeping in its place a section of the community which does not accept the present status of the six counties of Northern Ireland within the United Kingdom. It is seen as an oppressive force.

People are dissatisfied because they have no confidence in the present system of presenting and dealing with grievances. People do not believe that the complaints are followed through: unless there is a concrete criminal charge, the RUC do not take the complaints very seriously. People feel little confidence in the discipline enforced in the UDR, because of the things that happen in their day-to-day lives.

That is why I am concerned about this. That is why I bring forward this new clause. It should be possible to create a new category of offence to cover the actions of members of Her Majesty's forces who criticise or harass anyone or who act in a way which challenges legitimate political and religious beliefs. A person's religion, race or politics is no business of any United Kingdom regiment. That members of the UDR use their status as members of the regiment to abuse people and to belittle them, or use the authority of the Queen's uniform or, as an hon. Member put it on another occasion, the Queen's cap badge, to oppress people is not something that any Member of the House would wish to see, let alone support.

Here, therefore, is an opportunity to show what we think of such actions by accepting new clause 5 and having it put into operation coherently, not only in Northern Ireland but throughout the United Kingdom and wherever British armed forces are stationed, to ensure that members of those armed forces show a proper respect for individuals.

Sir Antony Buck (Colchester, North): All hon. Members will agree with the sentiments expressed by the hon. Member for Kingston upon Hull, North (Mr. McNamara). However, many of us wonder whether his new clause will assist the objectives which he outlined. I do not wish to be the pedantic lawyer, but how can the hon. Gentleman sustain the idea that there should be an offence of holding someone in contempt? How could the hon. Gentleman know whether I hold him in contempt? I do not, since he and I have been on many service visits together, and I hope that any court of law and the House would accept what I say. But how can one suggest that that would be appropriate to put before a judicial tribunal? That is the flaw in the hon. Gentleman's suggestion. The introduction of such a concept could be counter-productive because it would cause uncertainty. It is so vague as not to be a justifiable issue.

I entirely agree with most of the hon. Gentleman's sentiments about the need for a lack of discrimination, but the House must recognise its limitations. We cannot legislate to make people good, happy or indiscriminate, and although the new clause is well-meaning, it would be counter-productive. Although the intention of the new clause is correct, it would go against the admirable sentiments expressed by the hon. Gentleman.

Mr. Hind: I support the view of my hon. and learned Friend the Member for Colchester, North (Sir A. Buck). The clause is a statement of intent with which most members of the Committee would agree. Its major problem is that it is so broad that enforcement would be difficult. As a lawyer, I know that where the law is incapable of enforcement, it is brought into disrepute. One consequence is the crumbling of any code of discipline, whether for the armed forces or for civilian life. For that reason, I ask my colleagues to think carefully before introducing the new clause into the Bill.

The issue is the Ulster Defence Regiment. As a member of the Select Committee on the Armed Forces Bill, I should say that the question whether the hon. Member for Newry and Armagh (Mr. Mallon) should give evidence to the Committee was one of the most difficult that we faced. The Committee was constantly aware that it was supporting a democrat in difficult circumstances. I hope that hon. Members understand that we are aware of the difficulties under which Seamus Mallon came to the House.

The Chairman: Order.

Mr. Hind: I apologise; I should have said the hon. Member for Newry and Armagh (Mr. Mallon). We wanted to support a democrat who supported the process of constitutional change as opposed to violence. But our remit from the House, which was to consider the Armed Forces Bill, meant that it was outside our consideration. We would have been faced with examining the behaviour of every regiment, every section and every unit in the British Army if we had embarked on that course of action. It was an appropriate matter to be considered elsewheere, but not by the Select Committee.

Mr. Wallace: Does not the hon. Gentleman agree that the Committee was advised that certain matters dealt with in the memorandum of the hon. Member for Newry and Armagh (Mr. Mallon) would fall properly within its terms of reference? Many features of the Ulster Defence Regiment make it unique in the United Kingdom. Therefore, the argument of the hon. Gentleman that the Select Committee would have had to consider every other regiment is fallacious. Can the hon. Gentleman give the rebuttal which two of his hon. Friends have already given that he was not briefed by the Northern Ireland Office on whether the hon. Member for Newry and Armagh should give evidence? Certainly I was not, but I wondered whether the briefing was available only to Government supporters.

Mr. Hind: I had no specific briefing from the Northern Ireland Office. I was made aware by a third party of the view of the Northern Ireland Office. That was anecdotal, but I never received a briefing. In such circumstances I take cognisance of what I am told and the sense of the advice that I receive.

The point has been made that the Select Committee had to consider the discipline code of the British armed forces. The memorandum of the hon. Member for Newry and Armagh was connected much more with the role of that unit as a part of the British Army than with the actual discipline of that regiment. We were being asked to consider not whether the UDR should behave in a particular way but, more fundamentally, whether the UDR should be in existence in Northern Ireland and whether it should be carrying out its present role. That was entirely different from what has been raised here.

I emphasise that the Select Committee made a difficult decision because it realised that that was the course it should take within its remit. There are ways in which the matter could be considered but it is not by the vehicle of new clause 5.

Mr. Stanley: When the hon. Member for Kingston upon Hull, North (Mr. McNamara) tabled the new clause I anticipated that he would wish to devote much of what he wanted to say to the Ulster Defence Regiment. As he has tabled the clause in a much wider context on the general question of discrimination I want to take the opportunity of the debate to make it clear that discrimination on grounds of race, religion, colour or any other grounds by members of any regiment or service of the armed forces in their dealings with other service men or with the public would not be tolerated and would be viewed extremely seriously. It is my view from what I have seen of the services—and I have been privileged to see a lot of them over the past three years—that they would find it absolutely abhorrent to be a party to discrimination in any of the forms to which I have referred.

Service law already contains a number of offences under which racial or religious discrimination would be an offence. For example, any conduct to the prejudice of good order and discipline is an offence and any act of racial or religious discrimination would fall within the ambit of that offence.

More specifically, anyone subject to service law who uses threatening, abusive, insulting or provocative words or behaviour likely to cause a disturbance commits an offence.

I should also point out that the code of practice for the treatment and questioning of persons by the service police under the Police and Criminal Evidence Act 1984, which came into effect on 1 March this year, contains this paragraph:

> "Discriminatory behaviour on the grounds of a person's ethnic or natonal origin may render a Service policeman, like any other member of the Armed Forces, liable to disciplinary action."

Finally, I should make it clear that the Race Relations Act applies to service in the Armed Forces.

Given all the safeguards against discrimination that I have outlined and which already exist in both service and civilian law, I do not consider that the new clause proposed would add usefully to the prevention of discrimination in the Armed Forces.

Turning to the specific issue which the hon. Member for Kingston upon Hull, North has raised, one has of course become familiar with his perception of the UDR. I believe that he is profoundly and, I find, sadly mistaken in his perception of the UDR. I am in no doubt whatever that the UDR is an admirable group of men and women. Of course, one can always find exceptions and one knows that there have been some individual cases in which people have behaved in a way which has led to serious criminal prosecutions. I do not deny that for a moment and I am saddened by and deplore that as much as the hon. Gentleman does. But it is quite wrong to generalise in relation to the whole regiment on the basis of those very limited, exceptional and deplorable cases.

The UDR as a whole does its job in a totally non-sectarian way, as indeed does the RUC. They are there to

support the civil power, to maintain law and order and to do their utmost against the awful pressure of terrorism or attempts at terrorism with which they live night and day.

I would hope that hon. Members on all sides of the Committee would recognise the enormous risks that people run simply by becoming members of the UDR. Those risks are well reflected in the casualty figures. More than 150 members of the UDR, including some women, have been killed as a result of terrorist violence over the years since the recent troubles began. More than 300 members of the UDR have suffered serious injuries. They have suffered thus trying to make a vital contribution to maintaining law and order in the Province and dealing with the very serious terrorist threat which they face.

I hope that we shall end the debate on this new clause with a real degree of unanimity in the Committee that the members of the UDR, both men and women, really deserve the highest admiration of the House.

Mr. Neil Thorne (Ilford, South): Would my right hon. Friend accept from me, for the sake of the record, as another member of the Select Committee on the Armed Forces Bill, that I was not approached by any Minister of the Northern Ireland Office on this or any other matter?

Mr. McNamara: I am sorry that the Minister took the attitude that he did to what I had to say, because I sought to choose my words very carefully indeed. I am very conscious that, for example, this week another member of the UDR was killed by terrorists. I am aware that many of these men and women think that they are playing a proper role for themselves and for the Province in which they live. I happen to think that this is wrong, but I believe that they are, by and large, honourable people. However, to the minority population they are seen as much as a cause of the problem as the problem itself. That is the point at issue. I believe that many of Her Majesty's subjects living in Northern Ireland have that perception of the UDR, regrettable as that may be.

Sir Antony Buck *rose*——

Mr. McNamara: I will not give way to the hon. and learned Gentleman. Time is precious, and I merely want to answer the points made.

In putting forward this new clause, we were conscious of trying to find some way in which we could make the UDR, like all other British regiments, subject to the same regulations. Nevertheless, we wanted to throw out a signal that, in the light of the Anglo-Irish Accord, there would be some hope of this result. The Minister, all other hon. Members and I know what a stumbling block at times the very existence of this regiment was in seeking to find some kind of agreement. The Committee knows that special regulations were issued after the accord was signed to try to allay some of the fear and suspicion in the minority community.

Despite what the Minister has said, this is an opportunity for us to show, by this clause, the attitude of this Committee to any conduct of the sort described by the Minister, conduct we all abhor. To those pedants amongst the lawyers in the Conservative Party, if members of the other place are not happy about the wording of the clause they can change it. To me, the wording is no worse than that in the Army regulations which the Minister praised and said rendered the clause unnecessary: he said that wording was merely repetitious and repeating what was already there. Let us make it clear, precise and accurate that in no regiment of the British Army can this sort of conduct be tolerated. This clause would signal that intention to the people of Northern Ireland.

Dr. Godman: The hon. Member for Lancashire, West (Mr. Hind) said in his speech that he had spoken to a third party. He did not say that that party was a Minister in the Northern Ireland Office.

Mr. McNamara: I know that. I was therefore going to conclude by saying that it was interesting to hear what the hon. Member for Lancashire, West said; his words were chosen with great care. The Committee took on board what he said. He did not contradict his right hon. and hon. Friends, but he pointed out that it had been suggested to him—and perhaps this was through the usual channel, who knows—that it might not have been helpful to call the hon. Member for Newry and Armagh (Mr. Mallon). That is a nice way of saying that this was said to him, that he was subject to some pressure or that he at least listened to the argument. He listened and voted as he did.

Question put, That the clause be read a Second time:—

The Committee divided: Ayes 33, Noes 98

Division No. 138] **[11.53 pm**

AYES

Alton, David
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Clay, Robert
Cook, Robin F. *(Livingston)*
Craigen, J. M.
Dalyell, Tam
Davies, Ronald *(Caerphilly)*
Fields, T. *(L'pool Broad Gn)*
Foster, Derek
Freeson, Rt Hon Reginald
Godman, Dr Norman
Hardy, Peter
Hogg, N. *(C'nauld & Kilsyth)*
Howells, Geraint
Hughes, Sean *(Knowsley S)*
Kirkwood, Archy
Livsey, Richard
Lloyd, Tony *(Stretford)*
Loyden, Edward
McKay, Allen *(Penistone)*
McNamara, Kevin
Maxton, John
Michie, William
Nellist, David
Parry, Robert
Patchett, Terry
Penhaligon, David
Pike, Peter
Powell, Raymond *(Ogmore)*
Redmond, Martin
Skinner, Dennis
Wallace, James

Tellers for the Ayes:
Mr. Frank Haynes and
Mr. John McWilliam.

NOES

Alexander, Richard
Amess, David
Ashby, David
Baker, Nicholas *(Dorset N)*
Batiste, Spencer
Bellingham, Henry
Biggs-Davison, Sir John
Blackburn, John
Bottomley, Peter
Bottomley, Mrs Virginia
Bowden, Gerald *(Dulwich)*
Brinton, Tim
Brittan, Rt Hon Leon
Brooke, Hon Peter
Buck, Sir Antony
Burt, Alistair
Carlisle, John *(Luton N)*
Cash, William
Chope, Christopher
Conway, Derek
Coombs, Simon
Cope, John
Couchman, James
Currie, Mrs Edwina
Dunn, Robert
Durant, Tony
Eyre, Sir Reginald
Fairbairn, Nicholas
Fallon, Michael
Favell, Anthony
Forth, Eric
Freeman, Roger
Galley, Roy
Garel-Jones, Tristan
Gregory, Conal
Griffiths, Peter *(Portsm'th N)*
Ground, Patrick
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hampson, Dr Keith
Hargreaves, Kenneth
Hawksley, Warren
Hayes, J.
Henderson, Barry
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holt, Richard
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Hubbard-Miles, Peter

Jackson, Robert
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
King, Roger *(B'ham N'field)*
Knight, Greg *(Derby N)*
Lang, Ian
Lennox-Boyd, Hon Mark
Lilley, Peter
Lloyd, Peter *(Fareham)*
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
Major, John
Mather, Carol
Merchant, Piers
Miller, Hal *(B'grove)*
Morris, M. *(N'hampton S)*
Neubert, Michael
Pollock, Alexander
Powell, William *(Corby)*
Powley, John
Raffan, Keith
Roe, Mrs Marion
Sackville, Hon Thomas
Sainsbury, Hon Timothy
Shaw, Sir Michael *(Scarb')*
Smith, Tim *(Beaconsfield)*
Speed, Keith
Spencer, Derek
Stanbrook, Ivor
Stanley, Rt Hon John
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stradling Thomas, Sir John
Sumberg, David
Temple-Morris, Peter
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thurnham, Peter
Tracey, Richard
Viggers, Peter
Walden, George
Waller, Gary
Watts, John
Whitfield, John
Wilkinson, John
Wolfson, Mark
Wood, Timothy

Tellers for the Noes:
Mr. Gerald Malone and
Mr. Francis Maude.

Question accordingly negatived.

Schedules 1 and 2 agreed to.

Bill reported, without amendment.

Motion made, and Question proposed, That the Bill be now read the Third time. — *[Mr. Stanley.] [Queen's Consent signified.]*

12 midnight

Mr. McNamara: I should like to take a little longer on Third Reading than the Minister. You will have seen, Mr. Deputy Speaker, the reasoned amendment on the Order Paper tabled by the Opposition. It was not called and I do not quarrel with that in any way. However, it embodies a feeling of the utmost resentment on the part of Opposition Members of the Committee at the way in which we feel we have been treated. We did not expect, as the minority, to carry the day or to have equal determination but we did feel that opportunities should be given for evidence to be heard and cases examined.

The Chairman of the Select Committee ruled some matters out of order, although we felt that they were within the purview of the Bill. Those matters had been allowed on Second Reading. The Chairman's action implied criticism of Mr. Speaker. We were not allowed to discuss section 10 of the Crown Proceedings Act 1947, which was a matter of considerable concern to Members on both sides of the Committee.

As the Committee proceeded we found that our line of questioning was being interrupted and decisions were being taken. My hon. Friends the Members for Greenock and Port Glasgow (Dr. Godman), for St. Helens, South (Mr. Bermingham), the hon. Member for Orkney and Shetland (Mr. Wallace) and myself felt that we were unable to continue our line of questioning. We were stopped, not on the grounds that we were going outside the realms of the Bill, but on the strange grounds that somehow or other the Ministry of Defence should not have to explain its attitudes on matters which were before the Committee.

We reached the surprising situation in which the guillotine motion was moved by the parliamentary private secretary to the Minister of State for the Armed Forces, the hon. Member for Kettering (Mr. Freeman) to prevent the Committee from sitting when the Calcutt inquiry report was produced. We now know that Mr. Calcutt delivered his report to the Secretary of State for Defence yesterday, the same day that the report of the Select Committee came out. The Government had so much respect for the integrity of the House and for its abilities that they gave the house less than 24 hours in which to read perhaps the most substantial report ever to come from the Select Committee.

We had 24 hours in which to table amendments. This is not the way that Governments should treat Oppositions. This is not the way to maintain goodwill. They are trampling over the rights of the Opposition. We are not asking to have our own way but to have the opportunity to hear evidence. The Minister has said that we had an opportunity to hear evidence on homosexuality.

We heard much evidence from the Ministry and its officials. We had written evidence, but we were denied the right to call the Campaign for Homosexual Equality and denied the right to hear evidence from the Conservative group on homosexual reform. We were denied the evidence from these two groups and from the hon. Member for Newry and Armagh (Mr. Mallon) and Mr. Calcutt.

In the past I have had the privilege of being a member of a Select Committee under several distinguished Conservative Chairmen.

I have had the privilege of being a Chairman of a Select Committee. In all my experience I have never known of Members not being allowed to hear evidence. I have never known the Chairman of the majority party on the Committee state that the Committee will not call a person who wants to give evidence.

To move a guillotine in such a way was despicable. It was a most unhappy Committee upon which to serve. I regret it very much. In five years' time, when we are in Government, I hope that we will have more grace and more favour and more support. The election result at Fulham tonight will make sure of that.

Mr. Viggers: In view of the comments that have been made about the Committee of which I was the chairman, I think it is right that the record should be put straight.

The Second Reading of the Bill was on 21 November 1985 and the Select Committee had its first sitting on 19 December 1985. There were full sittings from 15 January to 24 March — a period of two months and 10 days. Early during the Committee's proceedings the members discussed broadly the timing of the investigation, and agreed to seek to complete deliberations by Easter, subject to the Calcutt report which remained to be discussed later.

On 19 February at the seventh sitting my hon. Friend the Member for Kettering (Mr. Freeman) moved that the Committee should complete its deliberations by Easter. At that time there was more than a month to Easter and no limit on the number of sittings that the Committee could have. He sought to firm up the programme for the Committee without putting a guillotine on the debate, as the hon. Member for Kingston upon Hull, North (Mr. McNamara) implied. He sought to set a timetable which is completely different. On 17 March at the tenth sitting the hon. Member for St. Helens, South (Mr. Bermingham) proposed that the hon. Member for Newry and Armagh (Mr. Mallon) should attend the Committee and give oral evidence.

When first I heard that an hon. Member wished to give evidence to a Select Committee, I thought that we should

yield to that request. The hon. Gentleman was asked to submit a written memorandum, giving his views and reasons why he wished to give oral evidence. He did and it is duly published in our report. When I saw his written representation I had to form the view that it was not the work of the Select Committee to hear those representations or to investigate that subject. The hon. Gentleman's memorandum states in paragraph 31 on page 259:

"It is recognised that I have a critical view of the UDR and I would now like an opportunity to make my case on that issue, on behalf of the people who elected me to do just that."

The Ministry of Defence answered that point in its memorandum in response to that of the hon. Gentleman, in paragraphs 6 and 9 on page 264, where it states:

"The UDR is subject, like the rest of the Army, to the disciplinary provisions of the Army Act 1955 and to the Queens Regulations: additionally, they are subject to the UDR Regulations. They are also, like all other Servicemen in the United Kingdom, subject to the ordinary criminal law . . .

The Army is well aware of some of the problems that can arise from contact between soldiers and the public in the difficult circumstances of Northern Ireland. There is, therefore, a well established procedure which members of the public can use if they feel that there is a reason to complain about the behaviour of any soldier."

The memorandum from the hon. Gentleman contained several specific allegations which could have been referred to Army disciplinary procedures, and some general points which were not appropriate for the Committee to pursue. The truth is that Opposition Members were seeking to use the wrong vehicle to pursue their special concern.

Mr. Bermingham: Does the hon. Gentleman not agree that in moving that the hon. Member for Newry and Armagh (Mr. Mallon) be heard, I simply said that the purpose of the hearing was to test the quality and extent of the evidence, and that judgment should not be made until that test had been carried out? Does he not agree that that seemed perfectly fair and proper?

Mr. Viggers: If the Committee, following its tenth session, had listened to the hon. Member for Newry and Armagh on the subject of the representations that he wished to make, it would have had no alternative but to balance that view with others, and would have plunged itself into an inquiry way beyond its function and duty. It was inappropriate for the Committee to investigate that subject.

As a result of the vote in the Committee, in which I did not take part, Opposition Members chose to boycott our eleventh sitting when the Bill was debated in detail and amendments could have been tabled. On 24 March at the twelfth sitting they produced amendments, but refused to speak to them, despite that fact that I pointed out that if they spoke in support of the amendments, they might be supported by Conservative Members. However, they chose not to do that. I suggested to the hon. Member for Greenock and Port Glasgow (Dr. Godman), who I thought was submitting some very sensible and intelligent points, that if he wished to speak in support of his amendments, the Committee might be interested. He chose not to support those amendments.

Dr. Godman: Rubbish.

Mr. Viggers: The eleventh and twelfth sittings, on 19 March, were the occasions when the Committee should have amended the Bill and amended the Chairman's report, which subsequently became the Committee's report. By boycotting those sittings, the hon. Gentlemen and their party did themselves no service.

The evidence that we took——

Mr. Deputy Speaker: Order. I have exercised a great deal of tolerance, because I can understand that there are resentments arising from the Committee's proceedings that hon. Members want to express in the Chamber. However, it would be most regrettable—I do not think that I can allow it to happen—for the Third Reading debate to be a prolonged and acrimonious inquiry into what went on in Committee. I hope that we can now return to the Third Reading of the Bill.

Mr. Bermingham: On a point of order, Mr. Deputy Speaker. There has been an attack upon the personalities of the Opposition Members who were members of the Committee, and the steps that they took. Surely they have a right to reply.

Mr. Deputy Speaker: Hon. Members have a right to seek to catch my eye and to speak within the normal confines of debate on Third Reading.

Mr. Bermingham: On a further point of order, Mr. Deputy Speaker. Is it not a fact that the Chairman of a Select Committee is meant to chair the Committee? It is not for the Chairman to attempt to direct and control the majority party upon that Committee.

Mr. Deputy Speaker: Order. It is not for me to rule on the conduct of members or Chairmen of Committees.

Mr. Viggers: The point of my remarks is to establish that the Committee has given proper consideration to the Bill and that it should therefore have a Third Reading. I submit that my remarks must be in order, in view of the comments and direct criticisms that have been made about my chairmanship of the Committee.

Mr. John McWilliam (Blaydon): On a point of order, Mr. Deputy Speaker. It seems to me, on perusal of the standing orders, that the Chairman of a Select Committee does not have power to accept a guillotine or closure motion in the way that——

Mr. Deputy Speaker: Order. We cannot now enter into a discussion about what happened or did not happen within a certain Committee. Those are not matters for me. We must return to the debate on Third Reading. I call Mr. Viggers.

Mr. Viggers *rose*——

Mr. McWilliam: Further to that point of order, Mr. Deputy Speaker. It does not seem to me to be in order for the House to finish consideration of a Bill which was considered by a Select Committee and improperly guillotined by that Select Committee. The House does not then have the opportunity properly to consider the full report that that Committee might have made.

Mr. Deputy Speaker: I have already told the hon. Gentleman and the House that what went on in the Committee is not a matter for me. I cannot rule upon that.

Mr. Viggers: One specific allegation made by the hon. Member for Kingston upon Hull, North was that I as Chairman prevented the Committee from discussing section 10 of the Crown Proceedings Act. There was an allegation that I went against the indication of Mr. Speaker because that point had been discussed on Second Reading. In view of that specific allegation——

Mr. Deputy Speaker: Order. If the hon. Gentleman continues along that line I shall have no option but to allow

[Mr. Deputy Speaker]

all kinds of arguments to be put forward from all parts of the House in rebuttal of what he says. I am not prepared to allow that. We must return to Third Reading. On Third Reading, it is for the House to debate what is in the Bill. I hope that that is what we will do, and reach a conclusion on Third Reading.

Mr. Viggers: On the Third Reading of the Bill, we will notice that there is no reference to section 10 of the Crown Proceedings Act, and that is because I as Chairman was given the specific advice that that was outside the scope——

Mr. Deputy Speaker: Order. The hon. Gentleman is doing what I have told him twice he may not do. We cannot now have a prolonged inquest on what went on in the Committee. We must confine our remarks to what is in the Bill. I hope that the hon. Gentleman will either do so or resume his seat.

Mr. Viggers: Thank you for your guidance, Mr. Deputy Speaker.

The Select Committee had several purposes, one of which was to produce the Bill. We are now debating the Third Reading of a Bill which includes matters relating to the rights of the accused, children at risk, new technology and the powers of military courts. Important points have been raised on all of those matters. I am proud of the Bill, and I am proud of the Select Committee. The Committee has carried out vital work and it is important that the Bill, which I hope will receive a Third Reading in a few minutes, will merit as much consideration as the Armed Forces Act 1981 about which the Select Committee stated in its conclusions:

"We note that the Ministry of Defence has in every case modified the rules of service discipline as recommended."

I am grateful for your indulgence, Mr. Deputy Speaker, and I hope that the Bill receives its Third Reading.

12.22 am

Mr. Wallace: I will bear in mind the ruling that you have already made, Mr. Deputy Speaker, about this being a Third Reading debate, although I note of course that there is a difference of opinion on that point between the Labour Opposition and the Government. I shared the frustration felt by the Opposition that the Select Committee which at the beginning had promise, did not grapple with some of the problems that hon. Members had hoped would be considered. For example, the problems contained in clause 2 of the Bill relating to the offence of interfering with equipment, messages or signals. I recall on Second Reading that the hon. Member for St. Helens, South (Mr. Bermingham) suggested at some length that perhaps there were provisions in clause 2 that could have been used—if the Bill were an Act—instead of the charges that were brought in the so-called Cyprus secrets trials. I do not entirely agree with the hon. Gentleman, but that point was worthy of further investigation.

Clause 2 comes before us now without the House having focused on the matter or having an opportunity to consider the outcome of the relevant parts of the Calcutt inquiry report. It was the Government's view that the Select Committee should report without the opportunity of discussing the Calcutt report. Those hon. Members who took part in the Second reading debate will recall that the Calcutt inquiry and the circumstances leading to that inquiry were referred to by nearly all the hon. Members who spoke. Unfortunately, the Select Committee was not allowed to have the benefit of the findings of that report and was not allowed to consider it.

Hon. Members reading the various parts of the Bill, not least clauses 2 and 3, will, as happens in many statutes, find some difficulty in understanding the complicated language. The hon. Member for Greenock and Port Glasgow (Dr. Godman) tabled an amendment to the Select Committee report asking that leaflets should always be written in good, plain English. Such was the division on party lines that that amendment was rejected, it is not surprising, therefore, that complicated language exists in statutes.

Within the confines of Third Reading, I would like to express the frustration of the alliance, over the loss of this opportunity, which comes round only every five years properly to review the discipline procedures of the armed services. The Select Committee was also frustrated in that aim. Nevertheless, the Bill as it stands, despite the reservation I have already expressed on clause 11, will improve the service discipline Acts. The alliance will support the Bill, although we do not necessarily support all the procedures it contains.

12.24 am

Mr. Bermingham: I do not seek to trespass outside the remit of the Third Reading. The main issue is whether we can support the Bill. The tragedy of the Bill has been the way in which we have reached this position.

Bearing in mind all the points of order that we have had tonight and the rulings upon them, suffice it to say that I make no apologies for looking at the Bill now as a wasted opportunity. Those of us who spoke on Second Reading had thoughts, perhaps dreams, that we might have something to contribute to the argument. Fair enough. That is how democracy works. The conceit in the Bill—I put it as bluntly as that—has been the steam-roller tactics that have been applied to it.

At the end of the day we do not have the best result. It is against that background that I shall seek, if no one else does, to divide the House. Every hon. Member has a duty which transcends on occasions party affiliations, and that is to the House, to the country, and, above all, to democracy.

Of course, evidence was taken. On occasions questions were asked of witnesses. We cannot on Third Reading consider how those question sessions occurred, but we can at least say that if at the end of day one is to have a fair result, those who seek to ask questions should on occasions be allowed to do so. No one—I say that with the greatest respect for the Minister—has a monopoly of wisdom on either side of the House.

Yes, sometimes the Opposition are difficult because they ask questions and want to debate and change a little bit here and a little bit there. Of course, in a democracy it is not just the right to speak that is important, but the right to be heard. The tragedy of the Bill is that many voices have not been heard.

Yes, we have done things in certain ways for centuries. But why should we not have the right in 1986 to question, perhaps sometimes in a way that is inconvenient to Government? If we in Britain are ever denied that right, we do not have a democracy but the roll-over, tank-like dictatorship that we criticise so much elsewhere.

I notice that the hon. Member for Kettering (Mr. Freeman) laughs, but I warn the hon. Gentleman that there comes a time when sides change and one becomes Opposition rather than Government. When one finds oneself in that position, arrogance should go and reason should reign, because in that position one wants to make one's voice heard. People have, on occasions, to believe that they may have something to contribute to a debate.

I revert to where I began towards the end of last year. Clause 2 is about criminal damage and interfering with radio sets and other matters such as those which lay at the heart of the Cyprus inquiry. If my memory serves me correctly, I suggested on Second Reading that the drafting of that clause was open to some worry because it could have meant that people prosecuted under it could come before a court martial rather than an old Bailey jury. I believe that I asked whether the result of a court martial would be the same as a trial before an Old Bailey jury.

I gather from what I later read that people were wondering whether I was being critical of courts martial. Those who did not read all my remarks failed to realise that my question was whether, after the Bill had completed its passage through the House, we could be certain that the quality of justice before courts martial would be the same as the quality of justice at the Old Bailey or any other Crown court in the UK.

If the answer to that question is yes, we shall have achieved something. If it is that we cannot be sure, we shall have failed. That is why I spoke in the way I did in that debate and hoped to be selected, and was selected, to serve on the Special Select Committee.

The tragedy is that at the end of all our deliberations — and I make no apology for reaching a point of frustration when I walked out — I cannot say, as we leave the Bill, that the dream I had when the measure commenced its passage has been fulfilled. One can ask Ministry officials a thousand and one questions, but it requires the will of hon. Members, and sometimes their willingness to accept the ideas of others, to create legislation that gives rise to a system that is just and fair. I oppose the Bill now with considerable reluctance because I fear that we have not created a system that is fair.

12.32 am

Mr. Stanley: I am happy to commend the Bill for its Third Reading. The measure was thoroughly prepared in the Department before being brought before the House, having had a five-year gestation period. It was thoroughly studied in Committee, having occupied nearly twice as many sittings as the Bill that was before the 1981 Select Committee.

I was sorry to hear the hon. Member for Kingston upon Hull, North (Mr. McNamara) speak about the Committee proceedings in the way he did. I cannot recall serving on a Select Committee when in Opposition when I was able virtually entirely to dictate the agenda of the Committee in the way in which that hon. Member did, or was able to dominate the verbal proceedings of the Committee in the way in which he and his hon. Friends were able to do.

The Select Committee was admirably chaired by my hon. Friend the Member for Gosport (Mr. Viggers). He conducted our proceedings with commendable efficiency. He showed unfailing courtesy to hon. Members on both sides, irrespective of party, giving every possible opportunity for them to put questions.

The Committee made some important recommendations for the future. They will all be studied carefully, as happened with the recommendations of the 1981 Committee, and each will be the subject of a considered response by the Government.

The Bill as it now appears before the House will meet the needs of the services and will, I am sure, have their confidence.

Question put, That the Bill be now read the Third time: —

The House divided: Ayes 100, Noes 23.

Division No. 139] **[12.31 am**

AYES

Alexander, Richard
Alton, David
Amess, David
Ashby, David
Baker, Nicholas *(Dorset N)*
Batiste, Spencer
Bellingham, Henry
Biggs-Davison, Sir John
Blackburn, John
Bottomley, Peter
Bottomley, Mrs Virginia
Bowden, Gerald *(Dulwich)*
Brinton, Tim
Brittan, Rt Hon Leon
Brooke, Hon Peter
Buck, Sir Antony
Burt, Alistair
Carlisle, John *(Luton N)*
Cash, William
Chope, Christopher
Conway, Derek
Cope, John
Couchman, James
Currie, Mrs Edwina
Dunn, Robert
Durant, Tony
Eyre, Sir Reginald
Fairbairn, Nicholas
Fallon, Michael
Forth, Eric
Freeman, Roger
Gailey, Roy
Garel-Jones, Tristan
Gregory, Conal
Griffiths, Peter *(Portsm'th N)*
Ground, Patrick
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hampson, Dr Keith
Hargreaves, Kenneth
Hawksley, Warren
Hayes, J.
Henderson, Barry
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Howells, Geraint
Hubbard-Miles, Peter
Jackson, Robert
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
King, Roger *(B'ham N'field)*
Kirkwood, Archy
Knight, Greg *(Derby N)*
Lang, Ian
Lennox-Boyd, Hon Mark
Lilley, Peter
Livsey, Richard
Lloyd, Peter *(Fareham)*
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
Major, John
Mather, Carol
Merchant, Piers
Miller, Hal *(B'grove)*
Morris, M. *(N'hampton S)*
Neubert, Michael
Penhaligon, David
Pollock, Alexander
Powell, William *(Corby)*
Powley, John
Raffan, Keith
Roe, Mrs Marion
Sackville, Hon Thomas
Sainsbury, Hon Timothy
Shaw, Sir Michael *(Scarb')*
Smith, Tim *(Beaconsfield)*
Speed, Keith
Spencer, Derek
Stanbrook, Ivor
Stanley, Rt Hon John
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stradling Thomas, Sir John
Sumberg, David
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thurnham, Peter
Tracey, Richard
Viggers, Peter
Walden, George
Wallace, James
Waller, Gary
Watts, John
Whitfield, John
Wilkinson, John
Wolfson, Mark
Wood, Timothy

Tellers for the Ayes:
Mr. Gerald Malone and
Mr. Frances Maude

NOES

Bermingham, Gerald
Clay, Robert
Cook, Robin F. *(Livingston)*
Dalyell, Tam
Davies, Ronald *(Caerphilly)*
Fields, T. *(L'pool Broad Gn)*
Foster, Derek
Freeson, Rt Hon Reginald
Godman, Dr Norman
Hogg, N. *(C'nauld & Kilsyth)*
Hughes, Sean *(Knowsley S)*
Lloyd, Tony *(Stretford)*
Loyden, Edward
McKay, Allen *(Penistone)*
McNamara, Kevin
Maxton, John
Michie, William
Nellist, David

Parry, Robert
Pike, Peter
Powell, Raymond *(Ogmore)*
Redmond, Martin
Skinner, Dennis

Tellers for the Noes:
Mr. John McWilliam and
Mr. Frank Haynes.

Question accordingly agreed to.
Bill read the Third time, and passed.

Schools (Brent)

Motion made, and Question proposed, That this House do now adjourn.—[*Mr. Neubert.*]

12.44 am

Mr. Reg Freeson (Brent, East): Brent schools are in crisis. This has been developing for years, but some schools are verging on breakdown. Teacher morale is sinking, partly because of the Government's pay policy but due also to political factions interfering in school administration and the abuse of so-called "anti-racism" in appointments and curricula. Parents are placing more than 20 per cent. of our children in schools outside the borough. Educational standards for more than 40 per cent. of our pupils are inadequate because of lack and loss of good staff and a failure to reorganise secondary schools, further education and training along comprehensive tertiary college lines.

In this short debate, I wish to deal with the physical conditions in which our pupils and teachers must work. They are a disgrace and they demand Government action. Infant schools, junior schools, secondary schools, colleges, special schools for handicapped youngsters, youth service and training school buildings are all at risk. The present decline in property maintenance and refurbishment is the cumulative effect of years of neglect even when Governments gave much more finance than they do now. But today it is so serious that soon part of the education service will have to close.

Council officers have drawn up a report on the condition of educational buildings which makes depressing and alarming reading. Some schools could be forced to close unless millions of pounds are found to repair them. This has already happened in two schools recently. Whole roofs and windows started to collapse. Only then was emergency action taken. Hundreds of infants and junior school children were evacuated to surplus secondary school rooms for months while urgent repairs were carried out.

More than £6·5 million worth of urgent work is needed in Brent schools. This includes re-roofing, mechanical and electrical repairs, replacing central heating and essential redecoration work. More than £1 million is needed for urgent roof replacements alone, yet present funds allow for only patching leaking roofs. Almost £2·5 million is needed for external and internal redecoration. Many schools have not been repainted for 15 to 20 years. In the condition of floors, windows, kitchens, wiring circuits and heating, the local education authority is in breach of the health and safety at work regulations. That is an important point. Government authority for capital spending and council revenue, backed by Government rate support grant, is not available to rectify this matter. So the law is broken, and our teachers, children and others are put at risk physically as well as educationally.

For years, I have expressed concern at the lack of planned maintenance in Brent—a problem that exists across the country. Even when Government support was far more than it is now, this was absent. When it should have been essential to good management, it was given low priority or none. Thus, essential work has always suffered first as resources were squeezed. In recent years, even less money has gone into maintenance in relation to need. This year, Brent has a budget of just more than £1 million. Remember the £6·5 million needed for urgent work. This

year we have £1 million against the need for £6·5 million for urgent, essential work. I stress that it is essential, not just desirable.

A list of schools has been drawn up which could face closure unless major repairs are done. It includes primary schools, such as Bridge, Uxendon Manor, Barham, Lyon Park, Malorees and Sudbury, and secondary schools such as Claremont, John Kelly boys and John Kelly girls schools, Kingsbury, Sladebrook and Neasden. There are no funds for further and adult education colleges, toddlers' clubs and other children's facilities.

The minimum budget required for primary schools has been estimated at £325,000, yet only 15 per cent., or £48,000, is available. Similarly with secondary schools; just over £0·5 million is the minimum need, but only 15 per cent., or £75,000, is available. Much of the Kilburn polytechnic accommodation is substandard. The central block of the Willesden college of technology has already had to be closed while whole departments have to move indefinitely into temporary buildings which themselves will be very costly to maintain.

I could go on with more and more examples, but I have made my point. The resources available are inadequate for the needs identified. Not to recognise this and to act on it is a dereliction of duty. There is also general deterioration in Brent schools which has serious consequences for the future of education. It is wrong that staff and pupils should be forced to work in such poor, degrading conditions.

I have mentioned only the immediate problems. From what I have seen, I believe that the situation is even worse than has been reported. Apart from essential maintenance and repairs, there is a need for more general redecoration, refurbishment, new fixtures, fittings and re-equipment. Failure to meet that need now will mean that what is already a crisis will soon turn to disaster.

I have been driven to seek this Adjournment debate because of the inadequate responses to my pleas for more resources which I have so far had from the Secretary of State for Education and his Ministers. Instead of addressing the real problems and facing up to them, the Department has sent me generalised replies. I have been told:

"Much more could be done to improve the planning and management of repair and maintenance work."

I agree. I quote again:

"the Department . . . has published guidelines for determining maintenance priorities in the local authority sector and for setting up cost-effective maintenance programmes."

Fine.

"But the Government cannot of course direct local authorities how to spend their money."

Of course not.

"It is for each individual authority to decide its own priorities in the light of its assessment of local needs and circumstances."

In Brent's case the needs and the priorities have been identified. What Education Ministers have failed to answer is the fact that there are just not enough resources made available to tackle the urgent, essential needs which have been identified. This is the Government's responsibility. They control capital expenditure and also in large part rate and revenue spending. In other words, Ministers have never addressed the specific problems that I have put to them. In sum, these show an urgent need for much more capital expenditure to put educational buildings into a decent condition, and more revenue spending through the rates and the rate support grant for planned maintenance consistently for a number of years. Without that, the general advice received, which I have quoted, cannot possibly meet the case.

A committed policy by Brent for planned maintenance must be supported by properly programmed resources over several years by Government as well as council. Capital and revenue investment must be firm over a period. Generalised replies from Ministers are just not good enough. Nor is the failure by councillors to redirect money to this priority area. The real problems must be addressed and Brent's educational buildings given the resources they so desperately need.

The director of education and the director of works have identified and programmed essential works urgently required. I keep repeating the words "urgent" and "essential" and I mean them literally; they are not just being used for rhetorical purposes. They have made their report. What I plead for is joint action now by Government and council. Our pupils and our teachers cannot wait any longer. Many of the buildings will literally have to be closed. What do we do then, without the capital resources that I am pleading with the Minister, together with the council, to consider introducing into what is, after all, largely an inner-city area, about which so much is said by the Government and others but about which so little seems to be being done, at least in this field.

12.57 am

The Parliamentary Under-Secretary of State for Education and Science (Mr. Bob Dunn): I noted with interest comments of the right hon. Member for Brent, East (Mr. Freeson) and his realistic interpretation of historical events over many years. He will know, as I do, that the position that he has outlined tonight is essentially still, as it has been in the past, the result of a conflict between the cash allocation made by Governments of all parties and the establishment of local priorities. He was honest enough, and I give him fair and just credit for that, to admit that this problem has not just arisen but has been building up over a period of many years.

Before I turn to the particular problems of the London borough of Brent, I want to make it quite clear to the House that the Government have said on numerous occasions that their view is that local authorities should give priority to spending on the repair and maintenance of school buildings. More than that, there is scope for increased spending in this area, and that has been built into successive rate support grant settlements. Local authorities' own expenditure returns have shown that in real terms the rate of growth in spending on the repair and maintenance of the educational building stock has been considerable.

If the right hon. Gentleman will bear with me, and I know that he will be patient, I would like to make one or two comments for wider consumption than those on the particular interests he expressed tonight.

The House will know that between 1981-82 and 1984-85 spending nationally on the repair and maintenance of school buildings increased by some 13 per cent. Brent's own spending on primary and secondary school repairs and maintenance in 1984-85 was almost twice what it had been in 1981-82. In fact it showed an increase of 91 per cent. over the 1981-82 level. The year 1984-85 is the latest for which detailed expenditure data are available, but in their plans for local authority spending in both 1985-86 and, more recently, 1986-87, as set out in the

[Mr. Bob Dunn]

1986 public expenditure White Paper, the Government have allowed scope for authorities to continue to give some priority to repairs and maintenance provided they can contain costs generally and make efficiency savings whenever possible. Of course, it is for each local authority to determine its own priorities and it is not for Ministers to tell them how to spend their money.

Nevertheless, we are concerned about the physical state of some of the country's schools and we take very seriously the findings of Her Majesty's Inspectors and others that some schools are in a very poor state of repair. Indeed, in my own visits to local authorities up and down the country I have seen examples of such schools. I have no doubt that examples exist in the London borough of Brent.

I am aware also that many people, entirely understandably, would like to see more money made available to local authorities for capital building work and for repairs and maintenance. However, this wish needs to be balanced against what the country as a whole can afford and taken in the context of the Government's overall policy of constraining public expenditure in order to further reduce inflation and secure the sustained economic recovery which we would all like to see and on which all our public services depend.

The resources which are available for education depend on many factors, including the demands made by other services. For example, those services concerned with the elderly have demography on their side, whereas education, where pupil numbers fell by about 13 per cent. from 1980 to 1985, cannot reasonably be exempt from the overall policy of restraint. Nevertheless, despite falling numbers, spending on education has risen slightly in real terms. As the figures I gave earlier show, spending on repairs and maintenance has shown a substantial rise.

However, it is not only the amount of money that is spent that is important. How and where it is spent is equally crucial. It is for that reason, as I said before, that we look to authorities to make savings wherever possible. Poor management — the right hon. Member rightly referred to this—tends to result in money being spent where it is not needed. Such money is wasted. Audit Commission studies have shown where money might be saved, notably in areas such as caretaking and cleaning, and money saved here could clearly be spent on more important items such as repairing and maintaining school buildings—an investment which would be directly to the benefit of both pupils and teachers.

It is also worth saying that in many cases the decline in the state of the educational building stock has not come about suddenly. I note the right hon. Gentleman's realistic comments. Rather, it has been a gradual decline, brought about as a result of inadequate spending on repairs and maintenance over many years. What authorities often lack —this is the case, as the right hon. Gentleman said, in the London borough of Brent—is a planned programme of maintenance for their school buildings. In order to carry out the complex task of managing their building stock with maximum efficiency, local authorities need adequate information about their educational building stock and objective methods for assessing maintenance needs and determining priorities.

I turn now to capital expenditure generally and as it affects the London borough of Brent. Each year the Department invites all local education authorities to submit details of their plans for capital expenditure in their following year at the county and voluntary schools in the area. In aggregate, these plans always exceed what the country can, in our view, afford. We therefore measure each authority's bids against certain criteria to determine what allocation each should receive.

The first step is to take into account authorities' commitments on projects which are already under way. This element of the allocation will generally not exceed the provisional indication of acceptable commitments of which the authority has been notified the previous year. The next priority is to cover expenditure needed to permit authorities to meet their statutory duties to provide sufficient schools for their area and to implement proposals approved by my right hon. Friend the Secretary of State for Education and Science under sections 12 to 15 of the Education Act 1980, generally involving the removal of surplus places. All allocations have covered these items in full. The third priority is expenditure on smaller, non-statutory, projects to remove surplus places and to renovate or replace unsatisfactory or inappropriate school buildings. Allocations here are made on a basis which reflects the number of sub-standard places in each authority, as well as their planned expenditure. This sort of work is covered to the extent that the overall level of resources will permit.

Allocations for 1986-87 represent, in aggregate, 43 per cent. of local education authorities' planned capital expenditure on schools. Authorities are — this is an important point which relates to Brent — free to supplement these allocations by the use of the permitted proportion of their capital receipts and by the other flexibilities available to them under the Local Government, Planning and Land Act 1980.

The allocation made to Brent was determined on that basis. On the schools side, its expected commitments for projects already under way were met in full and, so far as new work is concerned, the planned cost of enlargements to the Brentfield and Leopold schools were allowed in full also. Similarly, the capital costs of the alterations needed to Willesden high school resulting from the closure of the Pound street annex were fully taken into account. Brent's total allocation for 1986-87 is £1,589,000. This represents a rather lower percentage of their planned expenditure than the national average, but, as a percentage of the total sum allocated nationally, it corresponds fairly closely to Brent's school population as a percentage of the national total. Statistics can, of course, prove anything. What is important is that the allocations to all authorities were made by applying exactly the same criteria and priorities. Brent was not singled out in any way for exceptionally harsh treatment.

I am well aware that local education authorities would like to spend even more on capital work. However, there is a continuing need to control gross public expenditure in the fight against inflation. I have to point out also that the London borough of Brent has not helped itself in that it has done nothing about the considerable number of surplus places in its secondary schools. I appreciate that the present administration's proposals for school amalgamations were quashed in the High Court but, before then, under Labour control, no action at all was taken.

There are two further areas to which I should like to direct the attention of the House and the right hon. Gentleman, in which the authority could have had useful

scope for savings in educational expenditure — school meals and caretaking and cleaning. Because of the lateness of the hour, I shall not go into detail, but I think that the right hon. Gentleman will accept that there is considerable scope for Brent to achieve substantial efficiency savings in its school meals and secondary caretaking costs. Money saved here could clearly be targeted towards genuine educational priority, such as repairs and maintenance.

These are areas in which the authority might like to help itself. But my reference to them is by no means intended to disparage the authority's overall performance. The figures show that Brent's response to falling pupil numbers has been to reduce teacher numbers faster than the average for the outer London boroughs and the rates for England as a whole.

I have listened with great interest to the right hon. Gentleman. I hope that he fully understands the arguments we have put forward.

Question put and agreed to.

Adjourned accordingly at eight minutes past One o'clock.

House of Commons

Friday 11 April 1986

The House met at half-past Nine o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PETITIONS

Transport and General Workers Union (Retired Members)

9.35 am

Mr. Kevin McNamara (Kingston upon Hull, North): I wish to present a petition to the House on behalf of the retired members of the Transport and General Workers Union in my district. The petition reads as follows:

To the honourable the Commons of the United Kingdom of Great Britain, and Northern Ireland in Parliament assembled. The humble petition of Retired members of the Transport and General Workers Union in the City of Kingston upon Hull sheweth.

That the legislation based on the "Reform of Social Security" —"Programme for Action" White Paper would be extremely detrimental to the residents of the United Kingdom who are in receipt of Social Security benefits. Wherefore your petitioners pray that your honourable House do not pass legislation arising out of the "Reform of Social Security" White Paper. And your petitioners as in duty bound will ever pray, etc.

The list of signatures is headed by Mr. Jack Webster, president of the retired branch of the Transport and General Workers Union in my area, and contains over 1,600 signatures. Although the Government may not do much about the matter, following the result in Fulham yesterday, we can be sure that the next Labour Government will remedy the defects of this legislation.

To lie upon the Table.

Radioactive Waste Storage

Mr. Austin Mitchell (Great Grimsby): The petition that I wish to present reads as follows:

The humble petition of the people of Great Grimsby showeth that the undersigned are totally and absolutely opposed to any proposal to locate any radioactive waste storage or disposal facility within the County of Humberside and consider that any such facility would relegate the area designating it as more suitable for dangerous dumping than for development.

Wherefore your Petitioners pray that your Honourable House will under no circumstances approve a Special Development Order allowing preliminary site exploration or associated works in connection with the storage or disposal of radioactive waste in Humberside and will take all such other action within the powers of the House to prevent a national radioactive waste storage or disposal facility being established in Humberside.

The petition has been signed by just over 300 signatories who stand four square with the petitioners from the other three areas threatened with nuclear waste dumping in asking the Department of the Environment to listen to the advice of the Select Committee on the Environment and not to proceed with a special development order, and in asking the House, if the Department decides to proceed, to reject it.

To lie upon the Table.

Mr. Nicholas Lyell (Mid-Bedfordshire): I have the honour to present the humble petition of the citizens of the counties of Bedfordshire, Cambridgeshire and Buckinghamshire in the vicinity of Elstow, in my constituency, to the effect that the Nuclear Industry Radioactive Waste Executive proposals to place radioactive nuclear waste at Elstow should be rejected.

Wherefore your Petitioners pray that your Honourable House do urge the Secretary of State for the Environment to reject any such proposal by NIREX and to prevent any such deposit of radioactive waste in Bedfordshire.

The petition is signed by no fewer than 96,000 of my constituents and constituents in the constituencies of my hon. Friends the Members for Bedfordshire, North (Sir T. Skeet), for Bedfordshire, South-West (Mr. Madel), for Cambridgeshire, South-West (Sir A. Grant), for Luton, North (Mr. Carlisle) and for Luton, South (Mr. Bright) and for constituencies in Buckinghamshire. It shows the overwhelming opposition in the area to these misguided proposals.

To lie upon the Table.

BILL PRESENTED

LOCAL AUTHORITY FINANCE ETC.

Mr. Galley presented a Bill to provide that a local authority in any one year may raise rates by no more than 5 per cent. above the increase in the Retail Price Index prevailing on 1st January in the calendar year in which rates are set; to provide that the Secretary of State shall have regard to the level of rates set by a local authority in distributing rate support grant; to make provision for local authorities to put out to tender a range of services which they have a duty to provide; and for connected purposes: And the same was read the First time; and ordered to be read a Second time upon Friday 9 May and to be printed. [Bill 320.]

Orders of the Day

Disabled Persons (Services, Consultation and Representation) Bill

As amended (in the Standing Committee), considered.

New Clause 12

PERSONS LEAVING SPECIAL EDUCATION

'(1) Where—

(a) a local education authority have made a statement under section 7 of the Education Act 1981 (Statement of child's educational needs) in respect of a child under the age of 14, and

(b) the statement is still maintained by the authority at whichever is the earlier of the following times, namely—

(i) the time when they institute the first annual review of the statement following the child's fourteenth birthday, and

(ii) any time falling after that birthday when they institute a re-assessment of his educational needs.

the authority shall at that time require the appropriate officer to give to the authority his opinion as to whether the child is or is not a disabled person.

(2) Where—

(a) a local education authority make any such statement in respect of a child after he has attained the age of 14, or

(b) a local education authority maintain any such statement in respect of a child in whose case the appropriate officer has, in pursuance of subsection (1), given his opinion that the child is not a disabled person, but the authority have become aware of a significant change in the mental or physical condition of the child giving them reason to believe that he may now be a disabled person.

the authority shall, at the time of making the statement or (as the case may be) of becoming aware of that change, require the appropriate officer to give to the authority his opinion as to whether the child is or is not a disabled person.

(3) Not later than nine months before the presumed date on which a disabled child will cease to receive full time education provided by or on behalf of a local education authority, the authority shall, with the consent of the disabled child (or where the child is under 16 or is incapable of giving consent with the consent of his parent or guardian inform the appropriate officer of that date.

(4) When the appropriate officer receives information from a local education authority in accordance with the preceding subsection he shall make arrangements for an assessment of the needs of the disabled child for the provision by the authority of which he is an officer of any statutory services for that child in accordance with any of the welfare enactments within a period of not more than six months.

(5) In this section—

"the appropriate officer"—

(a) in relation to a local education authority other than the Inner London Education Authority, means such officer discharging social services functions of the council in question under the Local Authority Social Services Act 1970 as may be appointed by them for the purposes of this section, and

(b) in relation to the Inner London Education Authority, means such officer as may be appointed for the purposes of this section by the authority which is the local authority for the purposes of that Act for the area in which the child referred to in subsection (1) or (2) is ordinarily resident; and

"child" means a person of compulsory school age or a person who has attained that age but not the age of 19 and is registered as a pupil at a school or a college of further education; and

"disabled child" means a child who the appropriate officer has informed a local education authority is in his opinion a disabled person in accordance with subsections (1) and (2) above;

and expressions used in the Education Act 1944 have the same meaning in this section as in that Act.

Provided that the provisions of subsection (4) above shall apply notwithstanding that the disabled person has attained the age of 19.

(6) This section applies to England and Wales only.'.—*[Mr. Tom Clarke.]*

Brought up, and read the First time.

Mr. Tom Clarke (Monklands, West): I beg to move, That the clause be read a Second time.

Mr. Speaker: With this, it will be convenient to discuss the following:

New clause 2 — *Duty of education authority to ascertain whether children with special educational needs are disabled: Scotland—*

New clause 3—*Assessment and recording of children and young persons.*

New clause 7 — *Duty of education authority to ascertain whether children with special educational needs are disabled—*

Amendment No. 3.

9.40 am

Mr. Clarke: I welcome Ministers to the Front Bench. Much work has gone into the Bill, both in Committee and elsewhere, and I thank hon. Members on both sides of the House for that. I hope that with a bit of common sense and tidiness we can produce a Bill that will in due course obtain its Third Reading and thus do a great deal for the disabled, their carers and their families.

New clause 12 is important and is based on the discussion that we have had. I move it in the knowledge that time is perhaps not on our side because of the many issues that we must discuss. If possible, I shall speak for no more than five minutes on each issue. Indeed, if that was the pattern for the day, I for one would not complain. I know that hon. Members have strong views on many of the issues and I appreciate the fact that so many hon. Members have stayed for this debate on a Friday. But it is important to try to achieve our ends before 2.30 pm in order to facilitate the Bill's Third Reading.

The Government conducted a consultation exercise. It is only fair to point out that the response to that and to the Government's consultative documents was overwhelmingly in favour of the Bill and against the Government's proposals. Of course, that might be expected on the part of organisations of and for disabled people which had been closely involved in drafting the Bill and in giving their assistance. But I am sure that the Government were surprised by the strength of support for key clauses from health authorities, professional bodies and the local authority associations.

In Committee, I said that I would make up my own mind on amendments for the Report stage following the responses received. The new clauses and amendments that I have tabled reflect that view. I acknowledge that the Government's amendments represent a modest improvement on the position in the consultation paper, but they are

still not quite good enough and do not go as far as the Bill's sponsors would like. That is why I have tabled various new clauses and amendments.

As I have said throughout the passage of the Bill, there are certain key principles in the Bill, to which the House gave an unopposed Second Reading on 17 January, which must be retained if the Bill is to have any meaning. The first concerns new clause 12, which finds the Government on very weak ground. The Government new clause 7 merely retains a procedure for notification by the social services to the education department that a child is disabled at 14 plus. There is a unanimous view among those responsible for social services that an assessment can and should be undertaken by them before the child leaves full-time education.

9.45 am

I shall quote two responses which are important in their own right but which also encapsulate many of the views expressed in response to the Government's documents. The Association of County Councils said about the new clause:

"This probably is the area where the Association has least difficulty with the proposals in the Bill itself . . . The Association has recently responded favourably to the notion of 'shared care' for children with special educational needs, and it seems logical for this to be a relationship which extends into adulthood. The Association's main difficulty relates simply to the number of formal notifications required."

The Association of Directors of Social Services said:

"Joint assessment at this stage involves collaborative forward planning which is highly desirable at the critical point in the life of the young person to whom the support and familiarity of the educational environment are lost, and where continuity of service availability is, in consequence, especally important."

New clause 12 is the next logical step after the Education Act 1981. I have read the responses carefully, as have my hon. Friends and my advisers have spent considerable time with the officials of the ACC and Association of Metropolitan Authorities in an effort to meet their concerns. I hope that the Government will recognise the concessions that I have made in reducing what they describe as the bureaucracy and the number of contacts between authorities. The proposed time-scale for notification has been reduced in the new clause from 12 months before leaving school to nine months. That means the beginning of a child's last year at school. The social services are given six months rather than three in which to undertake the assessment.

Furthermore clause 3(3) which requires further reports from education authorities to social service departments has been completely dropped. I believe that the associations are now happy with the clause, and they appear to accept that the resource implications are minimal. I estimate that the average social service department may have to undertake no more than 20 assessments a year as a result of the clause, and many of the children may already be receiving services. The clause will ensure that the major change in their lives and the period of great trauma for their families will be properly planned and prepared.

The Minister will doubtless say that my new clause is defective. However, he may have had second thoughts on rereading it. I admit that we had difficulty in drafting the provisions in relation to people leaving full-time education at 19, when technically they may no longer be children. But this small group of young people in special colleges of further education is vital, as the Minister will appreciate from the BBC programme in which he appeared yesterday. Most of these colleges are run by charities with sponsoring from education departments or, occasionally, the social services, and in those circumstances it is unfortunately too easy for them to be ignored by local authorities until they arrive back full time with their parents at 19. If the House accepts the new clause, I hope that the Minister will assist in preparing any technical amendments that may be needed in the other place.

Finally, I must refer briefly to new clauses 2 and 3. New clause 2 is the Scottish equivalent of new clause 7. In the time available I have not been able to draft an equivalent to new clause 12. If new clause 12 is accepted, I hope that the Government will assist in its extension to Scotland when the matter is debated in the other place. New clause 3, which stands in the name of the Parliamentary Under-Secretary of State for Scotland, the hon. Member for Argyll and Bute (Mr. MacKay), is a small improvement which I am happy to include in the Bill without debate.

In that spirit, I commend the new clause.

Mr. Peter Thurnham (Bolton, North-East): I congratulate the hon. Member for Monklands, West (Mr. Clarke) on the way in which he has brought the Bill through its Committee stage and on the amount of work that he has put in, in detailed consultation on the necessary amendments and new clauses. He had good fortune in coming first in the ballot and has introduced a most welcome Bill.

Even if the resources that the Government are prepared to devote are fewer than had perhaps been hoped for, the hon. Gentleman has still done extremely well to get the Government's backing which, indeed, we hope will materialise today. I have heard the figure of £25 million being quoted as the cost of resources agreed, and for a private Member's Bill to secure that amount of backing must be a matter of pride for the hon. Gentleman.

I also congratulate the Government on having found resources to help make this Bill possible, even if not at the level hoped for. It is all in a good cause. As the Prime Minister said yesterday, the Government have a record of increasing expenditure for the chronically sick and disabled, and various measures have meant substantial increases in expenditure, to a total of £4·5 million for the chronically sick and disabled.

I support new clause 12, as moved by the hon. Member for Monklands, West. Without it, all we are doing is looking at a paper chase. It is most important that assessments are made. Whenever disabled people come out of hospital at any stage of their life, an assessment is necessary, particularly in the case of younger children. About 1,000 children are still in long-stay mental hospitals. Plans are desperately needed for placing those children in the community.

I ask the Minister to give special attention to the need to provide sufficient back-up and after care. If families are to provide adoptive or foster homes for children who are severely handicapped, they need to know that sufficient back-up care is available to help them in their task. We fostered a boy nearly three years ago; it is his 11th birthday today. Even if the £100 million requested was a bit much, it is a welcome birthday present of £25 million that the Minister has given to him and people in a similar situation. I commend the clause to the House and hope that it meets with approval.

Mr. Alfred Morris (Manchester, Wythenshawe): The Opposition support new clause 12. On new clause 2, the Scottish equivalent of new clause 7, my hon. Friend the Member for Glasgow, Garscadden (Mr. Dewar) will speak briefly as the debate proceeds. I think it will be well if all of us can take as our principal text for debates on this humane and much needed Bill a statement of Professor Mittler. Few people anywhere have done more than he has to help severely handicapped children and their families. He is a former adviser of the Secretary of State for Social Services. Writing to the right hon. Gentleman on 7 April, Professor Mittler said:

"To let this Bill fall or be talked out would be unforgivable."

That is my view and it is endorsed by professional opinion, and by all the voluntary organisations that the Government have consulted on the Bill. What it requires from both sides of the House today is, first, brevity, and, secondly, a resolve to ensure that, whatever differences may exist, a Bill as strong and viable as possible must emerge from our debates.

New clause 12 is but a modest step forward about which there has been full consultation with the AMA and the ACC, which are not concerned with the expenditure implications. In Standing Committee, even to mention the word resources, was like swearing in church. I hope it will be found less reprehensible here on the Floor of the House. As I say, the new clause is modest in its effects. I hope very much that the House will approve it unanimously.

Mr. Jack Ashley (Stoke-on-Trent, South): I intervene briefly to say that I was glad to hear the comment of the hon. Member for Bolton, North-East (Mr. Thurnham), because he has direct personal experience of the problems of disability. However, I would be out of order in following him on the general question of what this Government have accomplished, as compared with the previous Government. That is not what we should be discussing today; we should discuss only this Bill and, at present, the new clause, which I commend. We disagree strongly on the record of this Government as compared with the previous one.

On this Bill, I expect no basic disagreement; I hope we are working together in this case.

I hope that new clause 12 will be accepted because, without the assessment, disabled children leaving school will be left in a vacuum at the most important time of their lives. The case for new clause 12 is overwhelming. I was sorry indeed to see new clause 7 presented by the Government. If the Minister would accept new clause 12, I can assure him he would be doing something for which legislation should not really be required. It should be automatic for disabled children to be assessed when they leave school. But we do need legislation for what should be automatic, so I hope that the Minister will accept new clause 12 as an imperative necessity.

The Minister for Health (Mr. Barney Hayhoe): I am very grateful to the hon. Member for Monklands, West (Mr. Clarke), who has carried this Bill forward with great skill and a constructive attitude that augurs extremely well for the chances of getting it on the statute book. I share his hope that the Bill will be given a Third reading today, and I acknowledge the way in which he has responded to the points I made on behalf of the Government at Second reading, during Committee, in the process of consultation, and on the the many occasions on which we have discussed between us the best way to proceed. I shall quickly explain the Government's position in relation to the clause in the Bill, the new clause proposed by the Government, and the new clause proposed by the hon. Gentleman.

The provisions of the Bill as drafted would require local education authorities to record, on any statement of special education need made under the Education Act 1981 in respect of a child aged 13-plus—at which age there is a statutory reassessment of need—whether the child is, in the opinion of the social services department, a disabled person. If so, and if the young person or his representative agrees, the Social Services department is to be notified not later than 12 months before the expected date of leaving full-time education. The Social Services department is to be notified again three months before the anticipated leaving date, and given details of further education and training which would, in the view of the local education authority, be appropriate for him or her.

On receipt of this last notification, social services departments would be required to carry out a full assessment of the young person's needs. The Government accept the need for close liaison between LEAs and SSDs. However, focusing on the mandatory reassessment age of 13-plus means that a number of children assessed or reassessed between 12½ and 13½ would be excluded. This is a technical difficulty associated with the original clause. Recording information about disability on the statement kept by the LEA would be inappropriate, as it would have no direct relevance to the child's educational needs. The elaborate procedures for passing information from LEAs to SSDs would place a burden on LEAs.

For those reasons, the Government have put forward their amendment to new clause 7. That would remove the proposed duties on LEAs to pass on specific information to SSDs about disabled children and on the SSDs to assess the needs of disabled school leavers. Instead of that, the LEAs would be required to seek advice from the SSD about whether the child is disabled in his or her 15th year, either as part of the mandatory reassessment or the first annual review of the statement, whichever is the sooner; to obtain such advice from the SSD in respect of a child over 14 being assessed for the first time; and to seek a further opinion in respect of children whose mental and physical condition has changed and for whom revised advice may be appropriate. The procedure should certainly secure better liaison between LEAs and SSDs at a time more likely to provide information relevant to the child's needs on leaving full-time education.

New clause 12 follows the basic structure of the Government's proposed new clause 7, but in addition would require—the hon. Gentleman lays great stress on this — local education authorities to inform social services departments of the cessation of full-time education nine months before the presumed date. From my consultations with the Department of Education and Science experts, perhaps eight months would be a more administratively sensible point. However, this is a highly technical matter which can easily be resolved later. The new clause would also require, where such information is received by a social services department, an assessment of need to be undertaken within six months.

10 am

There are a number of problems with the proposed new clause which to some extent, have been shown in the comments we have received from the ACC. The ACC broadly agrees that new clause 12 is a satisfactory

replacement for new clause 3, but would prefer the determination of disability and the assessment to be rolled into a single requirement in order to reduce the administrative burden on LEAs. That seems to be a sensible proposition.

The ACC suggests that if that approach commends itself to the House, an appropriate amendment can be tabled at a later stage, and I agree. To set the general spirit of co-operation and constructive work which, I hope, will animate all our proceedings today, I shall not press new clause 7. I shall accept new clause 12 on the basis that we shall need to have further discussions. I hope that the hon. Member for Monklands, West and his advisers will join local authorities in considering the technical matters. Far be it from me to trespass on Scottish territory, but as I understand it, new clause 2 is the equivalent, for Scotland, of new clause 7. I imagine that my hon. Friend the Minister with responsibility for health in Scotland will take a similar view, and will not go ahead with new clause 2. Equally, that matter will have to be considered.

Mr. Tom Clarke *rose*——

Mr. Deputy Speaker (Mr. Harold Walker): Order. Is the hon. Gentleman seeking to address the House again?

Mr. Clarke: The Minister with typical generosity has given way. In the interests of making progress with the Bill, Mr. Deputy Speaker, you may wish me to say that the Minister's comments are extremely helpful. He accepts the principle of new clause 12 which, as hon. Members will agree, represents considerable progress. He made valid administrative points which I accept, and I agree that further consultation will be necessary. I am delighted to accept the representations and views expressed by the Minister.

Mr. Hayhoe: I am grateful to the hon. Gentleman for his intervention. I shall draw my remarks to a close because we have a great deal of work to do. I hope that I have made it absolutely clear that the Government do not intend to seek to delay the Bill by procedural devices. Providing the spirit that has animated these early exchanges, and, indeed, private conversations, continues, I see no reason why we should not make good progress, and send the Bill to another place later this afternoon.

I made it clear to the hon. Gentleman in my letter, in which I set out the series of Government amendments following the consultation exercise, that the consultation exercise had shown the resource implications of the Government's proposals to be rather greater than had been anticipated, and that it would be necessary to use the commencement order procedures in the Bill to activate those parts of the Bill when the resources are available to meet them. Indeed, it is on that basis that the LEAs have been giving their views. My hon. Friend the Member for Bolton, North-East (Mr. Thurnham) may have misunderstood the position, that the present public expenditure arrangements do not include provisions for the Bill. That has been recognised by my hon. Friend the Member for Exeter (Mr. Hannam) whose work in his leading role in the all-party disablement group is well known to the House. If I recall rightly, on the Tuesday before Easter he raised that specific point at Question Time, and I responded by saying that it would be necessary to behave in that way regarding resources.

Today we are dealing with the legislative provision, and the resources question is separate. We will follow the normal procedures of the House, if today we concentrate on the legislative provision, although one can never be unmindful of the resource implications.

Mr. Thurnham: Have the Government been able to quantify the savings that would result from a reduction in crisis interventions, and also from a reduction in the number of people in institutional care, if the provisions can be made to work properly? Costs can be incurred at a level of £19,000 a year in looking after a handicapped child in an institution.

Mr. Deputy Speaker: Order. I hope that we can confine our remarks to the new clause.

Mr. Hayhoe: Mr. Deputy Speaker, you almost take the words from my mouth. Perhaps I should merely reiterate your wise advice. My hon. Friend tempts me to debate the very areas which I have just said seem inappropriate for me to deal with. All the resource implications, both on the plus and the minus sides, will need to be examined much more carefully as a result of our work today, what happens in another place, and when the legislation as now envisaged is enacted. However, I felt it necessary to make the resource point which I had set out in my letter to the hon. Member for Monklands, West, copies of which were sent to all Committee members. There was no secret about it.

Mrs. Elaine Kellett-Bowman (Lancaster): My right hon. Friend referred to our hon. Friend the Member for Exeter (Mr. Hannam). Is he aware that our hon. Friend was extremely anxious to be present but had an unavoidable appointment elsewhere?

Mr. Hayhoe: I am grateful to my hon. Friend, and I had intended to say that, because our hon. Friend made that point to me. I know how active he has been in discussions about the Bill, and what a constructive attitude he has adopted. It is only because of a most pressing engagement in his constituency that he is unable to be present.

Sir Nicholas Bonsor (Upminister): Having served on the Committee, I intervene briefly to welcome the attitude of my right hon. Friend the Minister to the new clause. I was a little worried that he might allow the resource implications to override his better judgment and so feel unable to support new clause 12. It is a great relief to many Conservative Members, as well as Labour Members, that he has given his support.

I wish to tempt providence a tiny bit by mentioning resources. When the Bill is passed, I hope that my right hon. Friend will make every effort to find the necessary resources. I am slightly anxious especially about the new clause. Once it has been recognised that it is necessary for the steps to be taken, it would be wrong for the Government unnecessarily to delay their implementation. I hope that my right hon. Friend the Minister will note that that view is expressed from the Conservative Benches and not by the Opposition.

I completely accept what my right hon. Friend said about the administrative details. I will not examine his comments in great detail, but I know that much discussion has taken place among those who are much better qualified than I on the precise wording of new clause 12 to obtain the necessary support for those who come out of full time local education systems and to ensure a continuing care programme. I believe that some minor adjustments will be

[Sir Nicholas Bonsor]

necessary. However, I completely welcome the new clause and wish the hon. Member for Monklands, West (Mr. Clarke) every success with the remainder of his Bill.

The Parliamentary Under-Secretary of State for Scotland (Mr. John MacKay): I should like to say a few words about new clauses 2 and 3. In the light of the comment of my right hon. Friend the Minister for Health about new clause 7, what I shall say about new clause 2 will be a great deal less than it might otherwise have been.

New clause 2 would have had substantially the same effect in Scotland as new clause 7 has for England and Wales. Clause 3 of the Bill as originally drafted, was based upon legislation that applies to England and Wales. The Bill simply sought to apply that to Scotland without amendment. However, the legislation on special educational needs differs substantially between England and Wales on the one hand and Scotland on the other. A separate provision is therefore required if that part of the Bill is to be applied in Scotland.

New clause 2 would have paralleled new clause 7, but, as my right hon. Friend has explained, the Government have decided not to move new clause 7 but to agree to new clause 12. In the light of that, I will not move new clause 2 but I shall have to arrange for a parallel provision to be introduced in another place to ensure that there is some application to Scotland, and that that is equivalent to new clause 12 as new clause 2 would have been for new clause 7. The House must fully understand that I shall not move new clause 2 but I shall arrange in another place, for a parallel provision to be moved to the new clause accepted by my right hon. Friend.

Mr. Tom Clarke: Before the Under-Secretary of State for Scotland concludes his speech, will he accept that I welcome his comments as warmly as I welcomed the comments of his right hon. Friend earlier?

Mr. John MacKay: I thank the hon. Gentleman for that comment.

I should like to say a few words about new clause 3 as I know that the House wants to make progress. The provisions of the Education (Scotland) Act 1980, as amended, deal with children with special educational needs and are generally effective. However, improvements can always be made in the light of experience, and the Bill provides the opportunity to make four minor but not unimportant changes. That is the purpose of new clause 3.

The first proposal in subsection (2) is simple. It seeks to amend section 4 of the Education (Scotland) Act 1980 so that the child guidance service should in future be called the regional or island authority psychological service. The reason for that is that the benefits of the service are not confined to children. Child guidance clinics are also attended by young persons up to the age of 19 and the definition of those clinics as child guidance clinics can put 17, 18 and 19-year-olds off the idea of attending such clinics.

10.15 am

Subsection (3) and the amendments that we propose to section 61 of the 1980 Act set out the elements of the examination and assessment of a child which must be undertaken before that child may be recorded as having special educational needs. There are three elements there. First, there must be a medical examination, secondly there must be a psychological examination and finally a report must be made by a teacher who has been involved in the education of the child. We intend to replace the need for three reports with a single process of observation assessment which must include educational, psychological and medical components. The purpose of that is to bring the legislation into line with the best current professional practice where it is accepted that children are best observed over a period and in the classroom rather than assessed on the basis of separate examinations. Although the proposal is unavoidably a lengthier process, it provides for a much more complete picture of the child and the child's needs. That will strengthen the legislation, not weaken it.

The amendments contained in subsection (4) concern the appointment of the named person. The named person is someone appointed by the education authority under section 62 of the 1980 Act to whom parents of children may go for advice and information about the child's special educational needs. The concept of the named person is a good one. However, that provision has been a source of irritation in cases where parents are capable of looking after the best interests of a child. In such circumstances the parents may resent the statutory imposition of an outsider in their family affairs.

I have some sympathy with that point of view and I can understand such feelings. I therefore propose that in future parents should be given the opportunity to tell an education authority that they do not wish to have a person appointed to assist them. I envisage that in the majority of cases the appointment of the named person will continue to be appropriate. The amendment provides for those cases where it is not. It will be necessary for parents explicitly to opt out of the appointment of a named person.

I should now like to consider the correction of an anomoly in section 63(1) of the 1980 Act where a right is given to parents to appeal against the decision to record their child, against the terms of the record, against the nominated school and against the refusal of a placing request. There is, however, no right of appeal against an authority's decision not to record a child. That is unjust because it denies a right of appeal against the action of an authority which in effect may deny a child the very considerable benefits that can flow from the recording a special educational need. That position should be corrected. Such a right of appeal already exists in England and Wales and by inserting a new subsection *(aa)* into section 63 by the amendment contained in subsection (5), Scottish parents will be given a similar right.

The amendment proposed in subsection (6) to section 64 of the 1980 Act is a technical amendment. It follows from the amendment of section 63(1).

I apologise for speaking at length, but I thought it appropriate to explain the series of amendments arising from our decision that some reform was needed of the law on educational provision for children with special needs. I hope that the hon. Member for Monklands, West (Mr. Clarke) and the House will agree to accept the new clause.

Mr. Donald Dewar (Glasgow, Garscadden): I reassure the House that there is no question of the Scottish team on the Opposition Front Bench doing a double act throughout the day with my right hon. Friend the Member for

Manchester, Wythenshawe (Mr. Morris). Indeed, there is only one other point of importance to Scotland in which I might like to intervene later in the proceedings.

I shall speak briefly as we wish to expedite the business and so make progress. I congratulate my hon. Friend the Member for Monklands, West (Mr. Clarke) on his considerable success today and on the promotion of this important Bill. I thought that the Minister had a slight edge in his voice when he thanked my hon. Friend for his intervention. I suspect that that is a compliment to the tenacity, persistence and the cutting edge of the representations and lobbying that have been carried out. There has been a suggestion of a dragging of feet and a reluctance in the Scottish Office over taking the open and generous view that the Bill deserves. I am delighted that new clause 2 is not being moved and that new clause 12 is accepted in principle by the Scottish Office and by the Minister's colleagues south of the Border. That represents an important change of heart by the Government which the Opposition greatly welcome.

I should like to make a point that has universal application to the Scottish Office. There are clearly resource implications in new clause 12, however it may be redrafted and tied up in administrative terms. The Opposition welcome that, as the resources will be put to an important use and will be most helpful. However, we hope that the Government will be prepared to live constructively with such resource implications and recognise that they cannot be accepted at the expense of other social work services or services for the disabled. I hope that that will be borne in mind when the strange alchemy of the rate support grant for Scotland is finalised in future.

However, I believe that the Government have made a sensible concession to sound common sense and to the experience of many people who have had practical experience of such work.

In connection with new clause 3, I intend to follow the admirable brevity of my hon. Friend the Member for Monklands, West and note that it has been read most adequately into the record by the Minister, who suffers from the delusion that people read his speeches. I simply say that the Opposition welcome that new clause.

Mr. Tim Yeo (Suffolk, South): I had hoped to catch your eye, Mr. Deputy Speaker, before my right hon. Friend the Minister for Health and my hon. Friend the Under-Secretary of State for Scotland made their speeches. I am glad that I did not, because I can be briefer than I would have been.

I warmly welcome the response of the Minister for Health in accepting the new clause. It shows the constructive spirit which has informed the negotiations between the Bill's sponsor and the Minister. I congratulate the hon. Member for Monklands, West (Mr. Clarke) and my right hon. Friend on their progress. I welcome the new clause also because it will help the group of young people who have suffered in the past.

I know from my experience that many youngsters who have been given special education and made great progress physically and mentally and to whom considerable resources have been devoted have often dropped out of the system on leaving school. Considerable distress has been caused to their families by the reversal in their progress. To a great extent, the professional and other efforts made while those children were at school have been wasted. The new clause will ensure that the progress made at the school is not lost.

Mr. Eric Forth (Mid-Worcestershire): I did not serve on the Committee, but I have a great interest in the Bill. I join those hon. Members who have congratulated the hon. Member for Monklands, West (Mr. Clarke) on introducing the Bill. I follow the comments of my hon. Friends the Members for Upminster (Sir N. Bonsor) and for Suffolk, South (Mr. Yeo) in emphasising to my right hon. Friend the Minister for Health that those of us who may from time to time take a slightly parsimonious attitude to Government matters are anxious that all the resources needed should be found to fulfil the agreed measures behind this important Bill.

I add my voice to those of other Conservative Members who give their support in seeking the resources needed to fulfil the Bill's excellent objectives. I hope that my right hon. Friend will use that message as he sees fit.

Mr. Hayhoe: I am advised that there probably need not be any delay in implementing the new clause. I hope that its provisions will apply soon.

To avoid doubt in this complicated group of measures, I point out that new clause 12 will be accepted by me and, I hope, my colleagues. New clauses 2 and 7 will not be moved. New clause 3 will be moved and, I hope, accepted. Amendment No. 3 will be moved and I hope, accepted.

Mrs. Kellett-Bowman: I, too, should like to congratulate the hon. Member for Monklands, West (Mr. Clarke) on introducing the Bill. I thank my right hon. Friend the Minister for Health for accepting new clause 12, because it will fill a gap faced by parents of children in this position.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 11

PERSONS DISCHARGED FROM HOSPITAL (NO.2)

'(1) Where a person is to be discharged from a hospital after having received medical treatment for a mental disorder as an inpatient for a continuous period of not less than 6 months ending with the date on which he is to be discharged, then (subject to subsection (3)) the managers of the hospital shall make arrangements for an assesment, before the date of discharge, of the needs of that person for the provision of any services for that person in accordance with any of the welfare enactments in conjunction with—

(a) the local authority for the area in which it appears to the managers that that person is likely to reside after being discharged, and

(b) where that person will be under the age of 19 on that date, the appropriate officer or authority

(2) Where —

(a) a person liable to be detained under the 1983 Act or the 1984 Act is discharged from a hospital in pursuance of an order for his immediate discharge made by a Mental Health Review Tribunal or, in Scotland, by the sheriff, and

(b) he is so discharged after having received medical treatment for mental disorder as an in-patient in a hospital for a continuous period of not less than 6 months ending with the date of his discharge.

then (subject to subsection (3)) the managers of the hospital shall make arrangements for an assessment of the needs of that person in accordance with subsection (1) above as soon as is reasonably practicable.

[Mrs. Kellett-Bowman]

(3) Nothing in subsection (1) or (2) shall require athe managers of a hospital to make arrangements for an assessment of the needs of a person who has requested that no such arrangements should be made under this section.

(4) In this section—

"the appropriate officer or authority" means—

(a) where the local authority referred to in subsection (1)*(a)* is a local education authority, such officer discharging functions of that authority in its capacity as a local education authority as may be appointed by them for the purposes of this section;

(b) where that local authority is not a local education authority, the Inner London Education Authority;

"hospital"—

(a) in relation to England and Wales, means—

(i) a health service hospital within the meaning of the 1977 Act, or

(ii) any accommodation provided by any person pursuant to arrangements made under section 23(1) of that Act (voluntary organisations and other bodies) and used as a hospital; and

(b) in relation to Scotland, means a health service hospital within the meaning of the 1978 Act.

"the managers"—

(a) in relation to—

(i) a health service hospital within the meaning of the 1977 Act (other than a special hospital),

(ii) a health service hospital within the meaning of the 1978 Act (other than a State hospital), or

(iii) any accommodation provided by a local authority and used as a hospital by or on behalf of the Secretary of State under the 1977 Act.

means the District Health Authority or special health authority, or (as the case may be) the Health Board within the meaning of the 1978 Act, who are responsible for the administration of the hospital;

(b) in relation to a special hospital, means the Secretary of State;

(c) in relation to a State hospital, means a State Hospital Management Committee constituted by the Secretary of State to manage the hospital on his behalf or (where no such committee has been constituted) the Secretary of State; and

(d) in relation to any other hospital, means the person for the time being having the management of the hospital;

"medical treatment"—

(a) in relation to England and Wales, has the meaning given by section 145(1) of the 1983 Act; and

(b) in relation to Scotland, has the meaning given by section 125(1) of the 1984 Act;

"special hospital" means a special hospital within the meaning of the 1977 Act; and

"State hospital" means a State hospital within the meaning of the 1984 Act.'—*[Mr. Tom Clarke.]*

Brought up, and read the First time.

Mr. Tom Clarke: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to take the following: New clause 6 — *Persons discharged from hospital*—

'(1) Where a person is to be discharged from a hospital after having received medical treatment for mental disorder as an in-patient in a hospital for a continuous period of not less than 6 months ending with the date on which he is to be discharged, then (subject to subsection (3)) the managers of the hospital shall give written notification of that date—

(a) to the local authority for the area in which it appears to the managers that that person is likely to reside after being discharged, and

(b) where that person will be under the age of 19 on that date, to the appropriate officer or authority,

as soon as is reasonably practicable after that date is known to the managers.

(2) Where—

(a) a person liable to be detained under the 1983 Act or the 1984 Act is discharged from a hospital in pursuance of an order for his immediate discharge made by a Mental Health Review Tribunal or, in Scotland, by the sheriff, and

(b) he is so discharged after having received medical treatment for mental disorder as an in-patient in a hospital for a continuous period of not less than 6 months ending with the date of his discharge,

then (subject to subsection (3)) the managers of the hospital shall give written notification of that person's discharge in accordance with paragraphs *(a)* and *(b)* of subsection (1) as soon as is reasonably practicable.

(3) Nothing in subsection (1) or (2) shall require the managers of a hospital to give a notification under that subsection in respect of a person who has requested that information about his discharge should not be given under this section.

(4) In this section—

"the appropriate officer or authority means—

(a) where the local authority referred to in subsection (1) *(a)* are a local education authority, such officer discharging functions of that authority in its capacity as a local education authority as may be appointed by them for the purposes of this section;

(b) where that local authority are not a local education authority, the Inner London Education Authority;

"hospital"—

(a) in relation to England and Wales, means—

(i) a health service hospital within the meaning of the 1977 Act, or

(ii) any accommodation provided by any person pursuant to arrangements made under section 23(1) of that Act (voluntary organisations and other bodies) and used as a hospital; and

(b) in relation to Scotland, means a health service hospital within the meaning of the 1978 Act;

"the managers"—

(a) in relation to—

(i) a health service hospial within the meaning of the 1977 Act (other than a special hospital),

(ii) a health service hospital within the meaning of the 1978 Act (other than a State hospital), or

(iii) any accommodation provided by a local authority and used as a hospital by or on behalf of the Secretary of State under the 1977 Act,

means the District Health Authority or special health authority, or (as the case may be) the Health Board within the meaning of the 1978 Act, who are responsible for the administration of the hospital;

(b) in relation to a special hospital, means the Secretary of State;

(c) in relation to a State hospital, means a State Hospital Management Committee constituted by the Secretary of State to manage the hospital on his behalf or (where no such committee has been constituted) the Secretary of State; and

(d) in relation to any other hospital, means the persons for the time being having the management of the hospital;

"medical treatment"—

(a) in relation to England and Wales, has the meaning given by section 145(1) of the 1983 Act; and

(b) in relation to Scotland, has the meaning given by section 125(1) of the 1984 Act,

"special hospital" means a special hospital within the meaning of the 1977 Act; and

"State hospital" means a State hospital within the meaning of the 1984 Act.'.

New clause 14—*Persons discharged from hospital (No. 3)*—

'(1) It shall be the duty of the responsible medical officer for any person who has received medical treatment for mental disorder as an in-patient for a period of, or periods totalling not less than, six months in the preceding twelve months or on a regular basis over two years, to prepare a care plan for that person before he is discharged from hospital. Such a care plan shall take into account individual requirements and include as appropriate proposals for medical treatment, day care and accommodation. Such a care plan shall be prepared by the responsible medical officer in consultation with other Health Authority Officers, the local Family Practitioner Committee, the Local Authority and relevant voluntary organisations. No disabled person shall be discharged from hospital until a care plan has been adopted.

(2) The responsible medical officer shall prepare a written statement setting out the care plan and inform the disabled person and, when appointed, his representative of the details of the plan.

(3) If the disabled person or his authorised representative is dissatisfied with any matter set out in the care plan, that person may, within such reasonable period as the authority may allow for the purpose, make further representations to the responsible medical officer.

(4) Where any such representations have been made in accordance with subsection (3) above the responsible medical officer shall reconsider the details of the care plan and inform the disabled person or his authorised representative of his final decision.

(5) In this section—

"representations" means representations made orally or in writing (or both);

"the responsible medical officer, medical treatment and mental disorder" shall have the meaning assigned to them by the Mental Health Act 1983.'.

Amendment No. 4.

Mr. Clarke: New clause 11 deals with an extremely important aspect — the problem of persons leaving hospital. Our objective is to require assessment before discharge from hospital for people who have received in-patient treatment for mental disorder for at least six months. We pursued that matter in Committee. The new clause attempts to reflect some of the responses we received.

The Times of 17 February this year stated:

"A doctor should not discharge a patient before satisfying himself that there is a satisfactory pattern of living awaiting him . . . No individual should be discharged into a situation where services do not exist".

The author of those words was the Secretary of State for Social Services. My clause, is, therefore, his policy, the policy of the Mental Health Act Commission and everyone's policy, so why not put it on the statute book? I hope that the Minister for Health will accept what we are trying to achieve.

Government new clause 6 merely requires notification by hospitals to the social services as proposed in their consultation paper. The AMA says:

"Notifying social services departments . . . is on its own a waste of paper."

Both the AMA and the ACC would prefer the assessment to be instigated by the hospital, and that is reflected in new clause 11. I have tried to respond constructively to the suggestions of those who will have to implement the Bill.

The AMA said:

"Notifying social services departments of impending or actual hospital discharges is, on its own, a waste of paper . . . We cannot see the Government's proposals as anything other than a token gesture which in some cases will do more harm than good. It would be unfortunate if routine notifications took the place of considered assessments and real attempts to arrange suitable facilities before discharge. The Government should be under no illusions that by its present proposal it is killing off an important aspect of the original Bill."

The Royal College of Psychiatrists wrote to me saying:

"Psychiatrists will applaud your efforts to obtain adequate community facilities for patients discharged from hospitals and we would wish to support you in this."

New clause 11 follows Government new clause 6 practically verbatim, except that it substitutes "assessing" for "notification". If the hospital is to take the lead responsibility for the assessment in conjunction with the social services, no separate formal notification is required. Because of the Government restrictions elsewhere in the Bill, I have limited the scope of assessments to the "welfare enactments", although other matters, such as housing, will clearly be of prime importance. Because of the general welcome of the principle, I have no doubt that hospitals will seek to broaden the scope of the assessment as appropriate in each case. In this as in other matters we have tried, reluctantly, to accommodate the Government's views.

Mr. Dafydd Wigley (Caernarfon): Will the hon. Gentleman confirm that, in bringing forward the new clause, he has answered most of the criticisms of those worried by bureaucracy and has retained the core of the argument about assessment? This is a good compromise on which we can all build for the future.

Mr. Clarke: We have tried to do that while conceding the vital principle of arranging for proper assessment before hospital discharge.

I have dropped the 28-day requirement of the original Bill in a further attempt to meet the Government's concerns. I have accepted, with great regret and reluctance, the exclusion of people who have totalled six months' treatment in a year but whose period in hospital has not been continuous. To me, it seems axiomatic that those caught in the revolving door syndrome need the best possible assessment because the support they have had has obviously proved inadequate. If the House accepts the clause, I hope that the Department will suggest to authorities that they can extend the procedures required by the Bill to other patients at their discretion. I am sure that they would wish to do so. There is no substitute for good example, and best practice has its own appeal.

Of course, the authorities are concerned about costs —not so much the cost of assessments, which I think will be on average only one or two a week for each health authority, but the cost of providing community care for mentally ill people where practically nothing exists at present. Ministers have been proclaiming the priority of mental illness for more than 10 years and much of the specific funding from the Department has gone to this sector.

I must admit that, from the publicity Ministers have obtained, I thought that the sums involved were significantly greater than those revealed in a reply to me last Wednesday when the Minister said that the group which causes most concern, the adult mentally ill, had received only £5 million, with another £6 million in the pipeline. Even so, it is difficult to know whether the Department has obtained value for money, and one reason is that authorities are operating in a legislative vacuum. The Mental Health Act 1983 failed to pay more than lip service to the key liaison between authorities over discharge.

10.30 am

On Second Reading I said that the Bill would need to be phased, in consultation with the authorities. The Minister has said that he will not bring parts of the Bill into effect without the necessary resources. I shall refer to that matter generally on Third Reading. Again I am trying hard to accommodate the Minister's position. Where we may differ is in our estimates of the cost and the priority which should be given to disabled people, not in relation to other recipients of the health and social services but other areas of Government expenditure.

On new clause 11, I am fully prepared for implementation to be delayed slightly longer than other clauses in the Bill in order to allow adequate preparation. Of course there is nothing to stop authorities setting up the procedures in advance of a firm target date which I hope will be not later than the financial year 1988-89. However, I think it is right to allow sufficient time for plans for the necessary services to be developed in those areas where the mentally ill are offered next to nothing at present.

This would allow for two full cycles of rate support grant settlement negotiations as well as allocation from joint finance, and so on. I must repeat, however, that I expect the clause to save money in the medium term by significantly reducing hospital readmissions and enabling many ex-patients to achieve eventually stable lives in the community with a minimum of statutory support. The social impact of thi change would be immeasurable and immensely worth while. For that reason, we who support the Bill see it as one of our leading priorities and we hope that the Minister for Health will respond in that light.

Mr. Roy Galley (Halifax): New clause 14 goes a little further in some ways than new clause 11. However, it covers substantially the same ground and it is motivated by the basic conviction that by itself notification will be insufficient in the circumstances which face us. The new clause proposes that individual care plans should be implemented for all the mentally ill and mentally handicapped people who are discharged from hospitals into the community. This was a key recommendation of the Social Services Committee's report on community care. A considerable amount of evidence was given to the Committee—both formal evidence and during visits that were made throughout the country and abroad—to the effect that detailed thought must be given to the arrangements that are made for patients when they are discharged from hospital. The Committee said that the evidence:

"highlights that sometimes dismal lack of co-operation between the many professions involved in care and treatment of mentally ill people. Evidence was also received of instances where the families of the patients were never informed of their relative's discharge. Insufficient effort would seem to be devoted on occasions to tracking a discharged patient. What is needed is a positive determination to improve the practice on discharges. Parliament laid down, in section 117 of the Mental Health Act 1983, a duty of after-care for detained patients. There is no reason now why a similar regime should not apply to all mental patients, whether statutory or not."

That is the kernel of the argument in new clause 14. The success of community care for the mentally ill and the mentally handicapped and the development of new and enlightened policies is vital for us all. There is enormous evidence that the very principle would have a curative effect on many individuals. Therefore, it is important that it should work.

New clause 11 and new clause 14 seek to help the Government to ensure that the community care policy works. It will work only if adequate arrangements are made for those who are discharged from our large institutions. There should be a wide range of opportunities that are geared to the particular needs of each person on discharge. A small, institutionalised form of asylum may be needed, or hospitals, or houses with varying levels of staff support, or a return to the family, or a number of other possibilities.

The clause seeks to provide individual arrangements for those who are discharged, including medical treatment and, where appropriate, day care facilities and accommodation. The clause puts the onus on the responsible medical officer. He is responsible for the oversight of a patient's treatment while he is in hospital. He seems, therefore, to be the right person to have that co-ordinating responsibility.

The new clause says:—

"No disabled person shall be discharged from hospital until a care plan has been adopted."

The medical officer would have a duty to liaise with other parts of the health authority and also with the local authority, the relevant voluntary organisation and so on.

New clause 14 would not result in significant open-ended cost implications. The clause provides that people would stay in hospital until appropriate community facilities were available. It tries to deal with the revolving door problem—with those whom the hon. Member for Monklands, West (Mr. Clarke) called "yo-yo" patients. There is no care strategy for them. They may not be long-term inpatients; they keep going into and coming out of hospital. Care planning needs to take that group of people into account.

The wording of the new clause may not be entirely ideal, but when making arrangements for discharge it is necessary that this group should be included. Therefore I urge my right hon. Friend to accept either new clause 11 or new clause 14. It is vital that our community care policies for the mentally ill and the mentally handicapped should work. If they fail, public confidence may be lost and that would lead to pressure to put the policy into reverse. That would not be in the interests of the Government or of the mentally ill and the mentally handicapped. By accepting one or other of these amendments the Government will, I hope, help to buttress a successful policy.

Mr. Lewis Carter-Jones (Eccles): I agree substantially with what the hon. Member for Halifax (Mr. Galley) has just said. New clause 11 contains the words

"not less than 6 months."

That is merely a guideline. Discharge from long-term hospitals is usually after a much longer period than that. It would be a form of refined cruelty if people who had been in hospital for long periods were to be discharged without their needs having been assessed. This goes to the nub of the matter.

I am certain that the Minister will accept this new clause. It is a wise move. If we are to pursue the policy of bringing these people back into the community, it is, as I said earlier, a form of refined cruelty not to make an assessment of their needs and to provide for those needs. Therefore, I ask both Ministers to accept either new clause 11 or new clause 14. That would make a success of the concept of bringing these people back into the community where they rightly belong.

Mr. Andrew Rowe (Mid-Kent): I understand why my right hon. Friend should be anxious about the resource implications of what is required. The provisions that have already been made are severely inadequate. However, this is a further example of the tangled web that my right hon. Friend has inherited, for which he is not responsible. He is faced with the difficulty of one pocket of public expenditure suddenly being expected to acept a cost that hitherto has been borne by another pocket of public expenditure. We have to look closely at the extension of joint funding arrangements to enable one element of the caring services to accept a cost which is being saved by another element of the caring services.

Many of the cost implications tend to be exaggerated because, in the past, we have not been sufficiently imaginative to consider alternative ways of handling some of these problems. Many mentally ill patients require, as much as anything, the maintenance of a regular contact with a caring person. Such a person does not need to be highly skilled. The administration of such a service through the local authorities is enormously expensive, no matter how careful the local authority may be in its spending. The administrative costs and the costs of running headquarters are high.

The Community Service Volunteers has helped to sponsor the creation, in Sunderland, of a home help co-operative. It is an imaginative scheme, which should be used on a wider scale. A group of women have set themselves up as a co-operative to provide home help care. They are paid local authority rates but, as they have no overheads, the service costs considerably less than if it were provided directly through the local authority. I believe that there is scope for providing such imaginative support ad I hope that it will be extended. I am aware that the scheme has the support of my right hon. Friend's Department as well as other Government Departments.

It is an imaginative scheme and, if adopted, the cost of providing care in the community, which many patients need to prevent them from going back through the revolving door, could be cut to a point where the anxieties of my right hon. Friend could be minimised.

Mr. Charles Kennedy (Ross, Cromarty and Skye): I add my name to the long list of people in the House and in the country who have paid tribute to the hon. Member for Monklands, West (Mr. Clarke). He has presented the Bill with characteristic style and detail. On behalf of my colleagues, I support the points which have already been made on new clause 11.

There has been a great deal of public comment—the Minister has also commented on it—on the anxiety concerning resources. It is critical to remember that this new clause concerns assessment and the potential for net savings on existing hospital facilities from a proper assessment of what could and should be made available in the community for patients when they have been discharged.

The new clause should be considered in the context of saving health authority and local authority expenditure in the long term. The demands of patients must be adequately met and there must be proper planning. The hon. Member for Monklands, West sketched out the feasibility of a possible two-year time scale, and that is a sensible plan.

It is important to stress to the Minister that we are all aware that too often community care has been based on the revolving door syndrome. Too often state provision has been inadequate and back-up facilities have not existed in the community. There are genuine difficulties in the community. There is a cycle of hospital admission, discharge and readmission. Anything which helps to overcome that appalling and distressing cycle is surely to be warmly supported. I hope that the Minister will give his warm support to the new clause.

Mr. Patrick Thompson (Norwich, North): I am grateful for the opportunity to speak in support of new clause 14 which has been explained adequately by my hon. Friend the Member for Halfax (Mr. Galley). I am encouraged by the present atmosphere of general support in the House for the Bill, suitably amended, reaching the statute book. It is a credit to the House and the way in which we approach such a subject.

Recently there was an excellent series of articles in *The Times* by Marjorie Wallace describing the problems which affect many families whose children become mentally ill. When my hon. Friend the Member for Halifax presented new clause 14 he was considering such cases. Youngsters in a family may be fine and fit for many years but, in their teens, or perhaps later, when they go to university, there is a sudden onset of mental illness which may result in the young person going to hospital. What happens then?

All to often—this process has been described in many articles and papers, so I will not go into detail—these young people are discharged from hospital and are returned to their families. There are often appalling, distressing scenes and the young person may leave the family and become a vagrant. He may return to hospital and be discharged again. The community care, which we all support, does not materialise.

10.45 am

A young person with this type of disability does not know what he wants. He may want to be discharged from hospital but it may not be the right time. For this reason, new clause 14 is pertinent to the problem. There is a great deal of hidden distress in Britain because of that problem.

I strongly emphasise the need for the Government and my right hon. Friend to consider seriously what has been said on new clause 11 and especially new clause 14. I hope that my hon. Friends and Opposition Members will do all that they can to support the principle behind the speech of my hon. Friend the Member for Halifax. We must support principles which are designed to help people, especially young people, in distress.

Mr. Ashley: I commend new clause 11 and the way in which my hon. Friend the Member for Monklands, West (Mr. Clarke) presented it. He did so in the constructive spirit which has animated the debate. I hope that the Minister will feel able to respond to that.

I do not know whether the Minister or other hon. Members have been in hospital. I have a few times and, after a couple of weeks, I have felt disorientated. Of the 15,000 mentally handicapped people who leave hospital, more than 10,000 have been in hospital for two years. One cannot expect them to leave hospital without being in distress; to help them they must be given assessment and resources.

I take issue with my hon. Friend the Member for Eccles (Mr. Carter-Jones). To impose such bad conditions on those people is not refined cruelty but unrefined cruelty. If the clause is accepted—I am sure the Minister will find it constructive—it will help people who ought to be receiving help under existing legislation.

[Mr. Ashley]

If the Minister can accept the clause, it will be appreciated, and will save him money. It costs £12,000 to keep a person in hospital. The Minister, by accepting the clause, would help the House, himself and the Chancellor of the Exchequer. No one can be more constructive than that.

Mr. Michael Stern (Bristol, North-West): I should like to add my name to the long list of the those who have congratulated the hon. Member for Monklands, West (Mr. Clarke) on introducing a Bill which will undoubtedly mark significant progress in treatment of and care for, especially, the mentally handicapped. I am most grateful to him for that.

Like many of my colleagues, I accept the need for provision for the assessment of patients who leave hospital after a long stay. It is essential that we go further than the hon. Member for Monklands, West has proposed. May I offer the hon. Gentleman a small warning not to be too prescriptive about the method of assessment? I know from constituency experience that the health authority must often take the lead when providing assessment. That function is usually performed by the authority in which the patient is to live, but it would often be more appropriate if the sending authority did the assessment.

I represent part of the county of Avon — if one accepts that the county of Avon exists—which has for years accepted patients from many parts of the country. It is not known until shortly before they are discharged whether patients still have family connections in those parts of the country from which they came.

As patients leave hospital — there has been a substantial drop in the number of patients in one hospital in my constituency during the past year — the local authority finds itself dealing with not one or five local authorities but nearer 50. That puts a tremendous burden on the health authority in ensuring that patients are provided for unless those other authorities give substantial help. Even then, there is an enormous burden on hospital administration.

A couple who have recently been discharged from a mental hospital are attempting to negotiate with a health authority in the south of England for their brother to stay with them permanently. The difficulties have fallen almost entirely on the local authority because of the distances involved. It has been unable to do much planning of the care that the discharged patient will receive.

I am anxious that we should not, by making prescriptions in the Bill, debar the appropriate method or organisation of assessment from being pursued in what will inevitably be a large number of individual cases with peculiar requirements. I hope that my right hon. Friend the Minister can say to what extent the many forms of assessment currently practised can be encouraged in the Bill.

Mr. Martin Flannery (Sheffield, Hillsborough): I should like to add my voice to those who have supported my hon. Friend the Member for Monklands, West (Mr. Clarke), whose restrained marshalling of arguments is such a valuable contribution.

I have a major mental hospital in my constituency and I have had contacts with it, although not as many as I would have hoped. I was a head teacher in the area, and it is amazing how one knows what is going on in families when there is mental illness. If families try to look after a sick person and do not receive support, that person will have to go back to hospital depressed and ill once again. It is morally indefensible to let people out of hospital without proper assessment and support. As the hon. Member for Ross, Cromarty and Skye (Mr. Kennedy) said, the melancholy process of coming out of hospital and going back in must be more costly.

My hon. Friend has raised such a fundamental issue that the Bill must go through, especially in view of the large number of the ill and compassionate people who are watching the events in the House today.

Mrs. Edwina Currie (Derbyshire, South): I too would like to speak briefly on this group of new clauses and the amendment concerning hospital discharge, which has been a matter of considerable concern to many of us, especially those of us who have been involved with administering services in major cities, which have tended to attract people who have been discharged, whether voluntarily or against their will.

I am sorry that I have not been able to take part in debates on the Bill or in the Committee but, like several hon. Members present, those of us who take an interest have been removed from public life, as it were, to serve on the Social Security Bill. I look forward to seeing an end to that as well.

I welcome the thrust of the Bill and greatly hope to see it on the statute book, preferably as soon as possible, but those who are a little cautious have genuine reasons for our concern. Neither the hon. Member for Monklands, West (Mr. Clarke) nor anyone else should imply that we do not care. It is all too easy to write tough legislation, put it on the statute book and then wonder why it is unworkable. It is all too easy to create statutory obligations for local authorities without a thought to the resources that they have to find, and then puzzle about the long list of statutory obligations that local authorities do not carry out. Good will just is not enough.

I am one of those who had to administer previous legislation which had those glaring faults. I think especially of the Chronically Sick and Disabled Persons Act 1970. To make it all work these cautions should be taken into account. A step-by-step approach is more likely to achieve the desired objectives.

I should like to put on record my unconditional admiration of all concerned, especially with regard to the efforts that they have made behind the scenes and in Committee to come to some agreement. I hope from the bottom of my heart that we can achieve our objective today without dividing the House and that we can reach a unanimous view on what we are trying to do. How nice that would be.

New clause 6 is a great practical improvement on the original clause 4. The hon. Member for Monklands, West has said which of the restrictive elements in that clause he has been willing to remove. The 28 days element would have made life just about impossible for everyone in local authorities who tried to administer it.

The Bill that emerged from Committee emphasised social services departments, and so did the hon. Member for Monklands, West when he introduced this debate. It is important that housing should be included because the first thing that a person needs on discharge from hospital is somewhere to live. In that respect, new clauses 11 and 6 are major improvements, because they speak of the local

authority rather than just of the local authority social services department. There are local authority departments for whom disabled people may be a much lower priority, who ought to be involved. I am glad that the new clauses make that point.

The hon. Gentleman also said that notifying the social services department is a waste of paper. I understand that he was quoting some of the representations that have been made on the Bill. Surely that is not so. For many of the years in the 1970s we in Birmingham were bedevilled by people on the streets. They had been discharged from hospitals all over the country, especially Scotland, given a train ticket to Birmingham and, in one or two cases, the address of a lodging house, and sent on their way. The local authority, which wanted to assist, was bedevilled by not knowing how many people there were in that position or where they came from.

11 am

Mr. Tom Clarke: The organisation which took the view that it was a waste of paper was saying, in effect, that notification was exclusively a waste of paper and was not meaningful in the absense of full assessment, which is what the new clause seeks to achieve.

Mrs. Currie: I take that point. I would merely say that we do not have any notification at present. Local authorities which have good will, and which in many cases could find the resources to assist, find it extremely difficult to undertake any sort of planning when they do not know with whom they may be dealing. In the cases to which I have referred, people were literally picked out of dustbins. We had no idea from where they came and we were in ignorance of their background. Frequently, they were incapable of giving us that information. That made it extremely difficult to make any sort of arrangements for them. There was no liaison. My judgment at that time was that the health authorities and the hospitals concerned were willing to avoid liaison. They felt that they had done their duty and were content to send people on their way. That was wrong.

I shall direct a few remarks to my hon. Friend the Member for Halifax (Mr. Galley) and comment on the excellent way in which he introduced new clause 14. My hon. Friend said that notification is not enough, and that is right. However, as long as we do not have notification, we should welcome moves in that direction. I suspect that if my right hon. Friend the Minister for Health had introduced a small Bill containing all the clauses that he is keen to support this morning, we would all have welcomed it as an example of some progress being made in helping the disabled.

I am worried about new clause 14—my hon. Friend the Member for Halifax knows that I have the greatest sympathy for it, having served with him on the Select Committee on Social Services—because of the power that is proposed within it and the command that is given over resources. I suspect that we shall end up by taking power out of the hands of elected representatives, where it should remain.

As the clause stands, an enormous amount of effort could be put into writing perfection into all care plans and producing exactly what would be required for every year of discharge of a disabled person's lifetime, only to find that resources are not available to do what is required. Alternatively, the committees involved might direct priorities elsewhere. When I had responsibilities for these matters in Birmingham, I can remember being asked on one occasion whether I would be prepared to release resources for much favoured plans to help redevelop the centre of the city to save it from dereliction. I took the view that those plans were rather more important than other considerations. We hoped to maintain the rate basis of the city and so produce resources in future to assist the disabled and everyone else we wanted to help. If we write perfection into all care plans, they may end up on the shelf, in common with much other planning. The law would be complied with, but that would not be good enough. That would not be sufficient.

When a local authority knows that a person is coming out of hospital, the planning process should start. We should write into law the liaison that should take place between the authorities concerned. That is the bedrock of getting any decent discharge plan going. That is the sine quo non. Unfortunately, that is not set out in the law. The Bill, with wise amendments, will give considerable assistance to the disabled and I hope that we shall see it make progress today.

Mr. Alfred Morris: I rise to endorse new clause 11 from the Opposition Front Bench. I am pleased to do so because it is an important new clause which merits the support of right hon. and hon. Members on both sides of the House.

Ministers in successive Governments have for years pressed for joint planning and joint assessment of residents who are being considered for planned discharge from hospital. That being so, and in the light of the successful use of joint funding and other resource allocation changes to facilitate such collaboration, it is surely untenable to object to procedures which require hospitals to give reasonable notice to the local authority—so that timely and proper assessment can take place — when they propose to discharge a patient.

I have known many cases where people have had to be swiftly readmitted to hospital because there was no knowledge by the local authority of their discharge from hospital. That can be costly as well as inhumane. My hon. Friend the Member for Monklands, West (Mr. Clarke) was eminently right to say that there could be savings in the medium term. There will be cost implications in the short term entirely due to the poor level of services for the mentally ill at present. In many authorities the level of services, as I am sure the Minister for Health will agree, is regrettably very low indeed.

There is an important gap that the clause seeks to fill and it deserves the support of both sides of the House. I hope that we shall not have to divide to ensure that the clause is added to the Bill.

Mr. Hayhoe: We have had a useful short debate in which many helpful suggestions have been made, some of which have gone rather wider than the legislative detail that is before us. Perhaps it would not be appropriate for me to respond to many of these suggestions, and I am not sure that I would be able to do so without considerably more research. I can assure those who have contributed to the debate that their contributions will be considered carefully, including their suggestions that certain ideas should be more widely adopted.

I welcome the general support that has emerged from this short debate for the broad thrust of the community care

[Mr. Hayhoe]

concept of moving people, wherever appropriate, out of institutional care into the more dignified, the more human and the more——

Mr. Laurie Pavitt (Brent, South): Therapeutic?

Mr. Hayhoe: Yes—therapeutic atmosphere. That is the word that I was after. It is a move that improves their own physical standards. One sees remarkable improvements in people as a result of moving them from institutions into the community. That is in no way to criticise those who contribute to the running of our large institutions. I would not wish to do other than pay tribute to them. I do not believe that in commending community care we are seeking to deny the great dedication that comes from the majority of those who work in the institutions.

Mr. Pavitt: Give 'em the money, Barney.

Mr. Hayhoe: I think that it will be useful for the record to make it clear that clause 4 as it stands would place a duty on hospital managers to inform the relevant social services department of the date of discharge—at least 28 days in advance—of any person who had received treatment for mental disorder as an inpatient for periods totalling six months or more in the preceding 12 months period. Notification would be subject to the patient's consent. Social services departments, on receipt of this information, would undertake an assessment of that person's needs within 28 days.

These provisions arouse concern within the Government although the intention behind the clause was very much in line with their general philosophy of community care, which the Government have been promoting in various ways. It seeks to enshrine in legislation what is already accepted good practice. But it would introduce procedures that are unnecessarily prescriptive and would cause problems in practice. It would place the responsibility for assessment of patients about to be discharged from psychiatric hospitals in all cases on social services departments. It is right that social services should contribute to assessments, but hospital authorities with current responsibility for the patient should normally be in the lead. There would be great difficulties if the hospital authorities were not very much involved.

A minimum period of 28 days for notifying social services of a patient's discharge would, as my hon. Friend the Member for Derbyshire, South (Mrs. Currie) said, impose unacceptable administrative constraint on both health and local authorities. The formula for adding up periods of short-term care in hospital would cause problems. It is not uncommon for people with mental disorder to spend frequent short spells as inpatients. The notification process could be triggered off unnecessarily at frequent intervals.

The Government's new clause 6 would require hospital managers, unless the patient objects, to inform the appropriate local authority—social services department, or, in the case of people under 19, local authority—of the expected date of discharge of an inpatient who had been receiving treatment for a mental disorder for a continuous period of at least six months, as soon as it is reasonably practicable to do so. It would require hospital managers, in the case of a mental health review tribunal directing the immediate discharge of such a patient, to inform the local authority that discharge had taken place, provided the patient does not object.

There are two alternatives to the Government's new clause 6. I shall briefly deal with new clause 14 proposed by my hon. Friend the Member for Halifax (Mr. Galley). The new clause would require the responsible medical officer to prepare a care plan before discharge for any person who had

"received medical treatment for mental disorder as an in-patient for a period, of or periods totalling not less than, six months in the preceding twelve months or on a regular basis over two years."

The care plan would have to be prepared in consultation with other health authority officers, the local family practitioner committee, the local authority and relevant voluntary organisations. No disabled person could be discharged from hospital until a care plan had been adopted. The new clause further provides for a statement of the care plan to be provided to the disabled person or his authorised representative and for representations about the content of the care plan to be made to the responsible medical officer.

It is not clear from the clause as drafted precisely what is meant by a care plan, although I took note of the comments made by my hon. Friend the Member for Halifax and the support given to him by my hon. Friend the Member for Norwich, North (Mr. Thompson). Presumably, as I understand it, it would be a detailed programme tailor-made to the individual person and designed with particular treatment objectives in mind. However, the production of a plan is only the first step, as all of us realise. As a plan, it means very little. The treatments or activities have to be delivered, the results monitored and the plan updated to take account of the success or failure and the need to set new goals. The whole process is resource-intensive. Even at the level which may be envisaged by my hon. Friend the Member for Halifax of producing a statement of the main elements of care which will be provided in the community, it has to be said that people's needs change and are particularly likely to change after discharge from hospital into a new environment. Those were the very points made by the right hon. Member for Stoke-on-Trent, South (Mr. Ashley). A detailed plan produced before discharge could be of short-lived validity. It could also introduce inflexibility whereas the authorities responsible for the care of the mentally disordered person after discharge should be sensitive to changes in the person's needs and react accordingly. The machinery envisaged is rather bureaucratic.

The provision that no disabled person shall be discharged from hospital until a care plan has been adopted would conflict with the right of voluntary patients to discharge themselves whenever they like, and with the implementation of a decision of a mental health review tribunal to order an immediate discharge. Therefore, there are technical problems and other difficulties associated with the clause as drafted and suggested by my hon. Friend.

11.15 am

In his comments my hon. Friend the Member for Halifax made it clear that if he could not have new clause 14 he would like new clause 11 rather than the Government's new clause 6. Therefore, I shall deal with new clause 11 which has been proposed by the promoter of the Bill. It follows the basic structure of the

Government's proposed new clause 6. I am grateful to the hon. Member for Monklands, West (Mr. Clarke) for building upon that. It would certainly avoid some of the objectionable features of clause 4, which I have pointed out to the House. In particular, the 28-day minimum period for notification disappears as does the formula for adding up periods of short term care in hospital. New clause 11 would place a duty upon hospital managers, when someone is being discharged from hospital after having received continuous treatment as an inpatient for a continuous period of at least six months, to make arrangements with the relevant local authority for an assessment of the patient's needs. The assessment would have to be made before the date of discharge except in the case of patients who are discharged immediately by a mental health review tribunal, in which case the arrangements would have to be made as soon as is practicable.

There are some difficulties with this clause. I would be less than frank with the House if I did not acknowledge that. It fails to make clear what the extent and the duty would be of hospital managers when a local authority failed to participate in the arrangements for an assessment. What will happen if the local authorities social services department is unco-operative? That is not clear in the present formulation. Clearly, hospital authorities have no power to direct local authorities to participate in the assessment of needs.

Similarly, the clause fails to make clear what responsibility, if any, would fall on a local education authority in respect of persons under 19 years of age as they have no responsibility for welfare enactments within the terms of the Bill. I am advised that, in any event, those under 19 years of age in hospital would have already been the subject of a statement of special education needs as provided for under the new clauses we have just discussed and new clause 12, which we have accepted. In other words, there is a technical problem. By requiring hospital managers to make arrangements for an assessment it would give them a wider responsibility than would be placed on them under the Government's new clause 6. That is the thrust of what the hon. Member for Monklands, West is doing in commending his new clause to the House.

I am very sympathetic and I want to respond positively and constructively to what the hon. Gentleman and both sides of the House have put to me. I believe that there will need to be some further discussion with the local authorities, and especially with the health authorities because there is a new provision for them. Therefore, in the time available it has not been possible to have the proper level of consultation required.

It has been acknowledged that there are resource implications for this. I have noted the, I hope not optimistic, comments about the initial savings which are available, if not in the short term, at least in the medium and long term. I suppose, having once been a Treasury Minister, one has a certain training to recognise that jam tomorrow is something which never quite seems to come, whereas costs today are very much always on one's desk. I do not want to be unduly controversial on this matter. I have made the Government's position on resources absolutely clear. If this leads to a reduction of duplication, of course, it is something which all of us welcome because, whatever our arguments across the Floor of the House on the amount of resources that ought to be and can be made available, we will all agree that the resources which are available should be used effectively and efficiently to help the individuals concerned. Therefore, I certainly do not oppose the adoption of the new clause proposed by the promoter of the Bill. In those circumstances, I would not propose to move new clause 6.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 1

AMENDMENT OF SECTION 29(2) OF THE CHRONICALLY SICK AND DISABLED PERSONS ACT 1970

'(1) In section 29 of the Chronically Sick and Disabled Persons Act 1970 in subsection (2) (which extends the Act to Scotland) for paragraph *(a)* there shall be substituted the following paragraph—

"*(a)* any references to functions under section 29 of the National Assistance Act 1948 shall be construed as references to duties to—

(i) chronically sick or disabled persons;

(ii) persons suffering from mental disorder,

(being persons in need) under section 12 of the Social Work (Scotland) Act 1968;".

(2) Subsection (1) above extends to Scotland only.'.—*Mr. John MacKay.]*

Brought up, and read the First time.

Mr. John MacKay: I beg to move, That the clause be read a Second time.

New clause 1 clarifies the position of mentally disordered persons in Scotland in relation to local authority duties under sections 1 and 2 (1) of the Chronically Sick and Disabled Persons Act 1970.

My inquiries into the working of the present chronically sick and disabled persons legislation in Scotland suggested that local authorities did not all regard the duty to provide services in cases of evident need as applying equally to the mentally disordered and those suffering from physical or sensory disability. I thought it appropriate to use the present legislative opportunity to clarify the position. Therefore, in Committee I offered to seek, in the consultations that we had decided to undertake, the views of local authority and other interests on whether the term "disabled persons" in the Scottish application of the present Chronically Sick and Disabled Persons Act should be defined to include mental disability. That was welcomed by the Bill's sponsors and the Committee in general.

The views expressed on that proposal were generally supportive. The Convention of Scottish Local Authorities felt that clarification was desirable for the avoidance of doubt, although, I am happy to record, it felt that any such doubt was likely to be comparatively uncommon. That favourable view was echoed by other bodies, mainly those representing persons suffering from mental disorder.

The provision that I have tabled accordingly takes the form of a replacement for the provision of section 1(1) of the Chronically Sick and Disabled Persons (Scotland) Act 1972, which originally applied sections 1 and 2 of the 1970 Act to Scotland, but did not make specific reference to persons suffering from mental disorder. To that extent, in future the law in Scotland will be the same as that already applying in England and Wales, where it is clear from th terms of section 29 of the National Assistance Act 1948 as amended that local authority duties under that provision

[Mr. John MacKay]

and hence under the Chronically Sick and Disabled Persons Acts extend to persons suffering from mental disorder.

I hope that with that explanation of what the new clause does, it will be acceptable to the House and the hon. Member for Monklands, West (Mr. Clarke), who I am sure is as keen as I am that the provisions should be clearly understood in Scotland by the local authorities as applying to people with mental disorders.

Mr. Tom Clarke: I should make it clear that my position has not changed at all on this matter. I recognise that the new clause is a technical correction. I am sure that the Minister will accept that description. I would not wish to oppose it. For the convenience of the House, I suggest that we accept the hon. Gentleman's proposals.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 3

ASSESSMENT AND RECORDINGS OF CHILDREN AND YOUNG PERSONS

'—(1) The Education (Scotland) Act 1980 is amended in accordance with the provisions of this section.

(2) In section 4 (duty of education authorities to provide child guidance service)—

(a) for the words "a child guidance service in child guidance clinics" there shall be substituted the words "a regional or island authority psychological service in clinics"; and

(b) in sub-paragraph *(c)* the words "child guidance" shall be omitted.

(3) In section 61 (examination and assessment of children and young persons)—

(a) in subsection (1)—

(i) for the words from "process of assessment" to "in his education" there shall be substituted the words "process of observation and assessment (including educational, psychological and medical assessments)";

(ii) in paragraphs *(a)* and *(b)* for the words "a medical examination and a psychological examination" there shall be substituted the word "assessment";

(b) in subsection (2)—

(i) for the words "a medical examination" there shall be substituted the word "assessment";

(ii) for the words "that examination" there shall be substituted the words "any medical examination held in connection with the assessment";

(c) in subsection (3)—

(i) in paragraph *(a)* for the word "examinations" there shall be substituted the word "assessment";

(ii) in paragraph *(b)* for the words "the examinations" there shall be substituted the words "any examinations held in connection with the assessment";

(iii) in paragraph *(c)* for the words "the medical examination" there shall be substituted the words "any medical examination held in connection with the assessment";

(d) in subsection (6) after the words "process of" there shall be inserted the words "observation and";

(e) in subsection (7) in paragraph *(a)* after the words "process of" there shall be inserted the words "observation and".

(4) In section 62 (recording of children and young persons)—

(a) in subsection (1) in paragraphs *(a)* and *(b)* after the words "process of" there shall be inserted the words "observation and";

(b) in subsection (2) in paragraph *(c)* at the end there shall be added the words "unless the parent of the child or of the young person or, as the case may be, the young person has requested the education authority not to appoint such a person".

(5) In section 63 (appeals against decisions about recorded children or young persons) in subsection (1) after paragraph *(a)* there shall be inserted—

"

(aa) a decision of an education authority not to record the child or, following a review under section 65A of this Act, not to continue to record him;".

(6) In section 64 (provisions supplementary to section 63) in subsection (1) in paragraph *(a)* after the words "(1)*(a)*" there shall be inserted ",*(aa)*".

(7) The foregoing provisions of this section extend to Scotland only.'.—*[Mr. John MacKay.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 4

INTERPRETATION

'In this Act—

"the 1948 Act" means the National Assistance Act 1948;

"the 1968 Act" means the Social Work (Scotland) Act 1968;

"the 1970 Act" means the Chronically Sick and Disabled Persons Act 1970;

"the 1977 Act" means the National Health Service Act 1977;

"the 1978 Act" means the National Health Service (Scotland) Act 1978;

"the 1983 Act" means the Mental Health Act 1983;

"the 1984 Act" means the Mental Health (Scotland) Act 1984;

"authorised representative" has the meaning given by section *(Authorised representatives of disabled persons)* (5) below;

"disabled person"—

(a) in relation to England and Wales, means a person to whom section 29 of the 1948 Act applies; and

(b) in relation to Scotland, means—

(i) a chronically sick or disabled person, or

(ii) a person suffering from mental disorder,

(being a person in need) to whom section 12 of the 1968 Act applies;

"local authority" (except in section *(Authorised representatives of disabled persons)* (9))—

(a) in relation to England and Wales, means a council which is a local authority for the purposes of the Local Authority Social Services Act 1970 or, so long as an order under section 12 of that Act is in force, the Council of the Isles of Scilly; and

(b) in relation to Scotland, means a regional or islands council on whom functions are imposed by sections 1 and 2 of the 1968 Act;

"mental disorder"—

(a) in relation to England and Wales, has the meaning given by section 1 of the 1983 Act; and

(b) in relation to Scotland, has the meaning given by section 1(2) of the 1984 Act;

"services" includes facilities;

"the welfare enactments" means Part III of the 1948 Act, section 2 of the 1970 Act and—

(a) in relation to England and Wales, Schedule 8 to the 1977 Act, and

(b) in relation to Scotland, section 27 of the National Health Service (Scotland) Act 1947, the 1968 Act and the 1984 Act.'. — *[Mr. Hayhoe.]*

Brought up, and read the First time.

Mr. Hayhoe: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to take amendment No. 9.

Mr. Hayhoe: New clause 4 is a purely technical clarification. This is the interpretation clause. It has been necessary to make those changes. I hope that there will be no difficulty in the House accepting new clause 4.

Amendment No. 9 deletes clause 9. Again, that is a purely technical deletion, as part of the intentions for applying part I of the Bill to Scotland by way of the appropriate references to Scotland in each clause as necessary. In Committee, an undertaking was given that the substantive provisions of the Bill as finally amended would be fully applied to Scotland. That has been done in so far as one has been able to do so, but some further changes will probably be necessary in the other place, as has been said by my hon. Friend the Parliamentary under-Secretary of State for Scotland, as a result of the new clauses that we are adopting today. Otherwise, we have sought to achieve what was undertaken in Committee. Action will be needed in another place. Clause 9 as it stands is redundant. I hope that, at the appropriate time, the House will agree to its deletion.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 5

REPORTS TO PARLIAMENT

'(1) The Secretary of State shall annually lay before Parliament a report containing the following information namely—

(a) such information as the Secretary of State considers appropriate with respect to the development of health and social services in the community for persons suffering from mental illness or mental handicap who are not resident in hospitals;

(b) information with respect to—

(i) the number of persons receiving treatment for mental illness as in-patients in health service hospitals, and

(ii) the number of persons receiving treatment for mental handicap as in-patients in such hospitals,

in each case analysed by reference to age and length of stay; and

(c) such other information (if any) as the Secretary of State considers appropriate to be included in the report.

(2) In this section—

"health service hospital"—

(a) in relation to England and Wales, has the same meaning as in the 1977 Act except that it does not include a special hospital within the meaning of that Act, and

(b) in relation to Scotland, has the same meaning as in the 1978 Act, except that it does not include a State hospital within the meaning of the 1984 Act;

"hospital" has the meaning given by section *(Persons discharged from hospital)* (4)) above; and

"mental handicap" has, in relation to England and Wales, the same meaning as in Group D in Schedule 1 to the Juries Act 1974.'.—[Mr. Hayhoe.]

Brought up, and read the First time.

Mr. Hayhoe: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to take the following:

Amendment (a), in line 11, after 'stay', insert 'and diagnostic classes'.

Amendment (b), in line 11, leave out 'and' and insert—

'*(bb)* information with respect to the numbers of persons under treatment for mental illness or disorder and mental handicap discharged from hospital and the arrangements for the care of those persons outside hospital in each case analysed by reference to age, length of stay and diagnostic classes; and'.

Amendment No. 12.

Mr. Hayhoe: Clause 12 as drafted would require the Secretary of State to identify and report to Parliament annually on the number and ages of children resident in mental handicap hospitals for a period totalling at least six months in the preceding year; on similar details for adults in mental handicap or psychiatric hospitals; and on the numbers in each category who have moved out of each hospital since the previous report and the provision that has been made for them in the community.

The Government have proposed the change not because they had any objection to the intentions behind clause 12, but, having looked at the matter carefully, they found that it is not possible to give information about the numbers of individual patients dischared or provision made in the community specifically for them. Information could be provided in a more relevant and helpful form to that required in clause 12 because as clause 12 stands information would include those who had been in-patients for frequent short-stay periods, which would mask the number of long-stay patients.

Therefore, new clause 5 would require the Secretary of State to make an annual report to Parliament giving information on the development of health and social services in the community for mentally ill and mentally handicapped people, as he considers appropriate; a breakdown of the numbers, by age and length of stay, of patients in National Health Service, mental handicap and mental illness hospitals; and such other information, if any, as he considers appropriate. It would enable the commitment that I gave in Committee to provide information on small units with four beds or under to be met. With the change in the arrangements for dealing with mental handicap and mental illness, it is proper that that should be included.

Therefore, I commend new clause 5 to the House and hope that, at the appropriate time, hon. Members will agree to the deletion of clause 12.

Mr. Galley: My amendment *(b)* to new clause 5 reinserts in the Bill provisions relating to information on discharge from hospital. I note carefully what my right hon. Friend the Minister said about the difficulties of

[Mr. Galley]

obtaining that information, and that that is why the Government have sought to amend the Bill. However, I believe that it is extraordinarily important that, if we are to have meaningful information in the report to Parliament, we know what happens to people on discharge.

The new clause specifies information about the number of people in hospital, but says nothing about the arrangements for people being discharged. If we know how many are in hospital and how many are being treated, I cannot see the difficulty in providing at least some information on what happens to people on discharge. We need to know about the numbers discharged and the arrangements made for them, otherwise how are we to monitor the progress, success and problems of our community care policies?

Although amendment *(b)* does not specify this too closely—that is deliberately so, because I do not wish to tie down the Secretary of State too much—I hope that reports giving the numbers of those discharged, and how many of them may have moved back to their families or into hostel type accommodation or unstaffed homes with some community support will be published. That would allow us to build up a data bank to determine the success of the policy and also of good practice in ensuring that community care ideas come to fruition.

11.30 am

Mr. Greg Knight (Derby, North): Does my hon. Friend intend that the information given will relate to those persons discharged from hospital in the year for which the Minister gives his report, or will it be given about those discharged from hospital but who are still receiving treatment?

Mr. Galley: That would be consistent with the new clause. My interpretation of my amendment is that such information would be on the same lines as other statistics produced annually in the NHS in that it would be about the numbers discharged during the course of the 12 months to which the NHS annual report refers, and about what has happened to those people. We need some information about trends of people discharged, their community locations and treatment. If we are to plan sensible services, that is as important, if not more important, as how many people are in hospital on an in-patient basis.

Amendments *(a)* and *(b)* refer not only to age and length of stay but to diagnostic classes. It is important that we know how many people are in hospital or being discharged under certain diagnostic headings. We need to know how many of them have long-term serious mental illness, and how many have short-term, rather less serious mental illness. That is the key to planning sensibly the required services.

There should not be any great difficulty of acquiring such information. Figures on admissions to hospital by diagnostic classes are already available in the annual NHS statistics, and it would be fairly easy for a requirement for such information to be included in the new clause. One can understand the difficulties to which my hon. Friend the Minister refers. I hope that he understands the worry of many in the House and elsewhere about not having full, accurate, up-to-date and sensible data. One cannot plan appropriate services for those discharged without such information, and I hope that my hon. Friend will indertake to give rather more sympathetic consideration to these small measures.

Mr. Thurnham: My hon. Friend the Minister said that the report would cover the ages and numbers of children. Will it also relate to the local authority which will be responsible for the child on discharge, because sometimes there can be a great deal of confusion? A child may be in hospital for many years, the parents may have moved from the place where the child was when it first came into care, and there may be no contact with any local authorities. One of the reasons why so many children are still in hospital is that no local authority accepts responsibility for them. I have not tabled an amendment, but if my hon. Friend the Minister could make this clear it would be helpful.

Mr. Peter Lilley (St. Albans): I welcome the new clause, especially the requirements for information to be published on the development of health and social services in the community for persons suffering from mental illness or mental handicaps, and for figures of how many people need such provision. I support the publication of such information, because the move towards such provision in the community is being threatened by an unholy alliance that is developing between three groups. One is prejudiced against the mentally ill and mentally handicapped and does not want to see them moved into the community. The second group is seeking to denigrate the Government's achievements in the NHS, and the third group has a vested interest in retaining existing forms of provision—large, old-fashioned institutions.

The unholy alliance that has built up beween these three groups could be overcome if we published more information about what is being done and what needs to be done. I do not deny that many people are genuinely concerned that not enough is being done to make adequate provision in the community, and they too will benefit if more information is published.

Mr. Forth: Does my hon. Friend accept the logic of his position and his points—that the provision of such information in the suggested form may lead to yet further demands for policy developments that could have important resource implications?

Mr. Galley: That is true, but, if new policies are developed on a basis of fact rather than ignorance, we should not stand in their way, and I would welcome such a development.

In Victorian times, the policy towards the mentally ill and handicapped was to get rid of them and put them in large institutions a long way from the centres of population because they were embarrassing and frightening. There are several large institutions around my constituency that were originally far from areas of habitation for precisely that reason.

Nowadays, people are just as prejudiced, but the prejudice takes a more hypocritical and sophisticated form. Frequently, this expresses itself not in terms of, "Let us not have a mentally ill or mentally handicapped person living next door" but, "Is there really adequate provision in the community for these people, should we leave them in institutions, and should we not delay any attempts to close such large institutions and replace them by smaller-scale community care?"

Mr. Deputy Speaker: Order. I am trying to be flexible and tolerant, but the hon. Gentleman seems to be getting well away from the new clause that the House is debating.

Mr. Lilley: The new clause emphasises the duty of the Secretary of State to publish information on these matters. The problem that I have outlined, which I see in my constituency, would be eased if such information were published. I hope that my right hon. Friend the Secretary of State will not just limit himself to publishing information about national statistics, as the clause implies, but that each area health authority will publish similar information to that asked for in the clause.

I support my hon. Friend the Member for Halifax (Mr. Galley) in his amendment (b), which would make clear to the general public the number and type of people in such institutions who will need community care. It would be beneficial if that were spelt out more clearly in the clause. I hope that my hon. Friend's amendment will be accepted.

Widespread ignorance can be overcome only by telling the truth, publishing the facts and letting people know what provision is already being made and how many people need such provision in future. I welcome the new clause and hope that it will be incorporated in the Bill.

Mr. Hayhoe: I shall reply to some of the points raised in the debate. My hon. Friend the Member for Bolton, North-East (Mr. Thurnham) asked what additional information would be incorporated in the reports that would be required as a result of new clause 5. I noted his comments about what would be appropriate, but I hope that he will accept that I cannot give a definitive answer today. Instead of giving a speculative answer, I should be happy to write to him as the matter requires further consideration by the Department in order to see what is appropriate.

Amendment *(a)* provides that information on the numbers of people receiving treatment for mental illness and mental handicap, as set out in new clause 5(1)*(b)*, would have to be analysed by a diagnostic class as well as by age and length of stay. Amendment *(b)* requires follow-up information to be obtained on persons discharged from hospital who have received treatment for mental illness, disorder or mental handicap, and for it to be obtained on the arrangements that have been made for their further care. The information published is to be analysed by reference to age, length of stay and diagnostic class.

Information in respect of both of those amendments is not collected. As has been said, it exists in certain places, but the coverage is patchy. The Korner recommendations — the information technology recommendations — are being implemented, but once they have been fully implemented by April 1987 it may well be possible to provide more information on the number of in-patients who have been in hospital for more than 12 months and who are receiving treatment for mental disorder. That information is likely to become available during the summer of 1988.

However, there is no proposal to collect information in the form required in amendment *(b)*, as it would need to be collected from both the Health Service an the local authority's social services department.

Thus, I hope that my hon. Friend the Member for Halifax (Mr. Galley) will not press his amendments today, as the information is not available. If it was collected, there would be a significant resource implication for the Department and for the health and local authorities.

Mr. Galley: How difficult and costly would it be to obtain the information? After all, it is important for sensible planning. If the spirit of my new clause 14 which would put the onus on the responsible medical officer was accepted, there would be one collating point, and one would not need two or three different sources.

Mr. Hayhoe: I understand that the Korner information initiative will make it easier to obtain the sort of information that my hon. Friend has in mind through the health authorities. However, the problem of cross-batching with the local authorities would remain. Nevertheless, I give my hon. Friend the assurance that we will try to include in the report to Parliament as much information as possible about long-stay patients receiving treatment for mental disorders, as analysed by diagnostic class. Indeed, I gladly give that assurance.

Once the Korner information becomes available, everything will be put into perspective. If there was a legislative requirement to collect that information and to report to Parliament, as the amendments demand, I would have to take advice on the overall cost. However, I have given the assurance that we shall try to provide such information. The Government's record on providing such information and statistics for the Health Service is pretty good. Indeed, the number of statistics on my desk is very considerable, and the answers that I have given to the Opposition spokesman on health fill up pages of *Hansard*. I make no complaint about that, as it is wholly proper that such information should be provided. But it shows that I am a willing provider of such information, and so I hope that my hon. Friend the Member for Halifax will not press his amendments. We shall do the best we can with regard to reports along the lines that he has implied would be of significance to him and his colleagues.

Question put and agreed to.

Mr. Deputy Speaker (Mr. Harold Walker): Does the hon. Member for Halifax (Mr. Galley) wish to move his amendments formally?

Mr. Galley: In view of the helpful assurances given by my right hon. Friend the Minister, and my wish not to impede progress, I shall not press them.

Clause read a Second time, and added to the Bill.

New Clause 8

AUTHORISED REPRESENTATIVES OF DISABLED PERSONS

'(1) A local authority shall permit the authorised representative of a disabled person, if so requested by the disabled person—

(a) to act as the representative of the disabled person in connection with the provision by the authority of any services for him in the exercise of any of their functions under the welfare enactments, or

(b) to accompany the disabled person (otherwise than as his representative) to any meeting or interview held by or on behalf of the authority in connection with the provision by them of any such services.

(2) For the purpose of assisting the authorised representative of a disabled person to do any of the things mentioned in subsection (1)*(a)* and *(b)* a local authority shall, if so requested by the disabled person—

(a) supply to the authorised representative any information, and

(b) make available for his inspection any documents,

that the disabled person would be entitled to require the authority to supply to him or (as the case may be) to make available for his inspection.

(3) A local authority shall not be required by virtue of subsection (1) or (2)—

(a) to permit an authorised representative to be present at any meeting or interview or part of a meeting or interview, or

(b) to supply any information to an authorised representative or to make any documents available for the inspection of an authorised representative;

if the authority are satisfied that to do so would be likely to be harmful to the interests of the disabled person by or on whose behalf the representative has been appointed; and in determining that matter the authority shall have regard to any wishes expressed by the disabled person.

(4) Where a disabled person is residing—

(a) in accommodation provided by a local authority under Part III of the 1948 Act or Schedule 8 to the 1977 Act or, in Scotland, under Part IV of the 1968 Act or section 7 of the 1984 Act, or

(b) in accommodation provided by a viluntary organisation in accordance with arrangements made by a local authority under section 26 of the 1948 Act or, in Scotland, provided by a voluntary organisation or other persons in accordance with arrangements made by a local authority under section 59(2)*(c)* of the 1968 Act, or

(c) in a residential care home within the meaning of Part I of the Registered Homes Act 1984 or, in Scotland, in an establishment (other than accommodation falling within paragraph *(b)* above) registered under section 61 of the 1968 Act, or

(d) at any place specified by a person having the guardianship of the disabled person under Part II of the 1983 Act or Part V of the 1984 Act,

the disabled person's authorised representative may at any reasonable time visit him there and interview him in private.

(5) In this Act "authorised representative", in relation to a disabled person, means a person for the time being appointed by or on behalf of that disabled person (in accordance with regulations made under subsection (6)) to act as his authorised representative for the purposes of this Act.

(6) The Secretary of State may by regulations provide—

(a) for the manner in which the appointment of a person as an authorised representative is to be made or terminated;

(b) for any such appointment, and any termination of such an appointment, to be notified to the relevant local authority as defined in the regulations;

and any such regulations may provide for the parent or guardian of a disabled peron under the age of 16 to appoint himself or some other person as the authorised representative of the disabled person, and to terminate any such appointment (but shall not permit a person under that age himself to appoint a person as his authorised representative).

(7) Any such regulations may also make special provision for cases where ther disabled person is unable to appoint, or to terminate the appointment of, an authorised representative by reason of anymental or physical incapacity; and subsection (1) and (2) shall have effect in relation to a person whose authorised representative is appointed by virtue of any such provision as if the words "if so requested by the disabled person" were omitted.

(8) It is hereby declared that any person exercising under Part II of the 1983 Act or Part V of the 1984 Act—

(a) the functions of the nearest relative of a disabled person, or

(b) the functions of the guardian of a disabled person received into guardianship under that Part of that Act,

may, if appointed as such in accordance with this section, also act as that person's authorised representative.

(9) The Secretary of State may, after consulting such bodies representing health authorities or local authorities as appear to him to be appropriate, provide by order for any of the preceding provisions of this section to have effect (with such modifications as may be prescribed by the order) in relation to—

(a) the provision of services by health authorities in the exercise of such of their functions under the 1977 Act or the 1978 Act as may be prescribed by the order, or

(b) the provision of services by local authorities in the exercise of such of their functions as may be so prescribed.

(10) In subsection (9)—

"health authority"—

(a) in relation to England and Wales, has the meaning given by section 128(1) of the 1977 Act, and

(b) in relation to Scotland, means a Health Board within the meaning of the 1978 Act; and

"local authority"—

(a) in relation to England and Wales, has the meaning given by section 270(1) of the Local Government Act 1972; and

(b) in relation to Scotland, means a regional, islands or district council.'.—*[Mr. Hayhoe.]*

Brought up, and read the First time.

Mr. Hayhoe: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this, it will be convenient to discuss the following: amendment (a) to new clause 8, line 44, at end insert—

'(5A) The person appointed by or on behalf of a disabled person as an authorised representative shall be—

(a) the person exercising the functions set out in subsection (8) below; or

(b) if that is not applicable or where that is not, in the relevant circumstances, reasonable, another person related by blood or marriage to that disabled person; or

(c) where in the relevant circumstances, it would be unreasonable to appoint a person as defined in paragraphs *(a)* and *(b)* above, another suitable person who otherwise falls within the terms of this section.'. —*[Mr. Roy Galley.]*

Amendments Nos. 1, 16 and 17.

11.45 am

Mr. Hayhoe: The new clause involves the representation of disabled people and is obviously an important and significant provision. Clause 1 of the original Bill would enable a disabled person to appoint a representative to attend on his behalf, or accompany him to any meetings of a local authority or health authority at which the provision of services for the disabled person was to be discussed and to provide him with any necessary assistance in connection with the provision of those services or otherwise.

The Government fully recognise that it would be a valuable step forward to provide a right of representation for disabled people. But we are concerned about the practical difficulties of applying the representation provisions to services provided by health authorities as well as social services departments. I certainly recognise the strength of support for such an extension, which emerged from the consultation exercise. Accordingly, the Government are prepared to consider the matter further, in consultation with the health authorities. In Committee, I explained some of the problems that could arise, and we need to discuss further to see how they could be overcome. Consequently, I shall in a moment explain how we propose to deal with the issue.

Mr. Ashley: Before going into the practical difficulties, will the Minister say what practical difficulties arise for the health authorities that do not arise in the area in which he is prepared to accept representation?

Mr. Hayhoe: It might be better for the right hon. Gentleman to wait until I say how I propose to deal with the matter. I hope that he will find that my remarks are not unacceptable to him. As it stands, the clause is of concern to the Government because there are no lower age limits. In the Government's view, it would be undesirable for children under 16 to appoint representatives. However, their parents may find it helpful to do so. Moreover, as it stands, the clause does not make it clear whether a representative would hav only the same rights to attend meetings, or would have access to information that the disabled person would have. There is no provision for a statutory authority to bar a representative from attending a meeting, or from having access to information, if very sensitive personal matters are at issue.

The effect of the Government's amendment, which is to replace clause 1 of the Bill with new clause 8, would be to place a duty on a local authority to allow an authorised representative to act on behalf of a disabled person or accompany him or her to meetings to discuss the provision of social services and to make available to the representative information that the disabled person is entitled to receive. This duty would apply only if the disabled person requested that it should. The local authority could bar the representative from being involved on a particular occasion if the authority thought it would be harmful to the disabled person's interest, although in deciding on that it would have to have regard to any wishes expressed by the disabled person.

Mr. Wigley: Can the Minister clarify what he said about disabled persons giving their consent? How can we solve the problem that a disabled person who is so severely handicapped that he cannot meaningfully consent should not miss out on representation?

Mr. Hayhoe: The hon. Gentleman is pre-empting what I will shortly say. The proposed new clause would also empower the Secretary of State to provide by regulation for appointing representatives by parents appointing themselves or others as representatives for children under 16 and for representatives to be appointed—and I now come to the point the hon. Gentleman the Member for Caernarfon (Mr. Wigley) was raising—for those who by reason of mental disorder are themselves unable to appoint representatives. The details of this provision need further consideration.

The hon. Gentleman will remember that we discussed this matter in Committee and, of all the various possibilities, none commanded widespread support. There were difficulties with the various proposals made. Thus, I propose that we go into further consultation on that matter in the hope that additional amendments might, if they were required to deal with the matter, be introduced in another place. I do not believe that on this point there is any difference in principle between me and the hon. Gentleman. We both recognise this as a problem and want to find a solution that is fair and reasonable to all concerned and that works in practice.

Mr. Forth: Could my right hon. Friend also include in such consultation the consideration of any difficulty that might arise as a result of someone with a hearing impairment, who is deaf, and who might need help in interpretation in dealing with the authorities, having access to someone with those skills? Will he consider building into the provisions that will be examined some way of providing assistance to people with the kind of problem to which I have referred?

Mr. Hayhoe: In the context of the Bill, we have certainly been considering the question of interpretation as relevant to dealing with problems of communication arising from disability, not the problems of interpretation arising from different languages in the case of people coming from abroad, and so on. I accept that, in considering these matters, we must take into account the case raised.

The new clause I propose would also provide that representatives should have access at all reasonable times to disabled people whom they represent. The proposal would give the Secretary of State the power to extend, by order, the scope of the representation provisions to the provision of health services and other local authority

[Mr. Hayhoe]

services. That would mean that consultation could take place. We could see whether we could overcome these difficulties. How will health authorities, in this context, distinguish a disabled person who has an entitlement to a representative from another patient who might well be in the bed alongside, or certainly in the same ward, and who would not have that right? There could be difficulties in that respect.

Would representatives of the disabled person have the right in hospital to be present at clinical examinations? There could be problems there. It will also be recalled that in Committee, when this matter was discussed, reference was made to ethical problems of the medical profession about confidentiality. That matter would need to be taken into account. There is a raft of problems involved, and I hope that in further consultation we can solve them. As I have indicated, the Government have accepted the strength of view expressed during the consultation process in favour of extending the right of representation to health authorities as well as to local authorities.

In the context of this clause I will say something about the implications for resources. The provisions for the appointment of representatives will, as is widely acknowledged, have resource implications. Further, there are the practical difficulties of the health authorities and the need to provide arrangements for the appointment of representatives for those disabled people who are unable to appoint someone themselves—the point I have just been discussing with the hon. Gentleman the Member for Caernarfon. Both of these factors mean that the Government are not able to indicate at this stage when we believe the clause can begin to operate. It would depend on how we are able to overcome the practical difficulties of appointing representatives and on when resources can be made available. I have already made that point in conversation with the hon. Member for Monklands, West (Mr. Clarke), but it should be made in the House.

Mr. Clarke: I am slightly concerned about the time factor in this debate. I hope that on Third Reading we shall have the opportunity to deal with the important matter about which the Minister has been speaking.

Mr. Hayhoe: Subject to the decision of the Chair, we can always deal with the point on Third reading. I am sure that for anything else to happen would be out of context with the harmonious attitudes that have pervaded the whole of the discussions on the matter today. I commend new clause 8 and hope that the House will, at the appropriate time, agree to delete clause 1.

Mr. Ashley: It is wrong to exclude health services from representation because, if it is possible to have representation of social services, the same kind of representation should be given in health services. It is significant that major decisions are made for disabled people in health services. If those decisions are thus made, there is little point in giving representation in social services after the damage has been done. I warmly welcome the Minister's assurances that he will enter into consultation; that is a big step forward. I look forward to the consultations and to the fact that the cart-before-the-horse situation I have just mentioned will be considered.

Mr. Galley: I wish to make a few remarks about my amendment (a) to new clause 8. The essence of the amendment is that, wherever possible, there should be a presumption that a disabled person's authorised representative should be a relative by blood or marriage. The drafting of the amendment has caused me some anxiety, but I have had the advantage of the most expert advice available, so I hope that it achieves my objective.

The amendment stems from a concern I expressed on Second Reading that an open-endedness about authorised representatives may allow some disabled people to be manipulated. That concern is shared by the National Schizophrenia Fellowship. We are genuinely worried about the possibility of conflicts of view and interest between the relatives of a disabled person and an authorised repesentative from outside the family. It is important that families are fully involved in the caring process of disabled people.

Mr. Greg Knight: Does my hon. Friend agree that his point cuts both ways, and that there may be a conflict between a disabled person and members of his family?

12 noon

Mr. Galley: My hon. Friend is right, and I shall deal with that point in a moment.

As the new clause stands, relatives and families are deliberately excluded from the representational arrangements and the discussions about care, and I am worried about that. It is presumed that, generally, relatives will be caring and sympathetic, and, indeed, that is normally the case. However, if the problem to which my hon. Friend the Member for Derby, North (Mr. Knight) referred arises, the amendment would introduce a test of reasonableness, relating to the appointment of someone other than the relative by blood or marriage. That test of reasonableness would apply if it were considered that a relative was not sympathetic to a disabled person and would not act in his best interests.

Mr. Forth: Will my hon. Friend clarify the point that I made earlier? If a particular expertise were required, such as lip reading or sign language for the deaf, would the test of reasonableness apply? In other words, if a member of the family could not provide the necessary service, could another representative be appointed to cover that requirement under his amendment?

Mr. Galley: My interpretation of the amendment is that that would be possible. In all these circumstances one hopes that there will be a co-operative element, and that the representative and others with expertise will work together. However, one needs to take particular care in circumstances where there may be disagreements about how care should be delivered.

There is some support for that view in the submission made by the ACC. It states that disabled people are vulnerable, and that it is

"not unknown for individuals and organisations to represent such people in an exploitative manner which has little to do with the needs of the disabled as an individual."

I do not wish to over-emphasise that point, but it can occur in certain circumstances. People and organisations who seek to be representatives may have some philosophical or ulterior motive. In most instances where acknowledged experts and established, respected voluntary bodies act as representatives, there will be no difficulty. However, there is a danger of fringe organisations making advocacy almost into a business, without necessarily having the

interests of the disabled person at heart. The best way out of the problem is to presume that a relative will do the job, unless it is unreasonable or inappropriate.

In general terms the concept of advocacy is in its infancy. A number of pilot projects are under way, but they have not yet been evaluated. Before we fully implement the provisions on representation we should ensure that a careful evaluation of those advocacy schemes takes place. That is the burden of my case.

There may be difficulties with the amendment as it is drafted. My right hon. Friend the Minister and the hon. Member for Monklands, West (Mr. Clarke) may not wish to accept it today, but I hope that my points will receive sympathetic consideration, so that when the regulations relating to the authorisation of representatives are eventually drawn up, the needs, duties and responsibilities of families will be fully taken into account. On that basis, I do not wish to press my amendment to a vote. I know that the hon. Gentleman is not entirely happy with it, and there may be some practical difficulties for my right hon. Friend.

Mr. Alfred Morris: As the Minister may have heard, our estimate is that new clause 8 gives 80 per cent. of clause 1 of the Bill as now drafted. The Minister is an engineer and thus knows more than most about mathematics. I think that 80 per cent. is right, and we are prepared to take four-fifths of the loaf that we were seeking. So we accept the new clause.

This part of the Bill puts representation into rehabilitation. That is extremely important to disabled people and their families. Successful rehabilitation can be defined as giving the disabled person the right help, in the right place and at the right time. To allow representation where required is to make that objective more attainable. That is why we want to see adequate representation for disabled people wherever it is called for.

We have some important reservations about the amendment of the hon. Member for Halifax (Mr. Galley). I know he understands them and we are grateful to him for agreeing not to press it at this stage. There will no doubt be detailed consideration of this matter in the other place. It is our view, and he no doubt agrees with us, that the other place will have a role in considering anew this important part of the Bill.

Mr. Tom Clarke: I too welcome the fact that the Government have improved the proposals in the basic recommendations of the earlier consultation document. I particularly welcome the right of representation to all those aged 16-plus and to the parents of disabled children. I wish to put on record some points consistent with those of my right hon. Friend the Member for Manchester, Wythenshawe (Mr. Morris).

The new clause is comprehensive, but a few matters will need to be considered carefully in another place, for example the restrictions in subsection (3) on the rights of representatives, and subsection (4) on access to people in hospital in advance of the implementation of subsection (9), for example to plan a discharge. The clause was introduced after a three-week consultation period. The Government now have far longer to consult health authorities before the Bill leaves the other place. Therefore, I hope and expect that the Minister will seek to complete his consultations before then and will introduce substantive amendments in the other place on Report or Third Reading.

In the first consultation exercise the principal representation received support from 21 of the 26 health bodies which responded by the deadline, including the National Association of Health Authorities, many of the RHAs and the Royal College of Nursing. It also received almost universal support from everyone else. I feel confident that that will be borne in mind in the other place, and that the Minister will consider these points carefully.

Mr. Greg Knight: It has not gone unnoticed by Conservative Members that the hon. Member for Monklands, West (Mr. Clarke) has developed a worried expression. We can see that he is keeping one eye on the clock. I assure him that I support the new clause and the Bill and that I do not wish in any way to impede its passage. I hope that all my colleagues support the principle of the clause — the principle of an authorised representative having the right to present the case of a disabled person. There is a good reason for doing so, because often the presentation of a case is crucial to its outcome. A tribunal or an officer who must examine the circumstances may have his heart in the right place and wish to make the right decisions, but if the facts are not presented to him cogently and intelligibly, the decision may be incorrect and an injustice may result. We should all welcome the principle of allowing an authorised representative, a claimant's friend, to act as advocate.

I agree with the point made by the right hon. Member for Stoke-on-Trent, South (Mr. Ashley). I ask my right hon. Friend the Minister to reconsider in another place extending the provision to the Health Service. I am aware of the potential difficulties that that would create, but it is stretching worries too far to include clinical examinations in that connection. We are seeking to give a right to appoint an advocate to a disabled person. I cannot think of any reason why the advocate would need to be present at a clinical examination.

The Lord Chancellor has said that two heads are better than one, even if they are sheep's heads. Although he made that point in relation to advice given in court cases, the principle applies here. Right may often be on the disabled person's side, but he may not have the ability to present the case properly.

I have several questions which I hope that the Minister will answer before we move to the next new clause. I share the anxiety of the hon. Member for Caernarfon (Mr. Wigley) in connection with subsection (1) and a person who does not have the ability to make the decision that he wishes to be represented. The House must be assured that that person will not thereby be denied the right to have an advocate to speak on his behalf. Subsection (2)*(a)* and *(b)* provide that it shall be the duty of a local authority, "To supply to the authorised representative any information, and . . . make available for his inspection any documents,". At whose expense will that be done? I hope that a local authority will not say, "There is a file that your advocate can see, but we shall require a photocopying charge or a production fee." I hope that in the spirit of this clause, local authorities will not seek to charge for providing such information.

Perhaps I am being overly suspicious, but in subsection (3) I am anxious about the circumstances in which the local authority will decide that it is harmful to the interests of the disabled person for him to be represented. That is like the prosecution telling the defence how to prepare its case.

[Mr. Greg Knight]

May I be given an example of when the Minister envisages a local authority saying, "It would not be in your interests to be represented by this person"?

I am also concerned about subsection (6). My hon. Friend the Member for Halifax (Mr. Galley) said that he was worried about an advocacy organisation acting without the interests of the disabled person at heart, whereas relatives would have the interests of the disabled person at heart. I do not agree with that argument. It is difficult to imagine a person who is there to act as advocate for the disabled person doing anything other than act in that person's interests, especially if he has no personal involvement in the issue. He is there to do a job and to help the disabled person. I can conceive of many instances in which the relative of a disabled person may have a family axe to grind. There may have been a dispute between brothers and sisters and, therefore, they might not act in the interests of the disabled person. I hope that the House will not accept the amendment of my hon. Friend the Member for Halifax. With those reservations, I welcome the new clause.

Mr. Yeo: I welcome the tone of the Minister's remarks when he introduced the new clause. I listened carefully to his comments outlining some of the problems that he believes could arise from the appointment of representatives in relation to the services provided by health authorities. I appreciate the potential difficulties, but they may be overcome. It is of the utmost importance that they should be overcome because few groups of disabled people are more in need of representatives than the residents of long-stay mental handicap hospitals. Many hon. Members who have experience in this area will know of cases where the lives of individuals have been transformed by the appointment of representatives. I urge my right hon. Friend to make every effort in the coming weeks to overcome the difficulties that he outlined so that that group can also benefit from the appointment of representatives.

12.15 pm

Sir Nicholas Bonsor: I risk incurring your wrath, Mr. Deputy Speaker, by intervening briefly in the debate. Three matters should be emphasised more than they have been. The first is the need of the mentally disabled for representation. As my hon. Friend the Member for Suffolk, South (Mr. Yeo) so ably said, the residents of long-stay mental handicap hospitals are those least able to appoint representatives to help them and those least able to help themselves without representation. Therefore, it is imperative, to get the proper results from the Bill, that a solution is found to the problem of providing them with representation.

The second matter arises from subsection (3). I do not believe that the formula in the Bill is adequate or appropriate. The local authority cannot be let off the hook so easily as it is by the excuse that, in any circumstances, on its judgment alone, it can withdraw documents or information from a representative because it believes that it is not in the interests of the disabled person for it to be provided. All hon. Members will have experience of occasions on which local government managers, harassed and overworked as they are, find it extremely convenient not to give information or co-operate fully with the people who will be affected by their decisions. I am confident that my fears will be justified when I say that if the clause goes ahead as drafted, there will be many instances of authorised representatives not being provided with essential information to enable them properly to carry out their functions.

It is also imperative that the provisions of the new clause are extended to the health authorities. Often, the mentally handicapped desperately need representation in their dealings with health authorities. On Second Reading, I told the House of my experience in my previous constituency. A mental handicap hospital was to be closed and the people living there were to be moved to a much larger and completely unsuitable home in the middle of a large city. Medical evidence showed that at least two of the patients would die if such a move was made. Had it not been for a local councillor and the then Minister of State, those people would have been moved and would have died. I was an intermediary. We saved those people only because of the personal involvement of a local councillor. Although she was not officially appointed as their representative, she took upon herself the duties of such a representative. There must be many other instances where people have not been so fortunate in being allocated care and where the machinery of bureaucracy has used them as pawns, moving them from place to place without adequately considering their needs. It is important for my right hon. Friend the Minister for Health to use his powers under subsection (9) to bring the health authorities within the ambit of the Bill.

Several Hon. Members *rose*——

Mr. Deputy Speaker: Order. I remind the House that we have a long way to go before we conclude consideration of the Bill.

Mr. Thurnham: I am a little disappointed that we have not been able to pin down details of the provision for the severely mentally handicapped. It is still not clear who should represent them. I again draw the attention of my right hon. Friend the Minister for Health to the case of children so distanced from their parents that the family cannot easily be considered to act as representatives for them.

I was interested in the remarks of my hon. Friend the Member for Halifax (Mr. Galley) about developments in pilot advocacy schemes. If charitable organisations can take this action, that would be one of the most obvious possibilities. I hope that the Government will pay full attention to this matter so that the details can be sorted out and amendments introduced in the other place at an early stage.

Mr. Hayhoe: The proposed amendment of my hon. Friend the Member for Halifax (Mr. Galley) would set out a hierarchy of people through which one would have to work tier by tier to establish the disabled person's choice. That would impose an unnecessary prescription.

These matters must be looked at in the context of regulations. In considering the regulations, I shall take account of the points of my hon. Friend the Member for Halifax who was concerned that the family should not be damaged by these arrangements. I hope that we all agree with that principle.

I welcome the general acceptance of this important major step in giving a new right of representation. I am

glad that the changes have been generally accepted. My hon. Friend the Member for Suffolk, South (Mr. Yeo) recognised the difficulties with respect to extending the right of representation to health authorities. Because I believe that those difficulties can be overcome, I have responded to the consultation by including the new power in the new clause. Discussions with the various concerned interests are needed to deal with the problems. The intention is to find a route to follow, and I think that that is in accord with the request of my hon. Friend the Member for Suffolk, South.

My hon. Friend the Member for Derby, North (Mr. Knight) asked when it would be inappropriate to allow a representative to be involved without the disabled person's agreement. There may be occasions in problems of a sexual or related matter when the family's relationship could be damaged if a close relative — perhaps a husband or wife — were included as a representative. Those difficulties arise, but I do not think that I need say more. We are concerned with the interests of disabled individuals.

It has been suggested that subsection (3) may be used by local authorities to get out of their responsibilities because it is not convenient for them to act in a particular way. I am advised that the drafting of that subsection means that local authorities would have to be convinced that something was harmful to the interests of the individual concerned before the powers could be used.

I hope that I have said enough to show that the new clause deserves the support of the House. If necessary, the detailed points can be considered in the other place, although I think that many would be more appropriately dealt with in the regulations which are a consequence of this measure.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 9

ASSESSMENT BY LOCAL AUTHORITIES OF NEEDS OF DISABLED PERSONS

'(1) On any occasion when it falls to a local authority to decide whether the needs of a disabled person call for the provision by the authority (in accordance with any of the welfare enactments) of any statutory services for that person, the authority shall afford an opportunity to the disabled person or his authorised representative to make, within such reasonable period as the authority may allow for the purpose, representations to an officer of the authority as to any needs of the disabled person calling for the provision by the authority (in accordance with any of those enactments) of any statutory services for him.

(2) Where any such representations have been made to a local authority in accordance with subsection (1), and the authority have determined which statutory services (if any) should in their opinion be provided by them for the disabled person having regard to those representations, the authority shall, if so requested by the disabled person or his authorised representative, supply the person making the request with a written statement—

(a) specifying the statutory services (if any) that they propose to provide; and

(b) giving an explanation of their proposal.

(3) Where the local authority do not propose to provide any statutory services to meet a particular need identified in any representations under subsection (1), any statement supplied under subsection (2) must—

(a) state that fact together with the reasons why the authority do not propose to provide any such services, and

(b) inform the disabled person or his authorised representative of the right to make further representations under subsection (4).

(4) If the disabled person or his authorised representative is dissatisfied with any matter stated by the local authority in pursuance of subsection (3)(*a*), that person may, within such reasonable period as the authority may allow for the purpose, make further representations to an officer of the authority with respect to the particular need in question.

(5) Where any such representations have been made to the authority in accordance with subsection (4), the authority shall—

(a) reconsider, in the light of those representations, the question whether any statutory services should be provided as mentioned in subsection (3), and

(b) inform the disabled person or his authorised representative in writing of their decision on that question and their reasons for that decision.

(6) Where the disabled person or his authorised representative is unable to communicate, or (as the case may be) be communicated with, orally or in writing by reason of any mental of physical incapacity, the local authority shall provide such services as, in their opinion, are necessary to ensure that any such incapacity does not—

(a) prevent the authority from discharging their functions under this section in relation to the disabled person, or

(b) prevent the making of representations under this section by or on behalf of that person.

(7) In this section—

"representations" means representations made orally or in writing (or both); and

"statutory services"—

(a) in relation to England and Wales, means services under any arrangements which the local authority are required to make by virtue of any of the welfare enactments, and

(b) in relation to Scotland, means services which a local authority are required to provide themselves or by arrangement with another local authority, or with any voluntary or other body, in connection with the performance of the local authority's functions under the welfare enactments.'—*[Mr. Hayhoe.]*

Brought up, and read the First time.

Mr. Hayhoe: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to take amendments Nos. 2, 6 and 7.

Mr. Hayhoe: The provisions in clauses 2, 6 and 7 as drafted extend the responsibilities placed on local authorities to assess the needs of a disabled person for specific social services under section 2 of the Chronically Sick and Disabled Persons Act 1970 by requiring them to ensure that all relevant needs are considered, to supply the disabled person or representative with all the information used in making the assessment unless given to the authority in confidence, to allow the disabled person or representative to give their views before decisions are taken, to provide a written record of the assessment and to make appropriate referrals to other authorities, provided the disabled person or representative agrees.

The provisions require local authorities to provide an interpreter at their expense if requested by anyone involved in the assessment process if direct communication with the disabled person is not possible because of disability or inadequate command of English.

Clauses 6 and 7 set out more elaborate procedures to be followed by local authorities when assessing the needs of disabled persons under clauses 3, 4 and 5—children with special educational needs, mentally disabled people discharged from hospital and disabled people looked after by informal carers.

I shall not weary the House with a detailed commentary on clauses 6 and 7, because the intention of the Government's new clause 9 is to replace those clauses,

[Mr. Hayhoe]

The Government accept the underlying principle that disabled people should be given the right to a reasoned decision about the social services to which they are entitled and to make representations about them to the local authority.

Mr. Michael J. Martin (Glasgow, Springburn): As a councillor on a social work committee, I visited mentally retarded patients who were in the care of the committee but were living with a family, sometimes on isolated farms and in isolated communities. Will the right hon. Gentleman assure the House that such people will be offered the same facilities as people in the care of local authorities?

12.30 pm

Mr. Hayhoe: I should need to look at the precise implications. Equality of treatment seldom exists between local authorities, or even between different people. However, I shall look at that point.

I was dealing with the provisions of the new clause. I said that the clauses that the Government are seeking to replace contain, in the Government's view, over-rigid and bureucratic constraints upon the way in which local authorities discharge their functions. In some instances, they could delay the provision of services to disabled people. In particular, the Government are concerned that social services departments are required to assess the need for services which they have no duty to provide.

The proposed formula governing access to information would over-simplify a complex issue. Detailed guidance on disclosure of personal social services information has already been given to local authorities. The administrative cost of such a detailed assessment process and the demand for additional service provision would have substantial implications for local authority expenditure. We were sustained in that view by some of the comments received from the local authority associations.

Local authorities are already under a duty, under the Race Relations Act 1976, to make appropriate arrangements with a view to securing that their various functions are carried out with due regard to the need to promote equality of opportunity and good relations between persons of different racial groups. In appropriate circumstances, they will be required to provide interpretation services for people who cannot communicate in English. The foreign language problem is therefore dealt with in other ways. In this clause we are dealing with communication problems that arise from disability.

The effect of the Government's new clause will be to require local authorities, when assessing a disabled person's need for social services, to provide an opportunity for the disabled person, or his representative, to make representations on the need for social services, as they perceive them, and, if requested by the disabled person or his representative, to provide a written statement that outlines the services they intend to provide, to give an explanation of the basis upon which the assessment has been made; to provide an opportunity for the disabled person or his representative to make further representations within a reasonable period about particular needs; to consider such further representations and to inform the disabled person or his representative of the outcome and the reasons for the decision; and to provide appropriate interpretation services for disabled people, or their representatives, who are unable to communicate normally because of disability. We propose with new clause 10 to amend in the same way the provisions governing interpreters in that part of the Bill which relates to carers.

This important clause also has considerable resource implications, particularly for local authorities. Apart from that, they will need time in which to gear themselves up for undertaking the assessments that are provided for in the new clause. Therefore, in all honesty I must place on record the fact that the resource and administrative implications will have to be taken into account by the Government when they introduce the commencement orders for these measures.

I commend the new clause to the House.

Mr. Ashley: I hope, Mr. Deputy Speaker, that the House was listening very carefully a few moments ago when your predecessor in the Chair said that we have a long way to go before we dispose of the Bill. Accordingly, therefore, I shall cut down what would have been a half-hour speech to one of 30 seconds. Clause 6, which provides for interpreters, is inadequate. It says that local authorities will provide interpreters if they are necessary.

Local authorities are good, bad, and indifferent. The bad and the indifferent ones will not provide interpreters. That is a matter of very great significance to deaf people. It is not a matter of words but of what is meant by what is said. Deaf people know what they require. I hope that this clause will be reconsidered and amended in another place.

Mr. Tom Clarke: I welcome the news of my right hon. Friend the Member for Stoke-on-Trent, South (Mr. Ashley), and I share his worries about the time factor. As my right hon. Friend is chairman of the all-party group, which has given enormous support to the Bill, for which we are all grateful, we must take on board the important point that my right hon. Friend has made.

We are grateful to the Government for the progress that has been made on the issue of assessment. It would be churlish to say otherwise. New clause 9 is comprehensive and greatly improves the services which disabled people will receive. We have not got all that we wanted and there are some details which need examining. That is especially true of interpretation, which my right hon. Friend has mentioned. It appears that a disabled person can be excluded as he is unlikely to be able to communicate with the authorities. Overall I am pleased with the Government's response. If this new clause is approved we shall have made considerable progress.

Mr. Alfred Morris: As with new clause 8, conventional wisdom on this side of the House regarding new clause 9 is that the Government are giving 80 per cent. of what was proposed in the original Bill. We accept what is offered.

To put it another way, it is rather like demolishing what we thought was a very desirable residence and replacing it with a rather less attractive residence. Nevertheless needs must and we accept the Government's proposition.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 10

DUTY OF LOCAL AUTHORITY TO TAKE INTO ACCOUNT ABILITIES OF CARER

' . Where—

(a) a disabled person is living at home and receiving a substantial amount of care on a regular basis from another person (who is not a person employed to provide such care by any body in the exercise of its functions under any enactment), and

(b) it falls to a local authority to decide whether the disabled person's needs call for the provision by them of any services for him under any of the welfare enactments,

the local authority shall, in deciding that question, have regard to the ability of that other person to continue to provide such care on a regular basis.'—*[Mr. Newton.]*

Brought up, and read the First time.

Mr. Deputy Speaker: With this it will be convenient to take amendment *(a)*, at end add

'and shall determine the need of that other person for support and assistance in providing the care required to enable the disabled person to remain living at home.'

and Government amendment No. 5.

The Minister for Social Security (Mr. Tony Newton): I am conscious that in presenting new clause 10 I am in the odd position as Minister with responsibility for the disabled of taking part, for the first time, in the proceedings.

The House will understand if I use the words used earlier by my hon. Friend the Member for Derbyshire, South (Mrs. Currie) that I too have been removed from public life by the proceedings of the Social Security Bill upstairs. I am not quite sure whether I would regard that as being removed from public life, but it certainly is as obscure as it is strenuous. There will be those in the House who feel that a Minister for Social Security who has been through the last two months of argument, especially on severe weather, would welcome a period of obscurity. In some ways that is true.

I express my regret to the House that I have been unable to take part in the earlier proceedings. I had a conflicting engagement this morning, also of great importance to disabled people. I attended a conference on the McColl report on the artificial limb and appliance service. I notice that the hon. Member for Eccles (Mr. Carter-Jones) appears not to have heard about that. It was organised in Kensington by *Therapy Weekly*. I spent an hour and a quarter at the conference this morning.

I would like to take an opportunity to pay my own tribute to the hon. Member for Monklands, West (Mr. Clarke) and other hon. Members, including the hon. Member for Caernarfon (Mr. Wigley) who have played an important part in presenting the proposals. The hon. Gentlemen have played a constructive part in working with the Government to reach the present position.

Albeit in his absence, I pay tribute to my right hon. Friend the Minister for Health who, because of my absence and other commitments, has taken a special interest in the Bill. He has played a skillful and constructive part, along with the Opposition Members. I only hope that my own interest which I can assure but not prove, but which has been expressed behind the scenes, has been helpful and constructive.

The House will be aware that the Government strongly support the principle which inspired the original clause presented by the hon. Member for Monklands, West which is clause 5 in the Bill as it stands. The same principle underlines the Government's new clause 10 which is intended to replace clause 5.

We recognise the vital role of informal carers in providing support for disabled people who live in the community. We have tried to reflect that in a variety of ways recently, including the important work being done in and through the Department's social work service, now the social services inspectorate. For example, we have mounted a variety of studies and seminars, in which I have taken part occasionally, to draw much greater attention to the needs of informal carers and to encourage those engaged in the provision of services to take more account of those needs in their services.

Despite that, we did not feel, as my right hon. Friend will have explained earlier, that clause 5 was acceptable in view of the open-ended statutory obligation it imposed on local authorities and of the potentially large implications for them and for resources going well beyond those already represented by other parts of the Bill. We therefore propose to replace clause 5 with new clause 10, which would require social services departments, when assessing the needs of a disabled person in receipt of a substantial amount of regular care from any person other than an employee of the statutory services, to have regard to the carer's ability to continue to provide that care.

Although that provision is in several respects more limited than the hon. Member for Monklands, West would have wished, it goes further in one respect. Following the consultatio exercise, we concluded that it would be impracticable to restrict the definition of carer to people in the same household as the disabled person, so new clause 10 extends the definition of carer to include any person who provides a substantial amount of regular informal care. I hope that that modification is thought sensible.

I should like to say something about amendment (a) and the starred amendment (b), which has been tabled by the hon. Member for Caernarfon but has not been selected. Apart from a minor technical objection, which I shall not go into, we are anxious that amendment (a) would virtually restore the open-ended commitment which we felt unable to accept in the original clause. I know that the hon. Member for Monklands, West doubts whether the interpretation of his amendment is correct but I am sure that he recognises that, in the letter circulated to all of us today by the Association of County Councils, it says that new clause 10 is probably all that is possible. It also says that it is anxious about the additional resource consequences which would be reflected if the amendment were incorporated.

It is with some regret that I cannot advise the House to accept amendment (a). If the hon. Gentleman and the House are ready to accept my advice, I shall re-examine new clause 10 to see whether there is any way in which we can modify our proposal to help meet the hon. Gentleman's concern. That is not a commitment beyond a genuine commitment to examine the matter. I shall also consider amendment (b), which would extend the new clause fairly generally to clarify the anxiety that underlies both amendments.

We must accept that a balance has to be found between taking what I regard as a valuable step forward in new clause 10 to recognise the needs of carers more by doing so in an Act of Parliament and writing into the Bill a provision with potential resource implications which

[Mr. Tony Newton]

might mean considerable deferment of the time when it is possible to bring the provision into effect under the commencement order procedure.

12.45 pm

We must ensure proper recognition of the need to consider the position of carers. My concern is such that I would rather have a clause that we can hope to bring into effect reasonably quickly than one which while it might represent a world to which we hope to be able to move in due course, might delay introducing effective legislation that recognises the problems that face carers.

If the House is willing to accept the new clause in the spirit in which it has been tabled, it would be one of the Bill's provisions that we could hope to bring into effect at an early stage.

Mr. Tom Clarke: Again, I shall attempt to be brief, although the issue which is raised by the new clause is an extremely important one and invites a much longer debate than time allows.

My amendment sought to emphasise that our aim should be to enable disabled persons to remain living at home. That was the purpose of the amendment that was moved in Committee with universal approval by my right hon. Friend the Member for Stoke-on-Trent, South (Mr. Ashley).

The second purpose of the amendment is to confirm that an assessment of a disabled person's needs could be demanded by the carer. Circular 12/70 of the DHSS implies that a local authority must assess all disabled persons whether or not they want to be assessed. That is 100 per cent. automatic assessment. That does not happen and delays between requests for assessment and assessment are often long. I believe that the existing law needs clarification, and it is not my purpose to extend it. There has been some misunderstanding about the amendment.

The Minister has said—I am sure after great thought —that there is a technical objection to the amendment, and I must consider that seriously, which I do. I take on board that he has said that he will re-examine these matters, including the amendment of the hon. Member for Caernarfon (Mr. Wigley), which has not been selected. When the Minister has an opportunity to carry out that re-examination, I ask him to take into account the discussions that we had in Committee and the representations that we have received from many professional bodies and voluntary organisations as well as individuals in response to the document on resources which was produced by the Government. I hope that we can take up that issue again on Third Reading.

I am certain that the group which is making the greatest contribution towards coping with the problems faced by the disabled and saving the Treasury the most money is that which is formed by carers. That said, the Minister is right when he says that it would be wrong if Parliament, in undertaking a serious review of the disabled, took a decision which had not been properly considered. I would not want to take that risk. The problem is too important to allow that to happen and carers deserve much more consideration than a hasty decision. Without withdrawing one iota from the commitment of the sponsors of the Bill towards carers, I do not propose to press my amendment.

Mr. Rowe: There would be tremendous medium and long-term savings in looking after carers a great deal better than at present. A horrifying proportion of carers are more than 60 years of age and many of them are suffering from a wide variety of potential or existing disabilities because of the pressure under which they live. More than anything else they need some form of respite care and, even as far as the Government have gone, that is a very important step.

I should like to make a point similar to the one I made earlier. I believe that there is enormous scope far beyond anything that the Government have so far admitted, for using those currently unemployed, especially young people, through the community programme and other ways to provide the respite for carers that we are talking about and support for handicapped people in their own homes. It has been estimated that more than 2 million handicapped people are looked after at home and the opportunities for using the community programme are colossal. The experience of community service volunteers with the independent living scheme is an indicator in one direction and its experience of placing more than 2,000 young people every year at a cost of £300 per head a year in this way is a clear sign of what can be done. I hope that my hon. Friend the Minister, who knows so much about this subject will urge the Paymaster General, who says that in his experience the scope does not exist, to look at the possibility of setting up in his own Department, in conjuction with the community programme, the kind of national scheme which would give carers the support they need. If he does not provide that support, he will land the Health Service with a colossal bill because it will break down.

Mr. Wigley: I shall be brief for obvious reasons, because I have been exhorting other people to be brief.

The position of carers is extremely important, as the Minister has said today and on other occasions. Although it is not possible to go as far in the Bill as we had originally hoped, I trust that we can consider whether new clause 10 can be more finely tuned to achieve the objectives referred to by the Minister. I thank the Minister for his willingness to respond.

Amendment *(b)* is starred, so we cannot take it on board today. However, perhaps between now and the Bill's consideration in another place it will be possible to see the difference between amendment (a) and amendment (b). Amendment (a) refers to determining

"the needs of that other person"

and amendment (b) refers to

"whether by making available additional services, the provision of that care may be maintained.'"

There is a difference in that it does not bring in an additional assessment procedure, but tries to help the Government to achieve their objective of giving support to enable a disabled person to remain in the community. As a responsibility for assessment of disabled person already exists, all we are doing is extending the Government's clause to provide that the local authorities, in assessing that need, shall also have regard to

"whether by making additional services available, the provision of that care may be maintained."

That is a compromise between amendment (a) and where the Government start. It may give an opportunity to achieve our aim—in other words, to provide services to help disabled people to remain in the community without bringing about an additional bureaucracy of any sort or

additional assessment procedures which may consume resources. At the same time, we should be able to direct services to where there has been maximum impact and by doing that avoid the additional public cost of people having to go into institutional care which is unacceptable for social reasons. There may be room for consideration along those lines in another place, and if the Minister will ensure that we will be grateful.

Mr. Thurnham: The clause draws attention to the great job done by carers and the massive cost involved in the provisions to give them adequate help. I have been happy to support new clauses 11 and 12, but the cost aspect has caused concern. I note that the hon. Member for Monklands, West (Mr. Clarke) has said that he will not press his proposal.

My hon. Friend the Member for Exeter (Mr. Hannam) would have liked to speak on this clause if he was here. He has asked me to apologise for his absence. I understand that the Prime Minister is visiting his constituency to look at new facilities for the disabled, and that is why he felt unable to be here today. He has asked me to add his congratulations to those already given to the hon. Member for Monklands, West on his work in introducing the Bill and on the Government's warm and positive response to the spirit of it and their backing of the need for resources.

I should like to mention again to my hon. Friend the Minister the points made by the Association of County Councils in a letter that I received today. The ACC cautioned that if a Act is put on the statute book but not implemented, that can lead to considerable difficulties. The ACC refers to the fact that

"the proviso of deferring implementation until those resources are available has proved problematic in the past. The Children Act 1975, for example, was implemented piecemeal over more than 10 years which contributed in no small measure to the current confusions and complexities of child care law. The Government should accept the need to discuss with those responsible for giving effect to the Bill a proper programme of implementation fully resourced at each stage."

I am sure that the hon. Member for Monklands, West in putting forward the compromises that he has, will expect to see the Bill implemented to a proper timetable as soon as it is on the statute book.

Mr. Carter-Jones: Some hon. Members have buzz words and buzz expressions. My right hon. Friend the Member for Manchester, Wythenshawe (Mr. Morris) always argues that where one sees a disabled person, one sees a disabled family. Amendment (a) goes to the heart of the matter. The carer is absolutely essential, and often is part of the family.

I have a buzz word in the House. When I talk about disability I always talk about "slice by slice". I am a great salami expert. We have had two slices of salami today. I hope, from what the Minister said, that there is a slight chance that he has got the knife over another small slice and will move a little further towards helping us. Even the Americans, in the latest report on independence, produced by the Council for the Handicapped, made that very point.

I make this one plea to the Minister. He and I have talked often about the use of advanced technology to allow disabled people and their families to have some form of independent living. We are making considerable progress, but when we talk about the mentally handicapped and the mentally ill, it is not so easy to provide what is needed in the way of environmental controllers to give that independence. Therefore, the carer becomes more important than ever and is of deep consequence and significance for the family.

I hope that the Minister will think carefully about his half promise. If he made it a firm promise, I should be happy.

Mr. Kennedy: The caring issue particularly interests and concerns me. Of all the things in the Bill, what attracted me in particular was the opportunity at long last to have this recognised in legislation. At first we did not know what form the recognition would take. However, it is important that there is some recognition of the role and contribution of informal carers, and of local authorities having to take those people into account in their planning, services and so on.

As there appears to be further compromise going on between the promoter of the Bill, the hon. Member for Monklands, West (Mr. Clarke), and the Minister, which is welcome, I hope that once the measure becomes law the Government will, in the spirit of the Bill and their own clause, take further opportunities to try to encourage local authorities to enter into voluntary agreements with carers on the provision that can be made available to them. I accept that there are revenue stipulations. There is an enormous amount to be done.

I echo what the hon. Member for Eccles (Mr. Carter-Jones) has said, that we have many highly charged political debates in the Chamber about the future of the welfare state. We all agree that if it were not for the informal, and often unnoticed and insufficiently supported, caring sector in our community, the welfare state would be in a state of crisis and collapse. Therefore, anything that gives legislative recognition to the position of carers, as the new clause does, is welcome.

1 pm

Mr. Ashley: I felt slightly worried until, a few moments ago, my hon. Friend the Member for Eccles (Mr. Carter-Jones) made his standard salami speech, and I know now that we are back on course and having a normal debate on disability.

The Minister must have felt uncomfortable when speaking about new clause 10, because he is aware of the problem of carers. Some time ago, in chilly Westminster Hall, he received a deputation, which I led, of appallingly disabled people and their carers. He listened sympathetically, and the case was put vividly by those carers whose lives have been devastated.

Some Members who have spoken today have got the costs all wrong, as have the Government, because costs will be saved by helping carers. If a carer cannot cope, both the disabled person and the carer will go into hospital and the cost will become astronomic. This is a saving measure, and a humanitarian one. It is a cliché to say that we cannot afford to do anything, but it is true. We cannot afford not to help carers. Carers are an exploited section of our community. They save the Government, not just the DHSS, billions of pounds. I hope that carers will be helped because they deserve to be and because they will help the Government. I am glad that the Minister will reconsider the issue.

Mr. Alfred Morris: The Minister said that he would look at new clause 10 to see whether it could be strengthened. It can be strengthened. Our view is that new

[Mr. Alfred Morris]

clause 10 merely reflects existing local authority practice. I understand that that is also the view of the Association of County Councils. We hope that the Minister's review of what he is proposing will proceed urgently and that there will be more official understanding than we have seen so far of the vital importance—I use the word "vital" in its literal sense—of recognising the centrality of the role played by carers of disabled people.

We are extremely reluctant to see any dilution of the Bill's provisions on this important matter. As my right hon. Friend the Member for Stoke-on-Trent, South (Mr. Ashley) said, if the carer breaks down, then two people can find themselves in institutions. It is both self-defeating and inhumane not to help the carer where that can vouchsafe the independence of the disabled person. Our fundamental concern is not to delay the proceedings on the Bill and thus, although reluctantly, we accept what the Minister has said.

The hon. Member For Exeter (Mr. Hannam) played an important part in the discussions on this matter in Committee. We appreciate why he cannot be with us today, and I join in the compliments that have been paid to his tireless efforts in support of the Bill.

Mr. Newton: I warmly endorse what has been said about my hon. Friend the Member for Exeter (Mr. Hannam) who has played an important and constructive part in our debates. I intervene again to make sure that I cannot later be accused of having misled the House. I am conscious, as the House knows, of the needs and problems of carers, and I am anxious to advance in a number of ways the extent to which we recognise and meet those needs throughout the variety of our provisions and not just those covered by the Bill.

In fairness to all, I must make it clear that in what I said about looking again at amendment (a), tabled by the hon. Member for Monklands, West (Mr. Clarke), and amendment (b) tabled by the hon. Member for Caernarfon (Mr. Wigley), I do not wish to suggest that I see an opportunity greatly to widen the scope of the Government's new clause in a form that would have substantial resource implications. As I understood the hon. Member for Monklands, West, he did not feel that his amendment had those implications. If it could be shown that his interpretation of the amendment was right and that ours was wrong, or that we could make some other change that would help to meet anxieties, I would be willing to look at that. But I cannot give a commitment to conduct an extensive review of new clause 10 in a way that would give the impression that we would greatly extend and expand its scope in terms of its resource implications. I would not like to mislead anyone about that.

Mr. Tom Clarke: The Minister referred to the possible interpretations of my amendment and undertook to reconsider it. Will that be in time for the Government's views to be considered by the other place?

Mr. Newton: If I could see any way of achieving a satisfactory compromise between the different interpretations of the hon. Gentleman's amendment, I would hope that it might be done in time for the debate in the other place. However, I do not wish to leave any room for doubt. I do not believe it is possible for the Government to recommend amendments in the other place that will clearly greatly increase still further the Bill's resource implications. In so far as we are talking about amendments that make the purpose of new clause 10 clearer, I certainly undertake to look at them. But I cannot undertake to incorporate or recommend amendments that would increase still further the Bill's resource implications.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 13

POWERS OF THE COURTS IN RESPECT OF DISABLED PERSONS

'The following subsections shall be inserted into section 2 of the Chronically Sick and Disabled Persons Act 1970:—

"(3) Without prejudice to any remedy prescribed by this Act or by any other statutory provision, it shall be the right of any person to make application to the appropriate court;

(a) in the case of a person to whom subsection (1) of this section applies, where a local authority:

(i) has failed to make reasonable provision for any of the needs of that person in respect of which arrangements are to be made under subsections (1) hereof; or

(ii) refuses to assess any or all of the needs of that person in order to determine whether those needs are matters in respect of which arrangements have to be made under subsection (1) of this section;

(b) in the case of any other person, where a local authority has determined that that person is not a person to whom section 1(1) applies.

(4) An application under subsection (3) may be made by any person in respect of whom it is claimed that subsection (1) applies provided that, where (an appointment has been made in accordance with section 1 of the Disabled Persons (Services, Consultation and Representation) Act, the application may be made by the person so appointed.

(5) On an application made under subsection (3), without prejudice to any other powers of the court, the appropriate court may:

(a) make a declaration as to whether any arrangements made in accordance with subsection (1) of this section are reasonable to meet the needs of the person by or on behalf of whom the application is made;

(b) make a declaration that the needs of any person by or on behalf of whom the application is made are needs in respect of which arrangements have to be made under subsection (1) of this section;

(c) make a declaration that a person is a person to whom subsection 1(1) of this Act applies;

(d) make a declaration as to the arrangements which it is necessary for a local authority to make under subsection (1) of this section for any person by or on behalf of whom application is made;

(e) award damages to any person by or on behalf of whom application is made where a declaration is made under paragraphs *(a)*, *(b)* or *(c)* of this subsection in respect of any period during which:

(i) the local authority has failed to make reasonable provision in accordance with subsection (1) for any of the needs of a person to whom that subsection applies;

(ii) the local authority has refused to assess any need of a person to whom subsection (1) applies to determine whether it is a need in respect of which arrangements would have to be made under that subsection, provided that the court shall only award damages for any need in respect of which arrangements would have had to have been made;

(iii) the local authority has determined that a person is not a person to whom subsection (1) applies and the court has granted a declaration in accordance with paragraph *(c)* hereof, provided that the court is satisfied that arrangements should have been made under subsection (1) in respect of any needs of that person and no such arrangements were made.

(6) The appropriate court for the purposes of subsections (3) and (5) is:

(a) the county court except in a case falling within paragraph *(b)* hereof;

(b) the High Court in accordance with the provisions of section 31 of the Supreme Court Act 1981 where the relief sought includes an order of mandamus.".'.—*[Mr. Cohen.]*

Brought up, and read the First time.

Mr. Harry Cohen (Leyton): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Paul Dean): With this it will be convenient to take Government amendment No. 8.

Mr. Cohen: I should like to give my congratulations to my hon. Friend the Member for Monklands, West (Mr. Clarke) on his excellent Bill. I am aware that time is short, and as I wish to see the Bill make progress, I shall be as brief as possible.

The new clause strengthens the Bill by providing better legal rights for the disabled. It comes via NETWORK, the law and advisory centre for the handicapped and their families, which does valuable work in supplying desperately needed legal assistance to many of the disabled and their families, including some of my constituents. Indeed, I welcome the decision announced this week to award it a central Government grant.

The new clause is the opposite of Government amendment No. 8, which continues the current restrictions on a disabled person making an application to the court under section 2 of the Chronically Sick and Disabled Persons Act. My new clause gives any person a direct right to make an application to the court. It also gives the court power to make declarations on whether existing arrangements are reasonable in order to meet the needs of the disabled person, and on what arrangements the local authority should make for him.

The court will also have the power to award damages if the local authority has failed to make reasonable provision and if it has refused to assess a disabled person's need. The new clause ensures that local authorities carry out their duties to the disabled as, if they do not do so, they could face the sanctions of the court. It is clearly not right that Parliament's stated aim to achieve better conditions for the disabled should not be fully accessible, through the courts, to disabled individuals. Yet that is the case now, particularly as under the Chronically Sick and Disabled Persons Act, long delays in exercising ministerial or local authority powers to take a case to court can deny rights.

The new clause seeks to tackle that, and to provide full access to the court. As my right hon. Friend the Member for Manchester, Wythenshawe (Mr. Morris) said in Committee, we are not seeking new rights but the better enforcement of existing rights. Indeed, as I know that he wants to say a word on this important issue, I shall sit down.

Mr. Alfred Morris: My hon. Friend the Member for Leyton (Mr. Cohen) was eminently correct to say that we are seeking not new rights for disabled people but the better enforcement of existing rights for which Parliament has already given its sanction and made provision. It will be argued that at present disabled people can go to the Secretary of State for Social Services with a request that he should use his default powers if they believe that they are being unjustly treated by local authorities. Yet there has been unconscionable delay in the handling of complaints from the Royal Association for Disability and Rehabilitation, as from other organisations. It is now widely felt that procedures could be speeded up in a way that would help more disabled people to achieve the benefits made for them by the House of Commons.

In this regard, I must make it clear that a mandatory duty already exists under the 1970 Act to assess the needs of disabled people. Financial factors are legally an irrelevant criterion in the assessment of needs; if need is accepted there is a mandatory duty to make the arrangements required. It may still come as a surprise to some, in both town and county halls, that the rights of disabled people are that strong under the law as it now stands.

I know that my hon. Friend the Member for Leyton does not wish to press his amendment to a division. He is extremely conscious, as I am, of the need to proceed quickly to Third reading. However, I hope that the Minister, in replying, will accept that there is now a compelling need to speed up the process of dealing with the complaints of disabled people, more especially when they are supported by organisations that Members on both sides of the House respect.

Mr. Newton: In the light of what has been said by the hon. Member for Leyton (Mr. Cohen) and the right hon. Member for Manchester, Wythenshawe (Mr. Morris), I hope it will not be discourteous if I do not rehearse at length the details of the Government's argument that led us to wish to delete present clause 8, thus leading us to resist new clause 13. I will comment briefly on what the right hon. Member for Wythenshawe said about default inquiries under section 36 of the National Assistance Act 1948. I undertake to consider at greater length than the two minutes I have had so far what he has said. He will know that a number of applications have been made under that section of the 1948 Act and inquiries made, but as yet no default order has been made by a Secretary of State of any political colour. It is important to recognise that in several cases the inquiries that have been initiated by the relevant Minister and the Department have led to a change of policy, at least for the individual concerned, even though in other cases it has been found that the authority had in fact met its duty.

I realise that sometimes criticism is made of the time taken to make such inquiries, but I have to recognise that the first stage in such an inquiry is necessarily to seek the comments and response of the local authority concerned. In itself, that can often take some time. I certainly hope that these matters will be dealt with expeditiously. I note the criticism that the right hon. Gentleman has made and I shall certainly take it into account in considering whether there is any action I can take at present that would help to ease anxieties.

Mr. Cohen: I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Clause 1

AUTHORISATION OF REPRESENTATIVE

Amendment made: No. 1, in page 1, line 7, leave out clause 1.—*[Mr. Hayhoe.]*

Clause 2

PROVISIONS RELATING TO ASSESSMENT

Amendment made: No. 2, in page 2, line 26, leave out clause 2.—*[Mr. Hayhoe.]*

Clause 3

PERSONS LEAVING SPECIAL EDUCATION

Amendment made: No. 3, in page 3, line 23, leave out clause 3.—*[Mr. Hayhoe.]*

Clause 4

PERSONS DISCHARGED FROM HOSPITAL

Amendment made: No. 4, in page 4, line 10, leave out clause 4.—*[Mr. Hayhoe.]*

Clause 5

CARERS

Amendment made: No. 5, in page 4, line 33, leave out clause 5.—*[Mr. Hayhoe.]*

Clause 6

PROCEDURES FOR ASSESSMENT

Amendment made: No. 6, in page 5, line 14, leave out clause 6.—*[Mr. Hayhoe.]*

Clause 7

STATEMENTS

Amendment made: No. 7, in page 6, line 26, leave out clause 7.—*[Mr. Hayhoe.]*

Clause 8

VALIDITY OF DECISION OF LOCAL AUTHORITY UNDER SECTION 2 OF 1970 ACT

Amendment made: No. 8, in page 7, line 13, leave out clause 8.—*[Mr. Hayhoe.]*

Clause 9

APPLICATION OF PART I TO SCOTLAND

Amendment made: No. 9, in page 7, line 25, leave out clause 9.—*[Mr. Hayhoe.]*

Clause 10

INFORMATION

1.15 pm

Mr. Newton: I beg to move amendment No. 10, in page 8, line 4, leave out from '1970,' to end of line 7 and insert—

(a) for "any other of those services" there shall be "any other service provided by the authority (whether under any such arrangements or not)"; and

(b) at the end there shall be inserted "and of any service provided by any other authority or organisation which in the opinion of the authority is so relevant and of which particulars are in the authority's possession.".'.

The background to the amendment is that by amending section 1(2)*(b)* of the Chronically Sick and Disabled Persons Act 1970, clause 10 of the Bill will require local authorities to inform a recipient of services under that Act, and of other services provided by the authority, Government Department, public body or voluntary organisation which are considered relevant to that person's needs. They already have a duty to provide information about services provided under the 1970 Act.

I need hardly say that the Government are sympathetic to the objectives of the clause. However, we have reservations on two points. First, to place a statutory requirement on local authorities to obtain information from a number of other agencies on the services available could represent a substantial additional administrative burden, which would be difficult in itself. Secondly, the clause as drafted appears to take no account of the problems which could arise for a local authority given that proposed statutory commitment, if the information that it needed was not provided by the other organisations from whom it would necessarily need to obtain it. Therefore, we propose to amend clause 10 so that local authorities will be required to provide information about other services provided by the same authority, and about other services provided by other organisations which the local authority considers relevant and information about which is available to it. I hope that the House will think that that is a reasonable compromise and a helpful advance.

Amendment agreed to.

Clause 11

CO-OPTION OF DISABLED PEOPLE TO COMMITTEES

Mr. Galley: I beg to move amendment No. 11, in page 8, line 13 after 'people', insert

'or of people with special knowledge of such disablement'.

This is a minor amendment, but I have noted the concern expressed to me privately by the hon. Member for Monklands, West (Mr. Clarke) about its effect. The principle behind clause 11 is that some disabled people cannot readily speak and act for themselves. When such a disabled person cannot act in any consultative capacity, it seems reasonable to allow people with special knowledge of that particular disability to do so. On that basis it does not seem unreasonable to extend the principle of consultation, as well as the appointments from groups of people with special knowledge, when disabled persons cannot speak for themselves. That is a minor matter, but I note that the hon. Gentleman is a little worried about the amendment and suggests that it would be better to consider it in another place. Therefore, I certainly do not wish to press it.

Mr. Newton: In the light of that, rather than taking up time expressing my reservations about the amendment—although I must say that in our view it would be technically inoperative, apart from anything else—I shall accept with good grace my hon. Friend's decision not to press the amendment.

Mr. Galley: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 12

REPORTS TO PARLIAMENT

Amendment made: No. 12, in page 8, line 14, leave out clause 12.—*[Mr. Hayhoe.]*

Clause 13

REPORT BY SECRETARY OF STATE ON DISABLED CHILDREN IN SPECIAL EDUCATION

Mr. Newton: I beg to move amendment No. 13, in page 8, line 27, leave out clause 13.

The clause, which was added in Committee, would require the Secretary of State to lay before each House of Parliament annually such information as he had obtained from local authorities on the operation of the Education Act 1981 in respect of disabled people. The Government believe that this aditional requirement is unnecessary since the Secretary of State already has sufficient powers under section 92 of the Education Act 1944 to obtain any information that he requires from local education authorities. Moreover, statistical information about special education provision is already published in a document called "Statistics of Education: Schools". To impose this additional requirement would be an unnecessary additional load for both central and local Government. Therefore, I hope that the House will accept our amendment to delete clause 13.

Amendment agreed to.

Clause 14

STRUCTURE PLANS

Mr. Newton: I beg to move amendment No. 14, in page 8, line 31, leave out clause 14.

Mr. Deputy Speaker: With this it will be convenient to discuss amendment No. 18.

Mr. Newton: By amending the Town and Country Planning Act 1971 and the Local Government Act 1985, clause 14 would require planning authorities in the development plan process to do three things: first, to give special consideration to the needs of disabled people; secondly, to take appropriate measures to improve the physical environment for disabled people; and, thirdly, to provide disabled people with adequate information and opportunities to make representations about local and structure plans. Planning authorities would also be required to have regard to the relevant provisions of the Chronically Sick and Disabled Persons Act and of building regulations about access for disabled people when considering applications for certain types of development.

The Government accept that planning authorities should have regard to the needs of disabled people in carrying out their duties, but clause 14 seeks to introduce an inappropriate level of detail into the legislation, especially given that the existing legislation already provides, in more general terms, for local planning authorities to have regard to the needs of disabled people where appropriate, to give adequate publicity to their proposals for structure and local plans, and not least to have regard to the relevant provisions of the Chronically Sick and Disabled Persons Act. It would be inappropriate to require local planning authorities when considering planning applications to have regard to building regulations, which are a separate procedure.

Amendment No. 14 would omit clause 14 from the Bill. Amendment No. 18 is consequential to amendment No. 14. If it transpires that the attention of planning authorities needs to be directed more closely to the needs of disabled people, that could be done in the form of guidance from the Department of the Environment. I understand that my colleagues there are considering whether such guidance might be helpful.

Mr. Wigley: Can the Minister give me an undertaking that he and his colleagues will consider seriously the possibility of guidelines drawing to the attention of local authorities the benefits that have been provided in areas that have tried that approach? There have been positive benefits for disabled people. It does not matter how it is done, provided that the objectives are achieved and the needs of disabled people are taken into account at all opportunities in the work of the authorities within the confines of structure planning.

Mr. Newton: I have the greatest sympathy with the hon. Gentleman's comments and I shall draw them to the attention of my colleagues at the Department of the Environment, who have more than shown their good faith in this connection during the past year or 18 months with the important changes that have been made to building regulations to improve the extent to which new buildings, especially those to which the public have access, take better account of the needs for access of disabled people. They have made some important progress in that area in the past year, and I have no doubt that my colleagues will be more than happy to do anything that they believe will genuinely help.

Amendment agreed to.

Clause 16

ADVANCEMENT OF HEALTH OF PEOPLE IN SCOTLAND

Mr. John MacKay: I beg to move amendment No. 15, in page 9, line 36, leave out Clause 16.

I share the anxiety expressed by hon. Members on both sides of the House that effective joint planning arrangements should operate in Scotland and that there should be participation by the voluntary organisations. That was one feature of the new planning arrangements which we introduced a year ago. They have been implemented by health boards and local authorities, and progress has been achieved. It would not be wise to abandon what has been done and brand the arrangements as a failure without allowing reasonable time for the important results that we are seeking to secure to emerge fully.

Another point of concern is that the detailed statutory arrangements in clause 16 would apply only to the disabled, not to the full range of priority groups to which the existing joint planning arrangements are fully directed. Clearly, one main group about which we are worried is the elderly, and it is important that, as at present, the joint planning committees should cover them as well as the disabled groups specified in the Bill.

[Mr. John MacKay]

I am well aware of the strong views of voluntary bodies that joint planning in Scotland should have a statutory basis. Other interests must be considered. I am convinced that the present voluntary arrangements can work. Statutory prescription and the creation of a bureaucratic structure are not substitutes for willingness, freely expressed, to work together. There is no difference between the Bill's sponsor and myself on the merits of joint planning committees although he takes a more pessimistic view of the likelihood of success of my circular last year. Time has still to show which of us is right.

I am receiving encouraging reports from health boards. There is a great deal of activity, and reports are at various stages of preparation. It has been put to me that I should take the opportunity of this legislation to give the Secretary of State powers to ensure these results. Clause 16 does that by prescribing a range of matters in detail. I have been reluctant to go along with that method. In Committee, the hon. Member for Monklands, West (Mr. Clarke) described my right hon. Friend and I as Mr. Nice and Mr. Nasty, from some television programme, and could not decide who was who. I wish to add to his inability to decide by showing a certain flexibility. I hope that I can go some way towards meeting the hon. Gentleman's genuine aim to give joint planning statutory backing. I should like my circular and the voluntary approach to produce the goods we both want.

I would be prepared to seek statutory powers to enable my right hon. Friend the Secretary of State to prescribe for joint planning committees and their activities. These powers would not need to be brought into operation if the current arrangements prove successful. If it is decided that the voluntary route is not proving satisfactory, my right hon. Friend will be able to enforce the arrangements laid down in the circular and any other desirable aspects that he chooses to include in the regulations. Health boards and local authorities would therefore have to carry out the aims to which my circular addressed itself.

If the House agrees to delete clause 16, I shall ensure that either a suitable extension to clause 15 or a separate new clause is brought forward in another place. In addition, it will be necessary to deal with the exclusion of the elderly — the hon. Member for Monklands, West very much appreciates this point—by amending the long title for this specific purpose. I hope that those two points are acceptable to the hon. Gentleman.

Mr. Tom Clarke: I welcome the speech of the Under-Secretary of State. None of us is looking for complaints. Despite what was said in Committee about Mr. Nice and Mr. Nasty, I shall reserve my judgment until I see what happens on Third Reading.

There has been a good, well-informed debate in Scotland on joint planning, and I am glad that the Under-Secretary of State appears to have listened to it. Judging by his last few sentences, we are well on the way towards convincing him that the time for joint planning of a voluntary nature in Scotland is fast disappearing. No one has disputed the success of joint planning in England and Wales, given the statutory backing there. I believe that the objective, which the Under-Secretary of State and I share, of seeking successful joint planning would be better met by the type of statutory support which the hon. Gentleman led me to believe was possible when the matter is considered in the other place. This is so important a matter that the health boards alone are not always the best bodies to take the final decision without the kind of consultation that takes place in England and Wales with those involved in social services, housing and the voluntary organisations which know so much about these problems. It is very much in the interests of democratic policy formulation in Scotland that their views should be taken into account.

I am delighted that the Minister appears to accept the main thrust of the representations that were made to him and to his Department when the consultative document was published. We have made considerable progress. I was delighted when the Minister mentioned a full range of priorities, including the elderly. Our goal was not so ambitious. However, it is splendid if the Minister intends to go that far. We welcome it. When this matter goes to another place, the debates that we have had on these issues will do nothing but good. In that spirit, I thank the Minister.

1.30 pm

Mr Dewar: It is accepted on all sides of the House that this has been a useful and helpful day. Although we have not got everything that we wanted from the Scottish Office, the Minister has gone some way towards meeting our wishes. He said that he is flexible. I thought I heard the joints creaking a little but undoubtedly he has made an effort and we are grateful to him. I am delighted that the hon. Member for Dundee, East (Mr. Wilson) is present for the debate. It shows the efficiency of the Welsh Nationalists' whipping arrangements. The hon. Member for Caernarfon (Mr. Wigley) should be congratulated.

This is an important matter. I do not want to labour the issue by making a lengthy speech. However, considerable anxiety has been expressed in Scotland about the apparent lack of the kind of leadership over joint planning that has been shown south of the Border by the Department of Health and Social Security and the Welsh Office. It is felt that there has been an absence of concerted action across Scotland and an absence of the kind of consultation that involves voluntary groups — those who do so much valuable work for the disabled, the handicapped and the elderly — in a general and significant way. Clause 16 was added to the Bill in Committee in order to remedy that lack.

Depite the Minister's confidence about the way in which voluntary arrangements have been developed, although joint consultative committees are mandatory in England and Wales, Scotland has been left only with the National Health Service (Scotland) Act 1978 which contains the hope that health boards and local authorities will co-operate. However, it does not contain a statutory duty or provide for the kind of structured framework in which consultation takes place in other parts of the country.

The Scottish Office circular of 24 April 1985 has been widely seen to be inadequate by everybody, except the Minister. Paragraph 6 says:

"These plans"—

these are the joint plans—

"would in the first instance be for the guidance of the health board and the local authorities concerned; they need not be formally submitted to the Secretary of State, and will not require his approval, although it would be helpful if copies were sent to him."

That is a pretty "peelie wall" approach by the Minister. Representations have been made to me that there has been a certain slippage in expectations when measured against the expectations aroused by that circular.

I put down various written Questions which were very helpfully answered by the Minister in anticipation of this debate. On the preparation of plans, he was able to say that only Shetland and Orkney health boards had prepared the plans requested and that health boards were not required formally to submit copies of their plans to the Secretary of State. However, Shetland health board has sent a copy of its plan, which covers all four priority groups, to the Scottish Home and Health Department. All credit to Shetland, and all credit to Orkney. However, the Minister has been unable to say anything about the rest of Scotland. Important though the islands are, a great deal of Scotland lies outside Orkney and Shetland.

That underlines the point that I am making. The Minister said in another answer that the Government have no reason to believe that the joint planning and liaison committees are not following the guidance set out in the April 1985 circular. The Minister may not have any reason to believe that they are not but neither is he in a position to say that they are. That is a weakness in an area in which there has been, over a period of time, a good deal of anxiety about the lack of progress and lack of involvement especially of the voluntary groups.

In the last minutes of the Report stage I do not wish to be churlish about the Minister's efforts. I have read the reports on the debate in Committee on 5 February 1986. Acceptance of new clause 12 was urged by my hon. Friend the Member for East Lothian (Mr. Home Robertson). I read the speech of the Parliamentary Under-Secretary and he appeared to be a little bit complacent about what was happening. He discussed the circular which gave the whole process a fresh impetus. He went on to say:

"We risk penalising local authorities and health boards which have made real progress, and we risk delaying worthwhile processes which we have worked long and hard to promote."

The Minister now seeks to remove that clause. Later on in the speech the Minister said:

"I hope that the Committee will not put the clock back," [*Official Report, Standing Committee C;* 5 February 1986, c. 50.]

That raised a lot of hackles among the voluntary groups. It came as a surprise to many people in the local authorities and those who are involved in social work. To give statutory impetus to a process which we all agree is an admirable one—the importance of joint planning—is not a matter of dispute between sides. I cannot see that giving joint planning a statutory basis can be described, fairly, as putting the clock back.

I am grateful for the fact that the Minister, not just because of pressure from the House but from groups in Scotland, is prepared to think again and has come a good way towards meeting our points. It is a simple proposition which holds up well in logic and in terms of its administration. If the Minister is correct we do not need a statutory basis. There is, however, no harm in having such a basis. It will reassure people. It will give an edge to joint consultative efforts and will involve the widest possible spectrum of expert opinion.

The Minister is maybe being over optimistic and perhaps some advice which is reaching Members is more accurate. It seems that there is a clear case for giving statutory force to the joint planning and consultation processes in Scotland parallel to what is happening South of the Border. Although we are not getting everything, I welcome the fact that some gestures have been made.

I recognise the Minister's point on the necessity to extend the process to cover the four priority groupings —the physically and mentally handicapped through to the elderly.

My hon. Friend the Member for Monklands, West (Mr. Clarke) has fought long and hard and with great tactical skill for the Bill. He is happy to accept what is being offered by the Minister. I do not wish in any way to cavil with what he has said and we will certainly watch what happens over the next two years with great care. We hope that the Minister's monitoring of the planning process by means of the circular is positive monitoring. I hope that he will not hesitate to use his powers under the enabling clauses which will be written in another place. That is necessary. The Minister's powers should not be left to lie upon the shelf unused. If there is a need, I hope that the Minister will not hesitate to act.

If it is not uncharitable I shall end on a warning, if not a slightly threatening, note. Whatever monitoring is pursued by the Minister — we shall certainly try to monitor what will happen — there will be groups in every constituency in Scotland who will make sure that the House will not forget about the issue. If we do not make the progress which I believe the importance of the matter deserves we shall be knocking very hard at the Minister's door to remind him of the enabling powers which will be written into the Bill.

Mr. Gordon Wilson (Dundee, East): I welcome the concessions that the Minister has made. At the outset, many people feared that the Government were sticking their heels in and were unprepared to make concessions. Many people in Scotland in caring organisations were keen that the statutory approach and joint planning should be adopted.

The Scottish working group, composed of 22 organisations, wrote to Scottish Members of Parliament, drawing attention to its fear that the Scottish Office, which, to its credit, has been in the lead in some aspects of care for the disabled, has been lagging behind. I am glad that the Minister has said that he will produce a new clause and alter the long title to deal with the elderly. I should like to thank him for that.

In these circumstances, it is better to be gracious. I know that that is extremely difficult, but those of us who have a proper Christian background are prepared to express gratitude on the Floor of the House occasionally for a sinner come to repentance. That is a rare event for Scottish Office Ministers.

I should like to thank my hon. Friend the Member for Caernarfon (Mr. Wigley) for keeping me informed of progress. I welcome the concessions.

Amendment agreed to.

Clause 18

SHORT TITLE, COMMENCEMENT, REGULATIONS AND EXTENT

Amendments made: No.16, in page 11, line 21 after 'regulations' insert 'or order'.

No. 17, in page 11, line 21 leave out 'made by order'.

No. 18, in page 11 leave out line 25. — *[Mr. Hayhoe.]*

1.41 pm

Mr. Tom Clarke: I beg to move, That the Bill be now read the Third time.

The months since early November, when I came first in the ballot, have been incredible but very inspiring. I have learnt a great deal, not least from the Government Front Bench. I hope that it might occasionally admit that it was able to learn something from us. Perhaps more important, we have been able to reach agreement on what I think can be a good and effective Bill which is in the interests of 5·5 million disabled people.

I have to be candid, however. The Bill is not as radical as the Standing Committee would have wished or as I would have hoped, but we are building for the future. The input of disabled people, voluntary organisations and professional bodies into the Bill has been outstanding. There are many people whom I ought to thank. For that very reason, it would be very difficult. I should like, however, to put on record my deep appreciation to Mr. John Healey, Mr. Peter Mitchell and Mr. Hugh Stewart, among others, who have done sterling work in support of the Bill.

I thank right hon. and hon. Members on both sides of the House, especially my right hon. Friend the Member for Manchester, Wythenshawe (Mr. Morris), whose great interest and experience in these matters has been invaluable. My hon. Friend the Member for Glasgow, Garscadden (Mr. Dewar) referred to our unique arrangements for whipping. When we next have a meeting of the Scottish Grand Committee I am sure that the hon. Member for Caernarfon (Mr. Wigley) will be happy to offer his services and that we will be all the better for them. We all appreciate the work that he has done.

We have reached that stage at which we can contemplate what the exercise has achieved thus far. We have had an open and wide-ranging debate, which has involved the public. Some sections of the media have been excellent and others have perhaps been a little disappointing. As time passes those who have been disappointed will perhaps realise the importance of the Bill. We have ensured that a number of vital issues have been considered, such as representation, assessment, the problems of school leavers and the 19-plus problems. We have deliberated also on discharge from psychiatric hospitals and the Scottish planning clause. We have made considerable progress and I do not believe that the House would want to underestimate its scope.

Time after time Government spokesmen have referred to resource implications. The House has reached a conclusion on the matters contained in the Bill after serious consideration. In due course we shall hear the views of those in another place. When we come to that stage and when we reflect in this place on what has been said by their Lordships, perhaps my hon. Friend the Member for Fulham (Mr. Raynsford), who has a great deal of expertise in many of the matters covered by the Bill, will join in our discussions. I am sure that his contribution will be welcome.

I say in all candour and without, I hope, causing any offence, especially to the Minister for Health, that the Treasury should remember that it is responsible to this place and not the reverse. This place has established priorities for the disabled and mentally handicapped and their carers. We have taken the decision. We could consider it ill-judged if the Treasury took the view that it should try to thwart the decisions and objectives of the House when the Bill is duly enacted.

I thank my right hon. Friend the Leader of the Opposition for his interest and support. I think that his intervention yesterday was crucial. We have reached the stage when I must express the hope that the Bill will be given its Third Reading. I hope that in time it will be developed to provide a framework for the real progress that I think the disabled will welcome. We have not yet achieved such a framework but the disabled certainly deserve one. I look forward to the time when the many problems the disabled are facing will be solved and when the disabled will feel that they have an enormous contribution to make to our society and the potential which the House wishes them to realise.

1.47 pm

Mr. Hayhoe: First, I congratulate warmly the hon. Member for Monklands, West (Mr. Clarke) on what he has achieved. I made it clear throughout that the Government endorse the principles that the Bill seeks to enshrine. On Second Reading, I said:

> "I hope that the hon. Member for Monklands, West and his sponsors will be prepared to respond constructively to amendments, some perhaps radical and substantial, which the Government will bring forward. If they do, it is likely that at the end of the day they will be responsible for a Bill which provides a useful if modest development of the present legislative basis on which services are provided for disabled people. That is a worthy achievement for any Member of this place."—[*Official Report*, 17 January 1986; Vol. 89, c. 1372.]

That is the worthy achievement which the hon. Member for Monklands, West is getting close to chalking up today. We now have a measure that will genuinely help to improve services for the disabled without imposing inflexible and impracticable burdens upon local authorities. That is what the Government always hoped would emerge.

The Bill represents an important development of existing provision for the disabled and as such it has significant cost implications. As I have explained, the Government will make commencement orders to bring into effect those of the Bill's provisions which have significant resource implications when the necessary resources are available. Other provisions without significant cost will, I hope, be brought into effect soon after Royal Assent.

We have had a good and constructive debate and not at all the debate that was predicted by those in the media and elsewhere who were questioning the Government's attitudes and intentions and, as they so often do, making wholly and utterly wrong predictions.

The debate has been characterised by the constructive nature of the points raised on both sides of the House. I can assure the House that the Government have noted all the points and many of them reflect issues which were raised during the consultation exercise. We shall be seeking to take them into account in the further consultation and co-operation with the hon. Member for Monklands, West and his hon. Friends following Third Reading when looking at some of the points which have been highlighted and identified during our discussions of amendments which should properly be brought in with the agreement of another place. I must make it clear that such amendments in another place must be on the understanding that they are acceptable to the Government and if they do not add further to the cost of the Bill.

It is fair to say that this is something of a historic day in the development of the legislative structure for the provision of services for disabled people. The hon. Member for Monklands, West rightly and properly paid tribute to some of his advisers from the voluntary sector who, I know, worked closely with my officials on many of the detailed matters concerning this legislation. The hon. Gentleman has steered his Bill with considerable skill, great moderation, great patience and realism of what can be achieved within the constraints, which necessarily control us all, and with consideration for hon. Members in other parts of the House so as to achieve the widest possible area of agreement.

I hope that by praising him in this way I do not influence his reselection, which I hope has been well established by now. At any rate, this achievement, as I have said, is one of which any hon. Member can be proud. Of course, the hon. Gentleman is not yet quite home, as he well recognises. The Bill has to go to another place. If the other place and those responsible for the Bill there have the same skill, moderation, realism, patience and consideration which the hon. Gentleman has shown I see no reason why the Bill should not become law and receive Royal Assent. I say to the hon. Gentleman, as one has sown, so has one reaped. If the response to what I said on Second Reading had not been constructive, realistic and responsible we would not all be congratulating each other. We would probably be jumping up and down with points of order. I am sure that the reason for the presence of the distinguished Leader of the Opposition is to add to the congratulations to his hon. Friend rather than to take advantage of what might have been a rather different situation.

I have no wish to end in any other way than again to congratulate the hon. Gentleman. I have made my gratitude to him clear all along for the courtesy and consideration with which all the dealings we have had together have been carried through. I wish the Bill well.

Mr. Wigley I shall give up the self-denying ordinance that I have exercised today to congratulate the hon. Member for Monklands, West (Mr. Clarke) on his great achievement in steering this Bill through to Third Reading, not entirely undented but 70 per cent. to 80 per cent. complete. I thank the hon. Gentleman for the decision that he took after coming top of the ballot, to pick up the Bill. There were pressures on him to go in other directions, but he chose the Bill that would do the most good to the most people. He has built up the Bill through Committee and on Report to something that is really worth while.

Many people have helped in getting the Bill through the House. I should like to thank not least those who have been able to come to the Chamber today. There are more people here than there usually are on a Friday. It has not been necessary to divide the House, which is a satisfactory state of affairs, but it was good to see the support of all parties across the House on these important issues. It is good to see the Leader of the Opposition here. I am not sure how much sleep he has had, but no doubt he has had a good celebration. That underlines the importance of these issues.

Reference has been made to those who have worked hard, such as John Healey and Peter Mitchell, as well as organisations that have given support, especially MENCAP, the Spastics Society, the Scottish organisations, and the Standing Committee of Voluntary Organisations in Wales.

There are important elements in the Bill as it goes forward to the other place, giving representation to those who are incapable of speaking up on their own behalf because of disability. We now have a structure that will enable them to have their case properly heard, and proper assessment and non-bureaucratic and efficient procedures to facilitate that.

Progress has been made today on the position of those leaving special schools. I thank the Government for being willing to accept the new clause tabled by the hon. Member for Monklands, West, so that those leaving special schools, will have an assessment before going out into the community. The same will apply to those leaving long-stay hospitals. Those two areas are critical for disabled people and their families. I welcome the approach that the Government have taken today and the commitment that the Ministers have given. I thank all three Ministers for their willingness to meet deputations and discuss these matters. We have not always seen entirely eye to eye in everything, but one never does. The way in which Ministers have responded has been a significant step forward.

The one area in which we have not been able to go as far as we would like is on carers. I hope that the other place will consider what can be done within the resource limitations and that we shall look again at the matter in future months and years, while doing everything that we can. If there is any one group of people who deserve support, it is those who look after disabled people, especially women, who have given up their careers to look after members of the family or others who are disabled.

With regard to resources, the Government said that, according to their own discussion paper, there was a financial implication of between £25 million and £100 million. That is what they were advised. They have grasped the nettle. I hope that that money will become available to turn the legislation into reality. The provisions will have to be phased in, but I hope that the elements that imply expenditure commitments are not left so long as to leave those who are looking forward to their enactment hanging on while there is nothing happening. I realise that some things cannot happen this year. There may be a need to provide money for local authorities, particularly in the next financal year. I hope that there will not be an undue delay beyond that.

Today, a very important Bill is going from this House to another place. I hope that it will be treated constructively there, and that after it comes back here later in the Session it will be on the statute book before too long.

1.53 pm

Mrs. Kellett-Bowman: I have refrained from speaking on the Bill, apart from a brief intervention, because, as someone with a lifelong interest in the disabled, I should have been horrifed if I had been instrumental in talking out the Bill. I have sat here through virtually all the proceedings because I believe that the Bill is extremely important. As my right hon. Friend the Minister for Health said, this is a historic day in the development of services for disabled people.

I have the honour to represent a city with a long tradition of hospital service. Many of the matters that are dealt with in the Bill will set at rest the anxieties of many

[Mrs. Kellett-Bowman]

of my constituents. They will be glad to know that the gap in the education facilities for young people will, to a large extent, be filled by the Bill. They will be relieved to know that people leaving long-stay hospitals, two of which are in my constituency, will, from now, be assessed properly before they leave, and all the services will be co-ordinated before they are released into the community.

We are fortunate in our local hospitals in that nobody is released into the community without the hospital ensuring that proper services are available for them, and we want to make sure that the high standards that we practise are common throughout the country.

I congratulate the hon. Member for Monklands, West (Mr. Clarke) on his enterprise in getting the Bill through and my right hon. Friend the Minister on working so closely with his colleagues in getting the Bill through in an atmosphere of harmony and tremendously positive achievement. I cannot recall in many years a Bill that has given me greater pleasure, and I thank everybody for co-operating in it.

2 pm

Mr. Alfred Morris: Our proceedings on the Bill have been full of surprises. Many strange things have happened. We thought that the Minister for Health had been put in as a night watchman. If that was the original intention, he has played a very long innings. He has been patient and understanding and, although he has not been as helpful as we had wished, we forgive him as the Bill has now reached Third Reading.

Another strange thing is that we had today the maiden speech on the Bill of the Minister for the Disabled. He emerged from the dressing room this morning full of running and we welcomed him to the Dispatch Box. We know that he is involved in other legislation, and I am glad that he agrees that this Bill is deeply important for Britain's 5·5 million disabled people, their families and all who care for them.

There were two schools of thought about when to congratulate my hon. Friend the Member for Monklands, West (Mr. Clarke). There were those who congratulated him at the beginning of today's proceedings. I thought it safer to wait for the Third Reading as there were some uncertainties this morning about the final outcome. My hon. Friend has been dour——

Mr. Tom Clarke: It is pronounced "doer".

Mr. Morris: ——good-humoured, responsive to all possible offers of help and always felicitous in his use, if not his pronunciation, of words.

It is now virtually an annual custom for the House to debate one or more private Members' Bills on the needs of Britain's disabled people and their families. Yet it is not by any means an old custom. Before the Chronically Sick and Disabled Persons Act 1970, there were entire Parliaments in which the claims and needs of disabled people and their families were never debated. It seems unbelievable and outrageous now, but in the Parliament of 1959-64 there was not one debate in the House of Commons on disability. Going further back, there was not a single mention between 1945 and 1959 in the manifestos of either of the main political parties of anything that might be done specifically to help people with disabilities. In congratulating my hon. Friend the Member for Monklands, West on his choice of Bill, I also most warmly thank him for strongly maintaining this important new tradition of the House.

My right hon. Friend the Member for Stoke-on-Trent, South (Mr. Ashley) has played a most distinguished part in our proceedings. He speaks as chairman of the all-party disablement group. He raised this morning, on new clause 9, an important point about interpreters for deaf people. I hope that what he said will be considered very carefully and sympathetically in the other place. Speaking for the Opposition, we shall be glad if the other place wants to strengthen the Bill. I was saying this morning that many of the Government's proposals offered only 80 per cent. of what we sought, so if the other place wants to go a little further we will look very sympathetically at its proposals.

To use the word "resources" in Committee was like swearing in church. It seems to have been rather less reprehensible to use it on Report. I must, of course, emphasise that the Bill has resource implications. What we must now ensure, in partnership with the local authority associations, is that the resources required by the Bill are made available in addition to those now at the disposal of local government. Unless that happens, the Bill will not achieve its purpose.

As the World Charter for disabled people says, they have the same rights as all mankind to grow and to learn, to work and to create, to love and to be loved. This humane and important Bill will take disabled people much further along the road to the full attainment of that important objective. I am delighted that my right hon. Friend the Leader of the Opposition is with us today. He has helped enormously in sustaining our efforts to enact the Bill. I understand that we meet in the presence of a very distinguished visitor. My right hon. Friend has spent much of this morning with him.

I thank also all hon. and right hon. Members on both sides of the House who have helped to press forward an objective that is so important to many of the most needful people in Britain today. Bless 'em all.

2.7 pm

Mr. Rowe: I am one of those who reserved my congratulations to the hon. Member for Monklands, West (Mr. Clarke) until Third Reading. Even if I had not kissed the blarney stone—or, given the English background of my right hon. Friend the Minister for Health, perhaps I should say the Barney stone—I would like to say just how admirably the hon. Member for Monklands, West has dealt with his Bill.

It is particularly gratifying for a Conservative Member to have played a small part in helping to put a Bill on the statute book that takes us one step further away from the paternalism which has been the key note — despite, perhaps, the best of intentions—of how we have dealt with the problems of the handicapped. Somehow, we have always assumed that the authorities know best, but one of the great things about the Bill is that it states beyond peradventure that the person who is most likely to have a valuable idea about how he can best be looked after is the person who requires the help on offer. Indeed, the representation provisions in the Bill are unbelievably important for that reason alone.

The Bill marks a return to a concept which was once more common but which has been gradually undermined: we all have a responsibility to those who are disabled or ill. The tendency to shut away people who are mentally

handicapped or ill, or who have a severe disability, so that none of us can see them or be troubled by their difficulties must be reversed. The Bill goes a long way towards doing that.

There is work for us to do. In our debate on the carers, my right hon. Friend the Minister made a very important point. He said that if we can show that the Government's estimates of what the full implications of the Bill will cost were wrong and our estimates that it would be much cheaper were right, the Government would seriously consider changing its attitude. This means that everyone interested in further progress under this legislation should work to provide as accurate an estimate as possible of the savings that can be extracted from the care of the carers and from the early assessment of need, so that we can go to the Treasury and say that our estimates are better and more optimistic than the Treasury's estimates and that it should honour the pledge given by the Minister. That is an obligation on the voluntary organisations which played such a great part in getting this Bill through, and on parliamentarians who want further progress to be made. I pledge myself to play my part in that.

Mr. Ashley: I add my tribute to my hon. Friend the Member for Monklands, West (Mr. Clarke). Perhaps the best tribute I can pay to him is to say that he has conducted the Bill as we expected him to do. Other people responsible for the passage of the Bill deserve my special tribute. Of these, two have already been mentioned—Peter Mitchell and John Healey. Without their expertise the Bill would never have made progress. I pay a warm tribute to those two people from the back room.

Other people have been active in the all-party disablement group. The hon. Member for Exeter (Mr. Hannam) could not be here today, but he has worked marvellously well in this House year in and year out, often behind the scenes, for disabled people. The other member of the all-party disablement group to whom I refer is the hon. Member for Caernarfon (Mr. Wigley). On this Bill, he has been the unofficial Whip. I see that our Chief Whip is listening carefully. The unofficial Whip had an important role to play. Without the work of those people, the Bill could not have progressed this far.

The Leader of the Opposition is preoccupied today; he is on a high. However, I am anxious to avoid making any party political point. Ministers might not like this, but they should recognise that without the intervention of the Leader of the Opposition we would not have got the Bill today. I do not want to make heavy weather out of this, but it is a fact. Despite what the Minister has said, I point out that ordinary plodding mortals can inform the Leader of the Opposition of facts about disability, but he transmutes them into political gold. His intervention yesterday was magnificent and most influential. I put that on record because of what the Minister said when speaking to clause 9. He said, "I must be honest with the House." All I am doing now is being honest with the House. I thank the Leader of the Opposition for the important role he has played in ensuring the passage of this significant Bill for disabled people.

I now want to pay a tribute to the disabled people themselves. It is by their effort and growing articulation and insistence on their voice being heard that the Bill will reach the statute book. Nobody who is not disabled realises what severely disabled people go through. Only they and their families realise the extent of the deprivation of the pleasures of life. Only they know the appalling loneliness of disability and how much effort it takes if one is disabled. So it is to those people that I pay tribute today.

Finally, we appreciate what the Government have done, and, I do not want them to misunderstand that. However, the Bill's implementation worries me. We want the Government to implement the Bill as soon as it is passed. If it is not implemented, they will receive the credit for the measure but will not have to find the wherewithal for it. I assume that they will implement the Bill as soon as it reaches the statute book. If they do so, it will transform the lives of millions of disabled people.

2.15 pm

Mr. Kennedy: Considering the healthy turn-out on this Bench one can say that the Bill gives all sections of the House a cause for celebration today. I add my thanks and congratulations to the hon. Member for Monklands, West (Mr. Clarke). All those who have participated in this morning's debate will agree that the constructive spirit of co-operation on the issues and priorities which affect the disabled sector has shown the House, particularly those interested in this issue, in an extremely good light.

The Bill gives prominence to the ability and access of the disabled to enjoy the advocacy and the assessment of the needs and issues which confront them; gives priority to care in the community; and emphasises the role of the carers. The Bill is indeed welcome, and we hope that it will have a good and speedy passage in the other place. I echo the words of the right hon. Member for Stoke-on-Trent, South (Mr. Ashley) in saying that we hope its implementation will be as swift as possible.

Obviously, any society and Parliament which devotes attention, to the needs of one of the most vulnerable sections of the community, and one of the sections most in need of parliamentary political support, is behaving well and doing its job well. The Bill has enabled us to do that. We all congratulate the hon. Member for Monklands, West and his colleagues who have worked so hard to make that a reality today, and we thank the Government for their constructive approach.

2.17 pm

Mr. William Cash (Stafford): The Bill is extremely important, and I congratulate the Government on the way in which they have managed to help it pass through the House after a great deal of acrimonious debate. I congratulate the hon. Member for Monklands, West (Mr. Clarke) who has fought so ably and courageously for the interests of the disabled. I particularly wanted to make that comment because there has been a lot of acrimony about the Bill. Due recognition should be given to the role the Government played in ensuring that the Bill reaches the statute book.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Drainage Rates (Disabled Persons) Bill

Considered in Committee; reported, without amendment.

2.20 pm

Sir Gerard Vaughan (Reading, East): I beg to move, That the Bill be now read the Third Time.

The House will appreciate that if it accepts the Bill, we shall have passed two measures today which will help disabled people. The Bill is a small step to correct an error in the Rating (Disabled Persons) Act 1978. Under that Act, it was possible for disabled people to have rebates of their rates, but they were unable to have rebates on their drainage rates. Most people pay a general rate and a water rate, but a few people living in areas such as the Fens and around the rivers Ouse and Severn also pay a drainage rate. Inadvertently, under the 1978 Act those disabled people were prevented from receiving rebates of their drainage rates. The Bill will enable those few hundred people to make claims on those rates.

Under the Bill, the rating authority will make a written note to the internal drainage board that it has allowed a rebate on the general rate to some disabled people. The drainage board will then be allowed to give a rebate to those people. It will also be possible for institutions occupied by disabled people to claim rebates. That would cover the provision of additional lavatories, bathrooms and garages and, in some cases, heating allowances, which are required by groups of disabled people.

I hope that the House will regard the Bill as a small measure correcting an error in a previous Act and as a measure of justice to some disabled people.

2 22 pm

The Minister of Agriculture, Fisheries and Food (Mr. Michael Jopling): I congratulate my hon. Friend the Member for Reading, East (Sir G. Vaughan) on his success in the ballot and on his wisdom in choosing this subject for his Bill. Many hon. Members will agree that if an hon. Member is fortunate in the ballot but secures only a modest position, there is always a dilemma about what he should do for the best. He has the option of introducing some great measure of national or world-beating, epoch-making calibre which might sometimes be hugely controversial and which comes to an early end through the use of the procedures of the House and no one hears of the measure again. Alternatively, he could try to find a modest measure that is useful, helpful and necessary. My hon. Friend has adopted the latter course.

My hon. Friend is in good company. I was once in a similar position. In the 1960s, I introduced the Parish Councils and Burial Authorities (Miscellaneous Provisions) Act. I do not know whether it is still on the statute book. I suspect that it has been overtaken by other measures.

The Government welcome the Bill. I am grateful to those hon. Members who have eased the Bill's passage so that it can go on to the other place. I intend to give what help I can to ensure that this small but worthwhile Bill reaches the statute book.

The Bill restores to disabled persons relief from drainage rates which was unintentionally removed by the Rating (Disabled Persons) Act 1978. The hon. Member who introduced that Bill is not present, so I shall not name him. I am satisfied that the omission of that provision was unintentional.

Relief from general rates and special drainage rates payable in areas covered by internal drainage boards was provided by adjustments in the rateable value of properties occupied by disabled persons. The 1978 legislation abolished that system in favour of rebates on general rates, but overlooked similar provisions for drainage rates. The Bill rectifies the position by providing relief on drainage rates in proportion to the rebates on general rates. The sums involved are likely to be small, but we believe that this opportunity should be taken to right an injustice that was inadvertently imposed on the disabled.

We have been reviewing the arrangements for the administration and finance of land drainage and flood defences. The Government are considering the responses to the Green Paper in the light of proposals for water authority privatisation, but final decisions are not likely for some time. The Government's proposals for reform of the general rating system which were announced in the Green Paper "Paying for Local Government" are likely to take some time to be realised. In the meantime, I ask for all-party support, which was given to the Rating (Disabled Persons) Act 1979, so that this legislation is placed on the statute book.

The guts of the Bill are in clause 1, which requires rating authorities which have granted a rebate under the Rating (Disabled Persons) Act 1978 on a hereditament in an internal drainage district to give the internal drainage board written notice of that rebate. The written notice would state the gross amount of the general rate and the rebate, the hereditament to which it related and the period for which the rebate had been granted. On receipt of that notice, the internal drainage board would grant corresponding relief in respect of any drainage rates chargeable in connection with that hereditament by reducing the drainage rates payable or by repaying any amount that happened to be overpaid.

I have explained to the House how this works. I hope that very soon we shall hear from another place that this matter has been agreed there and that the Bill may appear on the statute book. All hon. Members will want to join me in congratulating my hon. Friend the Member for Reading, East upon the signal service that he has again performed in his long parliamentary life on behalf of the disabled people of this country.

Question put and agreed to.

Bill read the Third time, and passed.

Private Members' Bills

GREATER LONDON COUNTY HALL BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 9 May.

TOBACCO PRODUCTS (TELEVISION BROADCASTS) BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 18 April.

GAMING (AMENDMENT) BILL *[LORDS]*

Read a Second time.

Bill committed to a Committee of the whole House. —*[Mr. Mark Carlisle.]*

Mr. Deputy Speaker (Mr. Ernest Armstrong): Committee what day?

Mr. Mark Carlisle (Warrington, South): Now, Sir.

Hon. Members: Object.

Committee on Friday 18 April.

TOBACCO PRODUCTS (SPORTS SPONSORSHIP) BILL

Order read for resuming adjourned debate on Question —[21 February]—That the Bill be now read a Second time.

Hon. Members: Object.

Second Reading deferred till Friday 18 April.

PEOPLE'S RIGHT TO FUEL BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 4 July.

RENEWABLE ENERGY SOURCES (PROMOTION) BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 18 April.

PEACE TAX BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 4 July.

ROAD TRAFFIC REGULATION (PARKING) BILL

Ordered,

That Standing Committee C be discharged from considering the Road Traffic Regulation (Parking) Bill and that the Bill be committed to a Committee of the whole House. — *[Mr. McNamara.]*

Committee on Friday 18 April.

TRANSPORT

Ordered,

That Mr. Matthew Parris be discharged from the Transport Committee and Mr. Terry Dicks be added. — *[Mr. Marcus Fox, on behalf of the Committee of Selection.]*

BUSINESS OF THE HOUSE

Ordered,

That, at the sitting on Tuesday 15th April, any Motions in the name of Mr. Neil Kinnock or Mr. David Steel relating to Legal Aid and Advice, or Legal Aid and Advice (Scotland) may be proceeded with, though opposed, until half-past Eleven o'clock. —*[Mr. Sainsbury.]*

Freedom of Speech

Motion made, and Question proposed, that this House do now adjourn.—*[Mr. Sainsbury.]*

2.33 pm

Mr. John Carlisle (Luton, North): My hon. Friend the Minister will not be surprised if I begin my remarks on this very important subject of freedom of speech within universities and colleges of further education in the same way as my hon. Friend the Member for Manchester, Withington (Mr. Silvester) began his speech to the House on 11 February when he introduced his Freedom of Speech (Universities and Institutions of Higher Education) Bill. He said:

"The Bill should not be necessary and it is sad that it is." —[*Official Report*, 11 February 1986; Vol. 91, c. 795.]

This debate would be unnecessary but for recent events on university campuses, and outside, and the attacks suffered by right hon. and hon. Members of this House and other persons.

Those events, and the discussions which followed, have put some pressure on the vice-chancellors of our universities and the principals of colleges of further education to try to put their houses in order. I have sought this debate to ask the House to reconsider the report of the vice-chancellors and to learn the reaction of my hon. Friend the Parliamentary Under-Secretary of State for Education and Science and, indeed, the views of the Secretary of State.

No one would deny the principle of freedom of speech —it is a freedom contained in law. Few would wish to deny that right, especially at seats of academic learning. The whole process of teaching at university or school concerns the acquisition of knowledge.

The tragedy of recent events is that, of all places, it is at universities and colleges—places of knowledge and learning—that freedom of speech has been denied to certain people. I was disturbed by the remarks of the president of the National Union of Students, Mr. Phil Woolas, concerning my experiences at Bradford. He justified the actions of those who attacked me on the basis of the provocative nature of my speech. I remind the House that, on that occasion, I was not even allowed to say anything because the mob prevented me from doing so. The comments of the president of the NUS are worrying to hon. Members and to members of universities and colleges of further education.

In the past few years, various student unions have passed a no-platform policy. It is a policy whereby visiting speakers are denied the opportunity to address members of the university or members of associations or clubs in the university because of the views that they hold. The unions have adopted this policy on the basis, in some way, of ensouraging the anti-apartheid and anti-racist movements. It is a disturbing procedure and one that should be deplored.

It is gratifying to learn that certain universities and colleges have rescinded the no-platform policy. Oxford and Cambridge—I had trouble at both universities—have now reversed their no-platform policies. That is encouraging. However, the policy exists at certain universities, notably at York. A High Court case is pending against its student union because of this policy. It also exists at Sheffield and at the university of East Anglia.

That is the dark side of the problem but it is encouraging that other universities such as Swansea, Manchester and Lancaster have voted against such a policy. This sorry, sad affair and the attacks that have taken place on hon. Members and other people bring home the fact that students, who are seeking financial support from the House and the Government, are prejudicing their case by the way they treat visiting speakers. There are two sides to the problem. There are the acts preventing visiting speakers from addressing university audiences and actions against members of universities, especially members of the Federation of Conservative Students.

I do not wish to detain the House with a sorry catalogue of the experiences of hon. Members and others. However, for the sake of the record it is right that they should be related to the House. At Manchester university my right hon. and learned Friend the Member for Richmond, Yorks (Mr. Brittan) and my right hon. Friend the Member for Henley (Mr. Heseltine) were attacked and in one case sprayed with red paint. More notably, my hon. and learned Friend the Minister of State, Home office was attacked while attempting to address a meeting and was prevented from speaking. At Nottingham university, the Parliamentary Under-Secretary of State for Energy my hon. Friend the Member for Wirral, West (Mr. Hunt) was prevented from speaking. My right hon. Friend the Member for Chingford (Mr. Tebbit), the Chancellor of the Duchy of Lancaster, was prevented from speaking at the same university. At Warwick university, my right hon. Friend the Secretary of State for Education and Science was prevented from speaking. At Bristol and Bradford universities, my hon. Friend the Member for Billericay (Mr. Proctor) was prevented from speaking. At Kingston polytechnic, my right hon. Friend the Member for Hertsmere (Mr. Parkinson) was prevented from speaking. At Guildford college of law, my hon. and learned Friend the Solicitor-General had his meeting cancelled. At Sussex university, the right hon. Member for Plymouth, Devonport (Dr. Owen) was pelted with fruit and eggs. More recently, I was subjected to physical attack at Bradford university and was prevented from speaking at Oxford university. My hon. Friend the Member for Darlington (Mr. Fallon) was punched in the face in the students union bar after addressing a meeting at Sunderland polytechnic. Perhaps most sinister of all, Professor John Vincent, a lecturer at Bristol university, had his lectures picketed and burst into by an angry mob to the extent that he suffered a great deal of personal harassment.

Those are small examples of what is happening. There are others which do not receive the same publicity. My hon. Friend the Minister will, therefore, have some idea of the physical intimidation that is occurring at universities and colleges of further education. Visiting speakers are being prevented from putting their views.

The reaction in the House has been predictable. No fewer than 54 of my hon. Friends have signed early-day motion 582, which was tabled by my hon. Friend the Member for Withington and which deplores the actions of the hooligans. Perhaps as relevant is the fact that three Opposition Members have seen fit to attack that early-day motion and to table an amendment supporting the students who, it says,

"have sought to protect their compuses from fascists, racists and apartheid fellow travellers."

Some Opposition Members clearly support the violence on some of our campuses.

Members of the Federation of Conservative Students and members of Conservative associations are also suffering. At the polytechnic of North London, the FCS has been banned from operating freely by the students union. At the Thames polytechnic, no recruitment stall was permitted at freshers evening unless the Tory club, the existence of which the student union refuses to acknowledge, paid a £500 fee by return of post.

At the North Staffordshire polytechnic, the local Conservative party agent was expelled from the student union-controlled recruitment fair under threat of physical violence. At Leicester polytechnic, a FCS vice-chairman was attacked and threatened by a large crowd. At Manchester polytechnic, a recruitment fair stall was overturned and the FCS chairman was punched in the face. At the University of East Anglia the student union withdrew the Conservative Association's funds because of my impending visit.

The main thrust of those who oppose the principle of freedom of speech is severe physical intimidation of the FCS and others interested in the Conservative movement. Meetings with speakers that they hoped to hold are being forced off campus. At various universities and colleges, recruitment for Conservative Associations is being prevented and legitimate funds to those associations are being blocked by student unions and other bodies. Those who attend meetings for visiting speakers of whatever political hue run the risk of some physical intimidation or attack. I have been lucky enough in recent times to receive full police protection at some meetings, but all those who want to attend the meetings do not get the same protection that I and other hon. Members enjoy.

The offenders throughout this long and sorry saga are almost all members of what Paul Johnson in the *Spectator* described as the "Fascist Left in action." He wrote:

"Their clear aim is to prevent, by force and terror, the expression of opinions."

The methods that they use are ugly and violent and are employed in the name of various organisations, including the various dissident groups. In every instance those involved are from the far Left. They are members of the Socialist Workers' party and the Labour party students' organisation, and in many instances they are members of the Militant organisation. There is a somewhat sinister parallel between the activities of this group and the activities of the members of the Nazi party in Germany during the 1920s. We know that the Nazi party tried to influence students and infiltrate student organisations, and that tactic had the disastrous consequences of which we are all aware. The recent opinion poll which expressed the amount of support for the Conservative party being as low as it is reflects, perhaps, the success of the tactics of the Fascist Left.

The Committee of Vice-Chancellors and Principals issued guidelines to its members and other interested parties on 13 December 1985. It did so on the basis of freedom of speech and lawful assembly. It was that which among other things led to this Adjournment debate. There is no doubt that the guidelines contain some fine words and thoughts. There is a reference to the "unequivocal . . . support" of the Vice-Chancellors for the freedom of expression. It talks about the special responsibilities that universities have to provide a platform for speakers of any political colour and the "right to maintain good order on their premises". It refers rightly to protecting the rightful freedom of visiting speakers to go to universities and of the members of those universities to hear what they have to say.

I am concerned that the document sets out a rather jellied approach to those who are described as controversial speakers. The guidelines state:

"there may be cases of very high risk when universities may have to use their right of refusing permission for the holding of violently controversial meetings in university premises".

That would seem to provide a get-out to vice-chancellors and principals. If they are disturbed by the problems that could occur when certain speakers attend meetings, they have the get-out of being able to cancel the meetings. That has happened far too often to be an instance of vice-chancellors' policy which can be ignored. The guidelines were right and one supports them in principle. One certainly supports the principle of Professor Maurice Shock, who wrote the document in the first place, but the loophole which I have described gives the opportunity to certain principals at universities and colleges to cancel meetings because of fear of some trouble occurring. By cancelling meetings they are cancelling the freedom of speech which this Adjournment debate is all about.

The guidelines admit that in some universities security is inadequate. I accept that the last thing that we want to see is a large number of policemen on student campuses. However, we must acknowledge that where a police presence is necessary police officers should be called in.

There are various lines open to vice-chancellors and principals. First, if offences take place, the student union must be liable to fines. It is good to see that Warwick university was fined some time ago. Secondly, when students are convicted of criminal offences, as happened at a recent meeting in Leicester which I attended, they should be expelled from the university without further questions asked. Thirdly, trouble-makers should be isolated and vice-chancellors should be aware that they exist. Fourthly, I would recommend to vice-chancellors and principals that they should meet visiting speakers and, if need be, share the platform with them so that they can experience the violence that we, the visiting speakers, have to experience.

There are various options open to the Parliamentary Under-Secretary, the Secretary of State and Her Majesty's Government. The first is that we adopt the legislation proposed by my hon. Friend the Member for Withington which has the full support of Conservative Members. Secondly, the Secretary of State should seriously consider withdrawing funds, as he has the power to do, from those universities and colleges of further education which offend against the principle of free speech. Thirdly, I ask my right hon. Friend to look closely at the funding of the National Union of Students and student union bodies which, as my hon. Friends will know, exist on a closed shop basis. He should particularly look at the role of those who take a sabbatical year and who are, in many cases, those who are causing the most trouble. Fourthly, I say to the Parliamentary Under-Secretary and my right hon. Friend the Secretary of State that we require a far stronger reaction when those offences occur. I think that it is imperative, which is why I intend to give my hon. Friend the Parliamentary Under-Secretary the opportunity this afternoon, to state firmly and clearly that hon. Members and others should have absolute and free access to universities and such places and be able to put their views

[Mr. John Carlisle]

forward, whatever they are, in the pursuit of academic learning. For that reason I shall look forward with interest to what my hon. Friend has to say.

2.52 pm

The Parliamentary Under-Secretary of State for Education and Science (Mr. George Walden): The issue raised by my hon. Friend this afternoon is of vital importance in a democratic society. Historically, this country has been a byword for freedom of speech in general and in its universities in particular—ask any refugee who came to Britain from Nazi Germany in the thirties. But then ask too how the whole situation in Germany began. I suspect that an important part of the answer will be the preference of some people with a liberal conscience for a quiet life.

I do not want to make extravagant comparisons. I am simply warning against complacency. The principles of free speech are indivisible in whatever place or time. Recent events of the kind to which my hon. Friend has referred remind us that there are present in any society —even our own—seeds of intolerance and intellectual thuggery, which can take root and flourish in ugly profusion if not weeded out in time.

My hon. Friend the Minister of State referred in a recent speech — and his reference has been extensively commented upon—to the risk of our schools helping to create a yob society. There is evidence of yobbishness seeping into higher education as well. Those may seem strong words, but the recent pattern of incidents is disturbing.

The Government are greatly concerned about protecting free speech, and about the number of occasions in recent months when it has been threatened. Invited speakers have faced disruption, violent behaviour, and personal assault on campuses. My hon. Friend is not alone in the House in having painful personal experience of this new climate of intolerance. The Government would like universities and other authorities to take firm action to ensure not only that the principle of freedom of speech is fully accepted, but that that principle is applied in practice. They therefore welcome the publication last December by the Committee of Vice-Chancellors and Principals of guidance on free speech and lawful assembly; and we are gratified to note that the Committee of Directors of Polytechnics is preparing similar guidance for its institutions.

When the CVCP guidance was issued, a good deal of publicity was given to one perhaps unfortunate paragraph which stated that

"there may be cases of very high risk when universities may have to use their right of refusing permission for the holding of violently controversial meetings in university premises".

This was seen at the time as providing an easy escape route for institutions which might be willing to take the line of least resistance in order to avoid disruption. The point was taken up by the Government and discussed at a meeting with representatives of the Committee.

Shortly afterwards the chairman wrote to the Secretary of State to reiterate his committee's commitment to freedom of speech and to make it clear that the guidelines were never intended as, and should not be interpreted as providing a pretext for an institution to cancel a meeting other than in extreme circumstances.

I can do no better than quote from the chairman's letter, which unfortunately received less publicity than the original paragraph that gave rise to it. It said:

"legal advice and common sense dictated the need to cover circumstances in which a university, having consulted the police, might find itself unable to deal with the prospect of a major disturbance, possibly not provoked by its own students and involving few of them. The document as a whole and the careful phrasing of the passage in question should remove any doubt about where the universities stand on a matter of high principle in a free society. If any university were to surrender weakly to pressure it would not be able to find cover or protection by referring to the Committee's advice, but would rather find itself condemned."

The Government fully endorse the view expressed in the final sentence that I quoted. But that leads me to a deeper concern with a danger that may not yet be sufficiently recognised. The incidents so rightly deplored are merely what we see on the surface of things. In deploring them, we should be aware of a greater danger: the erosion of freedom of speech by default. It is regrettable that the guidelines contain no clear and specific suggestion that university authorities should ensure that speakers are not refused a platform by their student unions. Some recent incidents have been precipitated by those who have acted in defiance of a "no platform" policy. But who can measure the effects of such policies when they are not challenged? Such effects are essentially invisible: we do not know of those who have not been invited, we do not know of those who have been deterred by the threat of possible violence from seeking or agreeing to speak. There are no newspaper reports about debates that do not take place.

The refusal by minority groups of students of a platform on the grounds that particular individuals may be "racist" cannot be justified. When so used, the word "racist" often means little more than that an individual has previously expressed views that the student activists find objectionable. It may be, for example, that they dislike the policies of the South African Government; they are not alone in that. But that is not a justification, or even a sensible reason, for refusing freedom of speech. On the contrary, anyone who wishes to put an alternative view should be welcomed as a demonstration of the fact that in a free society anyone can say what he likes within the law, and so that his views can be exposed to the light of reason, humanity and democratic argument. To deny a platform is more than an attack on freedom of speech: it is a betrayal of the values on which a democracy depends.

The Government see it as vitally important that institutions should take a firm stand on such attempts to deny a platform to a speaker. The way on that has already been pointed by the University of York, which has shown itself willing to take legal action to prevent its student union insituting a "no platform" policy on the ground that such a policy would be inconsistent with the constitution of the student union under the charter and statutes of the university. The Government trust that other institutions will be similarly willing to take vigorous action to eliminate or prevent the introduction of no platform policies. In any instance where, at a particular time, a refusal cannot be prevented, it is to be hoped that the institution itself will consider offering a platform. When incidents occur and a decision to deal firmly with the offenders has been taken, the Government hope that institutions will not be deflected by insidious pressures, from whatever quarter.

I have concentrated so far on the responsibilities of the authorities of institutions in the protection of freedom of speech. But students, too, must accept that responsibility. I am well aware that many of the worst recent incidents have involved outside interlopers and that in some cases student unions were on the side of virtue. But equally there is no lack of evidence of misbehaviour by students. We all know where most of the trouble comes from, but this Government deplore irresponsible behaviour in whatever political quarter it arises.

Above all those who have sought and obtained positions of leadership in the student unions need to consider their position very carefully in this respect. Automatic membership of student unions in our higher education system is founded on a concept of responsible participation on the part of mature members of an academic community in the conduct of that community's affairs. That concept is brought into disrepute where confrontation is precipitated by "no platform" policies; where no lead is given in opposing undemocratic action or violence on campuses; where those who perpetrate it are protected by unions; where union leaders themselves refuse rational discussion with Ministers; and where a union's resources can be seen to be concentrated in favour of a limited range of interests.

We have stated in the past that although we have no present plans for reform of student unions, we sympathise with those who feel that reform may one day be necessary. With each instance where a student union is involved in the kind of threat to democratic values that we have seen too often recently, this sympathy grows. Those who claim to value the opportunities for personal development offered by the exercise of leadership in student unions would be well advised to consider this. If there continue to be others among them who show themselves unable or unwilling to exercise responsibility within the generally accepted constraints of a democratic society, there will be those in this House who will feel driven to conclude that unions should no longer have access to public funds. Some hon. Members have argued that the opportunity should be taken to insert in the current Education Bill a clause requiring higher education institutions to safeguard freedom of speech. The Government have rejected that approach on the grounds that the proposed clause would not effectively add to the protection of freedom of speech.

I naturally commend the characteristically rigourous and sincere effort that my hon. Friend the Member for Manchester, Withington (Mr. Silvester) made to move a Bill in this direction, and commend the spirit of the Bill, but he knows our view on the practice of introducing it at present.

It is futile to hope for a quiet life by, in effect, acquiescing in a ban on inconvenient outside speakers. The recent treatment of Professor Vincent by members of his own university shows that the canker of violence spreads quickly, and can erupt within our institutions and threaten academic freedom. If our society is to maintain its essential values all of us have a duty to be vigorous, unremitting and energetic in our defence of freedom.

Thomas Mann had more experience than most in these matters. In his passionate denunciation of demagogy and violence in his country in a speech called "The coming victory of democracy", he made this profound remark:

> "Because of its association and solidarity with knowledge, truth, justice, and as the opposite of violence and vulgarity, intellect becomes the advocate and representative of democracy on earth".

I hope that none of us lives to see the day when this passage can be quoted in reproach of any institute of learning in this country.

Question put and agreed to.

Adjourned accordingly at two minutes past Three o'clock.

House of Commons

Monday 14 April 1986

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

National Coal Board

1. **Mr. Neil Hamilton** asked the Secretary of State for Energy when he last met the chairman of the National Coal Board; and what matters were discussed.

The Secretary of State for Energy (Mr. Peter Walker): I meet the chairman of the National Coal Board regularly to discuss a wide range of issues concerning the coal industry.

Mr. Hamilton: I thank my right hon. Friend for that reply. Has he taken the opportunity recently to discuss with the chairman of the NCB the future of opencast mining and whether, in the context of the falls in oil prices recently, he feels it necessary to concentrate as much as possible on the lowest possible cost of output? Against that background, would it not be a good thing to remove the restrictions that apply to the small licensed operators in the private sector in conformity with the Monopolies and Mergers Commission's report three years ago? Why has the Department made no move in that direction during the ensuing period?

Mr. Walker: These matters are discussed with the NCB, which has to market the total production of coal. Mr. MacGregor has made no such suggestion to me.

Mr. Mason: Has the Secretary of State raised the issue of bad investment decisions by the NCB? Is he aware that in the area that I repesent vast sums were spent on modernising Redbrook colliery, both on the surface and underground, and that the work force of 1,800 is now fewer than 500 men? The future of the colliery is in doubt. Only six years ago the NCB invested £30 million in driving Kinsley drift, which was hailed as a wonder pit, but last week the NCB announced its closure. Is there no reason for an independent inquiry to be held into the investment decisions at those two pits and others in the coalfield, where vast sums have been lost to the British taxpayer?

Mr. Walker: If the right hon. Gentleman wants an independent inquiry, he should not confine it to the two pits to which he has referred. The inquiry should cover the entire industry and encompass other comparative forms of energy. He will find that when the previous Labour Government were in power—and they invested nowhere near as much as the present Government—many such decisions were taken.

Mr. Patrick McNair-Wilson: As lower oil prices will inevitably increase competition among world coal producers, and as Britain has the largest coal industry in the EEC, has the chairman given any indication of any moves to encourage sales, especially in Europe, where some currencies are now relatively stronger against sterling?

Mr. Walker: Yes, Sir. I know that the management of the NCB has taken an especial interest in improving its international marketing position. At present, competition with low-price oil is an embarrassment and a difficulty for coal industries thoroughout Europe, including our own. It is difficult to predict the future price of oil. I assure my hon. Friend that every consideration is being given by the NCB and the Government to the range of options before us.

Mr. Dormand: Does the Secretary of State agree that industrial relations in the mining industry are the worst they have been for many years and that this has been caused largely by the actions of the chairman of the NCB during and since the strike came to an end? Will he seek to hasten Mr. MacGregor's retirement, while realising that much more than that needs to be done? Will he, for example, have meetings with the full board of the NCB and stress that maximum efficiency will not be obtained until we achieve the goodwill of the miners?

Mr. Walker: I hope the hon. Gentleman recognises that productivity in the coal industry is far higher now than it has ever been since nationalisation. Therefore, there must be some appreciation of a management which has achieved productivity levels and given the industry a better chance of surviving and competing than ever before.

Mr. Robert B. Jones: Will my right hon. Friend now answer the question put to him by my hon. Friend the Member for Tatton (Mr. Hamilton) and say what discussions he will institute with the chairman of the National Coal Board about the Monopolies and Mergers Commission's report on opencast mining?

Mr. Walker: I am aware that a number of my hon. Friends have been lobbied by the opencast industry on this issue. I hope that the industry will recognise that coal marketing by the NCB is done in its totality and that 75 per cent. of coal in this country goes to the Central Electricity Generating Board. When seen in its total context, it might be that the package advocated by Ian MacGregor and the National Coal Board has some sanity and sense.

Mr. Hardy: Does the Secretary of State accept that the NCB could sell 6 million tonnes of coal to western Europe if western Europe was persuaded that it ought not to rely on dumped imports from outside the Community? Will he take the point expressed by the hon. Member for New Forest (Mr. McNair-Wilson) and ensure that far more vigour is used to secure that market for the British coal industry, in the light of the investment that the Government claim they have put into it?

Mr. Walker: It is true that the NCB has taken a great interest — far greater than ever before — in trying to establish export markets. It is not just imported coal that is the competition at present. The considerable lowering of the price of oil has created considerable difficulties.

Mr. Budgen: Is my right hon. Friend desirous of seeing all imports of coal excluded from this country and from all the countries of the EEC?

Mr. Walker: No, Sir.

Mr. Orme: When the Secretary of State talks about improved productivity in the mining industry, which we welcome, will he ensure that the fluctuations in oil prices are not used against the mining industry, certainly by the CEGB, as it is currently speculating? Secondly, may I reinforce the comments of my right hon. Friend the Member for Barnsley, Central (Mr. Mason) regarding the Kinsley drift mine and call for an independent inquiry?

Mr. Walker: Under the terms of the nationalisation of electricity, brought about by a Labour Government, the CEGB has a statutory duty to produce electricity at the most competitive and economic price. Therefore, if one criticises the CEGB for pursuing that objective, one is criticising the legislation originally passed by a Labour Government.

Energy Conservation

2. **Mr. Patrick Thompson** asked the Secretary of State for Energy what discussions he has had with the Association for the Conservation of Energy; and if he will make a statement.

The Parliamentary Under-Secretary of State for Energy (Mr. David Hunt): My right hon. Friend and I have had a number of discussions with the chairman of the Association for the Conservation of Energy and much appreciate the association's contribution to Energy Efficiency Year.

Mr. Thompson: I am pleased that my hon. Friend has had regular discussions with the chairman in Energy Efficiency Year. Bearing in mind the £400 million that has been spent by the Government on helping people with their fuel costs, will he take urgent steps to find methods by which homes up and down the country can be insulated to higher standards so that we can improve warmth and cut costs in the future?

Mr. Hunt: I agree with my hon. Friend that it is important to do just that. That is why my right hon. Friend has substantially increased the number of voluntary insulation projects, which have now insulated over 150,000 homes, especially those of the elderly and disabled.

Mr. Wallace: Have the Secretary of State and the Minister had the opportunity to discuss with the Association for the Conservation of Energy the success of the schemes in Northern Ireland, where there is a 30 per cent. grant for companies investing in energy efficiency measures? Has he had any representations about extending that scheme to other parts of the United Kingdom?

Mr. Hunt: I had an opportunity of talking to the ACE seminar on insulation in Portsmouth last Tuesday, but the matter was not raised with me on that occasion. However, I shall look into it further.

Mr. Gerald Howarth: Is my hon. Friend aware that such has been the success of the Association for the Conservation of Energy that it has been invited by the Government of Canada to see whether it is possible to institute such a scheme in that country?

Mr. Hunt: My hon. Friend is right to stress the importance of ACE. The association and its members have been extremely enthusiastic in supporting Energy Efficiency Year.

Mr. Rowlands: Is not the association also the strongest advocate of placing specific duties on the gas and electricity industries in relation to energy conservation? Why have the Government repeatedly refused to consider that constructive and sensible set of proposals?

Mr. Hunt: The hon. Gentleman has overlooked the fact that, after privatisation, the independent regulator—the Director General of Gas Supply—will have a duty to promote the efficient use of gas.

Motor Fuel

3. **Mr. Chope** asked the Secretary of State for Energy what steps he takes to monitor the pump price of motor fuel.

The Minister of State, Department of Energy (Mr. Alick Buchanan-Smith): Sample data on oil product prices are collected by my Department on a weekly and monthly basis.

Mr. Chope: Does my right hon. Friend agree that some major petrol companies are still charging as much as 10p per gallon more than they need to? Will he take this opportunity to pay tribute to the independent retailers for the great work that they are doing in bringing down the price of petrol to the ordinary consumer?

Mr. Buchanan-Smith: My hon. Friend rightly draws attention to the fact that it is highly significant that there is a big variety in petrol prices. It is up to the motorist to demonstrate that he believes the price is too high by purchasing his petrol from the cheapest source.

Mr. Skinner: It is a funny sort of Government who are telling the people involved in the oil industry that they cannot interfere in the price of their fuel, yet, when it came to gas and electricity, the Government were prepared to tax both. Why do they have double standards?

Mr. Buchanan-Smith: For the simple reason that the oil industry is in private hands.

Mr. Beaumont-Dark: Does my right hon. Friend agree that it is important that petrol companies' pricing policy should respond to the market more regularly than it does? Would it not be easier for the companies if successive Chancellors did not use the oil prices as a milch cow so that, whenever the oil price seems to be coming down, Chancellors try to get their hands on what is left?

Mr. Buchanan-Smith: No doubt my hon. Friend will direct his views to my right hon. Friend the Chancellor of the Exchequer, but I agree that there is good reason for lower petrol prices now, as several companies have perfectly properly and correctly shown the way. There is scope for oil companies, and I hope that they will respond to it.

Mr. Rogers: Further to the Minister's answer to my hon. Friend the Member for Bolsover (Mr. Skinner), is he saying that the Government give special treatment to energy sources that are in private hands compared to those in public hands? Is he saying that there are two levels of Government evaluation in the industry?

Mr. Buchanan-Smith: In response to two earlier questions and as my hon. Friend the Member for Southampton, Itchen (Mr. Chope) pointed out in his

supplementary question, I said that we have already seen the scope for independent companies to charge lower prices, for the benefit of the consumer.

Sir Anthony Meyer: Does my right hon. Friend find it as odd as I do that petrol prices along the motorways are virtually identical at every pump? Is he satisfied that competition is as it should be there?

Mr. Buchanan-Smith: I have not personally made a study of petrol prices along motorways, but I notice that along other major routes one finds a big variation between one petrol station and another—even between those in quite close proximity. If my hon. Friend has evidence of any unfairness in competition, I hope that he will draw it to the attention of my right hon. Friend the Secretary of State for Trade and Industry or the Office of Fair Trading. There are powers in the OFT to deal with any anti-competitive action.

Mr. Orme: Does the Minister agree that some of the prices that are now being charged are a scandal? What action will he take to deal with the problem?

Mr. Buchanan-Smith: As other hon. Members have said, and as I have described, there is a wide variety of petrol prices, and the consumer has the opportunity to exercise his choice. That demonstrates the freedom that the consumer has.

Energy Efficiency

4. **Mrs. Roe** asked the Secretary of State for Energy if he will report on the progress of the energy efficiency demonstration scheme.

Mr. Peter Walker: I am pleased to report that the energy efficiency demonstration scheme achieved its target of stimulating annual energy savings worth £120 million by the beginning of this year.

Mrs. Roe: Does my right hon. Friend agree that the new techniques and technologies applied in this demonstration project will be welcomed? Can he give the number of replications that have taken place? Will the Hertfordshire county council waste-derived fuel project qualify for grant under this scheme?

Mr. Walker: I cannot answer the latter question without studying the application. In terms of duplication, I am pleased to say that the energy-saving technologies pioneered through the scheme have been taken up in more than 5,600 different locations in the United Kingdom.

Mr. Peter Bruinvels: Being a great fan of energy efficiency and how energy is saved, can my right hon. Friend tell the House how often local authorities, major businesses and the captains of industry are approached to establish what savings they could make under the scheme? Large savings could be made through this important project.

Mr. Walker: In terms of industry, the early morning breakfast special briefing sessions have been a great success. In terms of local authorities, LAMSAC has made an analysis showing that local authorities could save more than £100 million a year by applying basic energy efficiency. I am glad to say that many local authorities are doing this, and I hope that many more will follow.

Nuclear Power Industry

5. **Mr. Proctor** asked the Secretary of State for Energy if he will make a statement on the safety record of the nuclear power industry.

The Parliamentary Under-Secretary of State for Energy (Mr. Alastair Goodlad): The nuclear power industry has an excellent record on site and environmental safety. The Government and the industry are determined that the existing high standards should be upheld and improved further.

Mr. Proctor: Does my hon. Friend agree that nuclear power is the safest source of energy known to mankind?

Mr. Goodlad: My hon. Friend is right. Nuclear power is not only the cheapest and cleanest, but the safest form of electricity generation.

Mr. Rogers: Does the Minister accept that the safety record of some nuclear power installations is appalling? In addition to the present crisis in the industry caused by accidents, does he accept that the long-term effects of low-level radiation are severe and have not been quantified?

Mr. Goodlad: The hon. Gentleman is wrong. Recent incidents have been exaggerated out of all proportion. None has presented a radiological hazard to the public. Each incident is rigorously investigated to see whether any lessons may be learnt.

Mr. Hannam: Is not the problem one of communication and a lack of understanding of the definitions used in the nuclear industry? Will my hon. Friend urge the new chairman of British Nuclear Fuels Ltd. to evolve a better descriptive system of radioactivity so that people are not scared by the stories spread about fairly low levels of radioactive waste emissions?

Mr. Goodlad: I agree with my hon. Friend about the importance of communication. The new chairman of BNFL is extremely keen, as was his predecessor, to give simple explanations about the nuclear industry, without any sacrifice of accuracy.

Mr. Hardy: Is the Minister telling the House that the system of inspection is thorough? Is he giving the House an assurance that the number of inspectors supervising the nuclear power industry is adequate in number and in qualification?

Mr. Goodlad: Yes, Sir.

Mr. Chapman: Is my hon. Friend aware that the recent report of the Select Committee on the Environment expressing concern about some aspects of radioactive waste management was not concerned with all aspects of nuclear power, and that those who construe it as an attack on the nuclear industry are telling falsehoods?

Mr. Goodlad: I am grateful to my hon. Friend, who is a distinguished member of that Select Committee, for his clarification.

National Coal Board

6. **Mr. Dalyell** asked the Secretary of State for Energy whether the terms of appointment of the chairman of the National Coal Board contain any conditions relating to the publication by him of any book relating to his period in office.

Mr. David Hunt: No, Sir.

Mr. Dalyell: Is it true that about six months before Cortonwood, in the autumn of 1983, Mr. MacGregor and the Prime Minister discussed the scenario and politics of a long drawn out coal strike? That is a simple straightforward question.

Mr. Hunt: No, Sir.

Mr. Marlow: Will my hon. Friend, even at this late stage, seek to include in the terms of appointment of the next chairman of the National Coal Board a requirement, given my hon. Friend's enthusiasm for privatisation, that we should move towards some areas of privatisation within the National Coal Board?

Mr. Hunt: I should make it clear to my hon. Friend that the Government have no plans for privatisation. Details of Mr. MacGregor's terms of appointment and remuneration are set out in the National Coal Board's annual report and accounts.

Mr. Douglas: In view of the remarks of my hon. Friend the Member for Linlithgow (Mr. Dalyell), will the Minister give an assurance that there is no hangover in Scotland of the vindictive attitude of Mr. MacGregor, especially in relation to the re-engagement of victimised mineworkers? Will he give assurances that the management structure, particularly in Scotland, will be subject to an independent investigation?

Mr. Speaker: Order. The question relates to a book. Is all this to be in the book?

Mr. Douglas: I was referring to a hangover of the vindictive attitude of Mr. MacGregor, apparently displayed in the book.

Mr. Speaker: Order. The hon. Gentleman has asked his question. I think that we have grasped it.

Mr. Hunt: The hon. Gentleman is inaccurate in his description of the attitude. In any event, it is a matter for the National Coal Board.

Mr. Eadie: Why is the Minister being so coy with the House when he knows that it has been well trailered that Mr. MacGregor will get £100,000 for writing the book, in which he boasts and brags that, in the fictional style of Rambo, he was able to win the miners dispute? Why should the most expensive chairman of any nationalised industry be allowed such personal aggrandisement?

Mr. Hunt: The hon. Gentleman is incorrect in almost all of that question.

Electricity Generation

7. **Mr. Teddy Taylor** asked the Secretary of State for Energy what percentage of electricity in the United Kingdom is produced by nuclear power stations; and what plans he has to increase the percentage.

Mr. Goodlad: Twenty per cent. of the electricity available from the United Kingdom public supply system was generated by nuclear power in 1985. The nuclear share is expected to rise to about 25 per cent. by the end of the decade. Thereafter, the contribution from new nuclear capacity will depend on the decision of my right hon. Friend the Secretary of State on Sizewell B and upon decisions on subsequent applications to build new stations.

Mr. Taylor: As it is clearly in the national interest to expand the nuclear power building programme, will the Minister discuss with his colleagues how to reduce the crazy and absurd planning and inquiry delays which take place when a station is planned, especially as the Government have found it possible to promote the building of a Channel tunnel without any public inquiry at all?

Mr. Goodlad: Planning matters are for my right hon. Friend the Secretary of State for the Environment. As the House knows, the Government have made it clear on a number of occasions that the Sizewell inquiry should be full and wide ranging. My right hon. Friend the Secretary of State will lose no time in reaching a decision once the inspector has presented his report.

Mr. Campbell-Savours: When nuclear systems at nuclear plants are found to be deficient, should not the Government ensure that the equipment is modernised and changed as soon as possible?

Mr. Goodlad: I know that the Central Electricity Generating Board would agree entirely with the hon. Gentleman, as I do.

Sir Trevor Skeet: As it takes about eight years to construct a nuclear power station and many of the Magnox stations are due for retirement in the 1990s or probably shortly afterwards, will not the 20 per cent. proportion fall rather than rise? Does my hon. Friend agree that it is most important for the Government to press on with more nuclear power stations?

Mr. Goodlad: The Government have made clear their commitment to nuclear power. As I have said, future power station order decisions must await the outcome of the Sizewell inquiry.

Mr. Skinner: What is the point of concentrating on nuclear power when the North sea contains gas and oil and when we have 300 years of coal under the ground? Why continue with this folly?

Mr. Goodlad: As the hon. Gentleman knows, nuclear power is cheaper, cleaner and safer than other forms of energy. The Government, like their predecessors, believe that it is in the national interest to have a range of supply options. As the hon. Gentleman also knows, the Government are heavily committed to the coal industry, as evidenced by our enormous investment in it.

Coal Industry

8. **Mr. Robert B. Jones** asked the Secretary of State for Energy what are the latest available productivity figures for the Nottinghamshire area of the National Coal Board; and if he will make a statement.

10. **Mr. Merchant** asked the Secretary of State for Energy what are the latest available productivity figures for the National Coal Board; and if he will make statement.

11. **Mr. Ashby** asked the Secretary of State for Energy what are the latest available productivity figures for the south midlands area of the National Coal Board; and if he will make a statement.

Mr. Peter Walker: The National Coal Board's average revenue deep-mined productivity in the week ending 22 March was 3·08 tonnes per manshift. The corresponding figures for the Nottinghamshire and south Midlands areas were 3·38 tonnes per manshift and 3·12

tonnes per manshift respectively. Continued growth in productivity is the key to providing the coal industry with a secure future.

Mr. Jones: Does my right hon. Friend agree that co-operation rather than confrontation is the answer, in the interests of consumers, miners and the board alike, and do not these figures clearly show the benefits that can be gained from such co-operation?

Mr. Walker: I do agree. These remarkable figures are far better than any that have been available since nationalisation.

Mr. Rogers: Does the Secretary of State accept that in most circumstances productivity is a function of investment? Does he agree also that if the same investment were made in the south Wales coalfield as has been made in other parts of the United Kingdom, productivity would be at the same levels? I am thinking in particular of the Margam new mine. Ian MacGregor gave a promise during the miners' strike that at the end of the strike the investment would be available for the opening of the Margam new mine. Is Ian MacGregor a liar, or will the NCB now invest in the Margam new mine?

Mr. Walker: The hon. Gentleman should study the facts. As a result of "Plan for Coal" produced by the last Labour Government, the investment took place but the productivity did not. I am pleased to say that productivity has now taken place in south Wales as well as everywhere else.

Mr. Andy Stewart: In view of my right hon. Friend's information about the productivity achieved in Nottinghamshire, largely due to the close co-operation between management and the Union of Democratic Miners, will my right hon. Friend advise the chairman of the NCB to leave Nottinghamshire with a lasting memory of him by negotiating with the UDM a permanent lower retirement age of 55?

Mr. Walker: I cannot commit the board to the details of its negotiations. That must be a matter for the board.

Mr. O'Brien: In the three comparisons that the right hon. Gentleman gave, is the gigajoule value the same in each case?

Mr. Walker: I cannot say, but I shall inform the hon. Gentleman.

Mr. Gerald Howarth: Is my right hon. Friend also aware that in the western area productivity records are being broken? Will he join me in congratulating the miners in my constituency in the Lea Hall pit, as well as in the Littleton pit in the constituency of my hon. Friend the Member for Staffordshire, South, (Mr. Cormack)? Does he agree that security for those men can best be achieved through increased productivity?

Mr. Walker: Yes. As we saw throughout the coal dispute, many Tory Members of Parliament are now representing mining constituencies. Given the increased earnings of miners during the period of this Government, I hope that after the next election even more Tory Members of Parliament will be representing such constituencies.

Mr. Wrigglesworth: Does the Secretary of State agree that productivity in the best pits has reached 5 tonnes per shift per man? Does he also agree that the increase in productivity to which he has rightly paid tribute has largely been reached as a result of the closure of unproductive capacity? Will he ensure that productivity in the pits that remain open moves up to the best levels available?

Mr. Walker: The improvement in productivity as a result of the closure of uneconomic pits is a factor, but some pits that have been major loss-makers for years are now reaching productivity levels that mean they will be able to survive.

Mr. Eadie: The right hon. Gentleman saw fit to refer to "Plan for Coal", and he will recall that "Plan for Coal" referred to fluctuations in the market in relation to oil. Can he give an assurance that the miners who are now achieving record production will not be subject to the fluctuations in the market and that the CEGB will not be allowed to bring in massive coal imports?

Mr. Walker: The future for coal, oil, gas or any other form of energy depends on the manner in which energy for this country can be produced at competitive prices. I am delighted that the enormous improvement in productivity under this Government gives the coal industry a better chance than it would otherwise have had.

Heat and Power Projects

9. **Mr. Rost** asked the Secretary of State for Energy if he will list the combined heat and power projects which the Central Electricity Generating Board and area boards have adopted and supported, under the provisions of the Energy Act 1983.

Mr. Goodlad: This is primarily a matter for the boards themselves. I understand that since May 1983 they have appraised 19 potential combined heat and power projects, of which six remain under active consideration. The chairman of the Electricity Council has told me that boards will continue their efforts to identify economic CHP projects in line with the provisions of the Energy Act 1983 and their other statutory duties.

Mr. Rost: Is my hon. Friend satisfied that where independent feasibility studies conducted by city CHP consortia show a rate of return as good as or better than electricity-only new power stations, CHP schemes will be adopted and supported?

Mr. Goodlad: The Government want to see the development of CHP schemes that make commercial sense. That is why the Energy Act 1983 placed a duty on electricity boards to adopt and support viable projects and created a guaranteed market for the sale of electricity from CHP schemes. The Act provides that boards may adopt and support only those projects that meet their financial criteria. Boards apply the same financial criteria to potential investment in CHP as to their other expenditure. As I have said, six schemes are under scrutiny at the moment. It is for boards to evaluate these and consider what part they should play consistent with their statutory duties.

Mr. Frank Cook: Will the Minister tell the House the size of the annual budget allocated for research, development, demonstration and monitoring of CHP? Will he compare that with the annual budget for other alternative renewable and clean sources of energy?

Mr. Goodlad: In addition to what I have said, I should say that we have made available grant-aid of £250,000

each to consortia from Leicester, Edinburgh and Belfast towards the preparation of prospectuses for CHP district heating schemes.

Coal Industry (Investment)

12. **Mr. Barron** asked the Secretary of State for Energy if, when he next meets the chairman of the National Coal Board, he will raise with him the board's new coalfield investment programme.

Mr. Peter Walker: I meet the chairman of the National Coal Board regularly to discuss all aspects of the industry, including investment programmes.

Mr. Barron: Can the Secretary of State clarify the position about new investment in the British coalfields? Can he tell us about the new investment that is proposed for the south Warwickshire coalfield? I wrote to the right hon. Gentleman on 26 March asking him to clarify a matter concerning three of his right hon. Friends who put their names to a document aimed at stopping investment in the new pit that is proposed for the south Warwickshire coalfield. We hear Minister after Minister saying that the Government are committed to the coal industry and to its future. Will he clarify this with the Coal Board? Even if I cannot get a reply to my letter, that might let us know exactly what the Government have in store for the British coalfields.

Mr. Walker: The Government are spending £2 million a day on the coal industry, and that is rather more than any Labour Government ever spent. I have not received any proposal from the Coal Board about the project in south Warwickshire. The board is presently conducting environmental impact assessments.

Mr. Teddy Taylor: Having seen for himself the problems created by a previous Agriculture Minister who urged farmers to produce more food at three times the price at which the public could buy it from abroad, will my right hon. Friend be cautious and not encourage the National Coal Board to do exactly the same thing by producing coal at 60 per cent. more than the price at which we can buy it from Australia?

Mr. Walker: I am sorry if my hon. Friend regrets that Britain attained a tolerable self-sufficiency in food. I notice that he would prefer to import food rather than that we should produce it ourselves.

Mr. Allen McKay: When the Secretary of State is looking at new investment, will he also look at old investment? Does he agree that capital investment 10 year ago on plans that have been destroyed by the Government and the Coal Board is now affecting too few men? Will he look at Redbrook, where manpower has been run down from 1,250 to 488? Does he not agree that in such cases the capital debt should be wiped out?

Mr. Walker: Capital debts have to be reviewed over a period of time. Investment in our coal industry dwarfs investment in that industry in the whole of the rest of western Europe.

Coal (Opencast Production)

14. **Mr. Fallon** asked the Secretary of State for Energy whether he will ask the National Coal Board to expand opencast production.

Mr. David Hunt: As my right hon. Friend has said, opencast coal has an important role in securing a healthy future for the coal industry. It is for the National Coal Board to decide the level of opencast production necessary for its market requirements.

Mr. Fallon: Is my hon. Friend aware that in the north-east we have been denied low-cost production and much needed jobs by county councils acting as wholly-owned subsidiaries of the National Union of Mineworkers and by a Coal Board that balances opencast mining against deep mine production? Has the time not come to free opencast from the dead hand of Hobart House and allow it to expand as one of our growth industries?

Mr. Hunt: As my hon. Friend is aware, the changes to licensing arrangements would require legislation, for which there are no plans at present. The existing arrangements can work well if they are used properly.

Mr. Eadie: Will the Minister bear in mind that the problem about opencast coal mining is not just that it causes noise and visual pollution, but that it is a form of vandalism, in that good seams cannot be worked and are sterilised and lost as a result of some opencast operations, which is wasteful?

Mr. Hunt: The hon. Gentleman must be aware that many deep mines depend on opencast production for blending to provide an acceptable product that customers, particularly in electricity generation and the industrial market, want.

THE ARTS

Sponsorship

35. **Mr. Alan Howarth** asked the Minister for the Arts what assessment he has made of the implications for sponsorship of the arts of the provisions in the Budget relating to charitable giving.

The Minister for the Arts (Mr. Richard Luce): I believe that sponsorship should increase significantly because businesses will now be able to make one-off donations, including the support of capital projects.

Mr. Howarth: Does my right hon. Friend agree that the Government's achievement in increasing spending on the arts by some 10 per cent. in real terms since 1979 has stimulated demand for additional expenditure? Does he also agree that additional funding for the arts should come from a variety of sources and that through the incentives in the Budget for charitable giving the Government are fulfilling their duty to provide a sound framework for a worthwhile encouragement for support of the arts?

Mr. Luce: I agree with my hon. Friend. In addition to the basic funding that the Government provide, we must look to the private sector to help fuel the expansion of the arts. There is an increasing demand for arts activities. My hon. Friend is right to say that the relief provided in the Budget will be a strong encouragement to arts bodies to raise extra funds.

Mr. Cormack: Did my right hon. Friend see the all-party motion supporting the new measures introduced in the Budget? Is he aware that there is still some doubt as to what these mean? Does he have it in mind to produce some easy to understand document that can be distributed?

Mr. Luce: I welcome the all-party support for the Budget changes. As to getting the information across, there still has to be the debate in the Finance Committee. We have strong views as to how we can educate businesses in the possibilities of giving and persuade arts bodies to become more professional in getting their case across. Hon. Members can do a great deal to help.

Mr. Buchan: The Minister is reverting to the proposition that he will rely on private sponsorship and similar means to bring about expansion, and not provide public funding. Given the background of cuts—some £19 million was lost by the abolition of the GLC and the metropolitan counties that has not been refunded—are we not looking at a standstill in public funding and relying on private funding, which will lead to a decline?

Mr. Luce: The hon. Gentleman is wrong. The worst forecasts about disaster in the arts have been proved to be wrong and things are going well for arts organisations. As to the Government's policy, we are committed to keeping up our support for the arts. However, for expansion and growth there should be a partnership between the Government, local authorities and the private sector, and the private sector can play an even more prominent role than it does.

36. **Mr. Greenway** asked the Minister for the Arts if he will estimate the amount of money by which the arts will benefit as a result of the Budget; and if he will make a statement.

Mr. Luce: That depends entirely on the energy of the arts bodies and the generosity with which people respond to the new opportunities. The Association for Business Sponsorship of the Arts has estimated that the additional figure might be £10 million. I believe that this could be much more.

Mr. Greenway: Is not the sky the limit for the arts as a result of the Budget, and should not arts bodies be aiming for £50 million at least? Is it not urgent for my right hon. Friend to set up the advisory body that he has already mentioned to instruct and assist arts bodies in promoting themselves, whatever they are doing, in a way that brings in money?

Mr. Luce: The arts bodies must be encouraged to be as competitive and professional as possible in getting across the activities that they have to sell to the public and to persuade businesses to fund them. We shall do all that we can to help them in that process. The scope is enormous and the extent to which we succeed in raising extra money depends upon the professionalism and enthusiasm of arts bodies in Britain.

Mr. Dormand: How much importance does the right hon. Gentleman place on the appreciation of film in the arts? In view of the devastating legislation which the Government have carried in this Parliament against the film industry, will he give an assurance that he will do all that he can to make public money available for the appreciation of film, particularly as Britain is now producing some of the best films in the world?

Mr. Luce: As the hon. Gentleman must know, the Government already give over £9 million to the British Film Institute, which is considerable support on the part of the taxpayer and is of great encouragement to the film industry. Indeed, in the hon. Gentleman's area in Tyne and Wear support for the film industry is strong.

Mr. Dalyell: The Minister referred to his strong views on private funding. Will he tell us exactly what those views are?

Mr. Luce: I thought that I had made them plain, but I am delighted to have another opportunity. The private sector can play an increasingly important role in helping arts bodies in addition to the basic funding provided by the taxpayer, and, indeed, by the ratepayer and local authorities. The changes provided for in the Budget will give every encouragement to that. With the Government's sponsorship incentive scheme we have a wide range of incentives to increase support from the private sector.

37. **Mr. Jessel** asked the Minister for the Arts what effects he expects the 1986 Budget proposals to have upon the arts.

Mr. Luce: The effect will be to strengthen the prospects for widening the sources of funding for all arts bodies.

Mr. Jessel: Does my right hon. Friend agree that the £100 give-as-you-earn scheme provides an important opportunity for the arts to obtain more funds, but, as the arts will be competing with other charities, will there not be a need for a great deal of local promotion, locally organised with great vigour?

Mr. Luce: I agree entirely with my hon. Friend, and this is where hon. Members can do a great deal to help in their constituencies in encouraging support for the arts in that way. My hon. Friend is right to draw attention, in addition to the incentives provided for corporations to give, to the incentives which will be introduced from 1 April next year to provide for payroll giving to charitable bodies. My right hon. Friend the Chancellor of the Exchequer plans to introduce a consultation document on that, but the sooner we start educating the public in the possibilities the better.

Mr. Meadowcroft: I welcome the taxation incentives for charities and artistic organisations, but is the Minister aware of another anomaly, in that if anything is published in a brochure which at all looks like an advertisement it is liable to VAT, and that inhibits the amount of publicity that could be given to a sponsoring organisation? Will the right hon. Gentleman look at that anomaly?

Mr. Luce: I shall look at that, but I cannot promise any change.

Arts Funding

38. **Mr. Chapman** asked the Minister for the Arts what recent representations he has received about the effect on arts funding in London of the demise of the Greater London council.

Mr. Luce: I have received a number of representations, but I am happy to say that the position of the vast majority of arts organisations in Greater London has been made secure.

Mr. Chapman: Does my right hon. Friend agree that the first benefit deriving from the abolition of the GLC should be the more efficient management of the South Bank complex, in the interests of those who care about the arts throughout Britain, as well as Londoners? Will he confirm that that should be a top priority of the South Bank board under its able chairman in the year ahead?

Mr. Luce: I am grateful to my hon. Friend for referring to the South Bank, because under the leadership of Ronnie Grierson we have had a smooth and efficient takeover of responsibilities at considerable personal sacrifice in terms of his time and because he is acting without a salary. It is already becoming clear that the South Bank will operate more efficiently and at lower administrative costs than it has in the past.

Mr. Freud: Will the Minister bear in mind the considerable pleasure which was brought to schools and old people's homes by the GLC and metropolitan counties which sponsored theatrical tours, and will he do his best to let successor bodies have similar productions, which will give a great deal of pleasure to those people?

Mr. Luce: I note what the hon. Gentleman says. Much of this is to do with the Arts Council and with local authorities, but I am extremely encouraged by successor authorities' responses, following abolition, to appeals to participate in support for the arts. Today the Westminster city council has announced that it will provide over £3 million for the support of the arts in Greater London. I warmly welcome that.

National Railway Museum, York

39. **Mr. Adley** asked the Minister for the Arts if he will pay a visit to the National Railway museum, York.

Mr. Luce: I hope to do so before long.

Mr. Adley: Is my right hon. Friend aware that he will be extremely welcome? Is he further aware that the museum, in addition to showing off the country's history, currently runs a number of steam locomotives and thus earns money for the museum? Will he confirm that the Government's policy is to encourage museums to earn money from such occupations and to keep and reinvest such earnings?

Mr. Luce: I know of my hon. Friend's keen interest in such matters. I look forward to my visit to the National Railway museum at York. My hon. Friend is right to say that the museum, as part of the Science museum, is being encouraged to raise extra revenue without obstacles being put in its way by the Government. In that way I hope that increased resources will help to provide a better service.

CIVIL SERVICE

Civil Servants (Employment Policy)

43. **Mr. Dalyell** asked the Minister for the Civil Service if he will make a statement on his response to the First Division Association's representations over the position of civil servants arising out of the Westland affair.

The Minister of State, Privy Council Office (Mr. Richard Luce): No, Sir.

Mr. Dalyell: What do the Government think of the view of Sir Frank Cooper, a former permanent secretary at the Ministry of Defence, set out in the Suntory-Toyota lecture at the London School of Economics, that the post of chief information officer at No. 10 Downing street has become a political party post rather than a Civil Service post and should not be occupied by a civil servant? What do the Government say to Lord Bancroft, who thinks that over the Westland affair Ministers abused the Civil Service? Should not such heavyweight opinions be taken seriously? Is Mr. Bernard Ingham's position any longer tenable?

Mr. Luce: The hon. Gentleman is talking absolute nonsense. The position has been made clear time and again by my right hon. Friend the Prime Minister and in evidence to the Select Committee by Sir Robert Armstrong. I disagree with everything that the hon. Gentleman has said.

Sir David Price: Does my right hon. Friend recognise the particular problem for press officers, information officers and public relations men in the Civil Service when their trade as public relations men marries ill with the traditional anonymity of the Civil Service and is almost a contradiction in terms?

Mr. Luce: I note what my hon. Friend has to say, but the principle of the impartiality of the Civil Service remains at the foundation of its success. It must stay that way.

Mr. Wrigglesworth: Does the Minister accept that when there is a breakdown of collective responsibility, as there was over the Westland affair, and on other occasions, civil servants can be put in a frightful dilemma, which is not catered for in the Armstrong memorandum? Will the Minister therefore examine the matter again to ensure that such circumstances as arose during the Westland affair are catered for in a redraft of the memorandum?

Mr. Luce: The Select Committee on the Treasury and Civil Service is about to publish its findings after months of investigation into the relationship between the Civil Service and Ministers. Naturally, we await that report with interest.

Dr. McDonald: Will the Minister take on board the fact that the breakdown of the collective responsibility of Ministers during the Westland affair has created a new situation? Will he ensure that the Government do not merely use waiting for the Select Committee's report as an excuse for delay? Do the Government agree that it is absolutely necessary to provide an update of the statement on civil servants' duties beyond Sir Robert Armstrong's letter of last year and to provide an independent body to which civil servants can refer in cases involving conflicts of conscience?

Mr. Luce: The guidelines provided by Sir Robert Armstrong and announced in February 1985 provide a good basis for civil servants. The hon. Lady might be interested to know that the Council of Civil Service Unions is due to meet Sir Robert Armstrong shortly, when all these matters about the relationship between civil servants and their Ministers can be discussed.

Mr. Dalyell: On a point of order, Mr. Speaker. In view of the unsatisfactory nature of that reply, I beg to give notice that I shall seek to raise Mr. Bernard Ingham's position on the Adjournment at the earliest opportunity.

Northern Region

44. **Mr. Dormand** asked the Minister for the Civil Service how many Civil Service posts have been transferred to the northern region since 1979.

Mr. Luce: The dispersal programme announced on 26 July 1979 did not include the transfer of any posts to the

northern region. No proposals for major relocation of Government work to the northern region have been made since 1979. Details of posts that may have been transferred there by Departments for management reasons are not held centrally.

Mr. Dormand: Is the Minister aware that the Prime Minister and the Chancellor of the Exchequer assured me last year that the 1985 so-called Budget results would increase employment in the northern region, whereas in fact unemployment has been increased. As this year's Budget will further increase unemployment in the northern region, does the Minister agree that it takes direct action, such as the transferring of Civil Service jobs, to reduce unemployment? In view of what he said, will he assure me that the matter will be seriously considered?

Mr. Luce: I understand the hon. Gentleman's concern about unemployment in his region. The fact is that the northern region has a higher proportion of civil servants in relation to the working population than have most other regions in the country. When it comes to relocations, under existing Government Department policies the Departments are asked to put regions first when considering giving support to other areas and moving civil servants outside London.

Mr. Dickens: Is it not a fact that there are now 150,000 fewer people working for the Civil Service than was the case when the Government came into office? Despite this, I understand that the efficiency of the Civil Service is as high today as it has ever been in the history of the service. Since that is the case, will the Minister give the Civil Service a pat on the back on behalf of this House?

Mr. Luce: My hon. Friend is absolutely right. Against the background of a considerable reduction in the size of the Civil Service, to just under 600,000 compared with 733,000 in 1979, it is true to say that, under the reforms that have taken place, in that time civil servants have become even more professional than they were before. They are performing their duties admirably.

Mr. Campbell-Savours: Why does the right hon. Gentleman not answer the question asked by his hon. Friend? Is it not true that civil servants up and down the land are complaining about the lack of numbers and about the fact that they cannot cope? Why does the Minister not answer directly and tell us what civil servants are saying to him privately?

Mr. Luce: Perhaps I should say in answer to the earlier question that four out of five civil servants are already working outside London. As I have said, the northern region takes a larger proportion of the working Civil Service population than do most other regions. Certainly we have a strong interest in the regions, but I have said what is happening.

Mr. Forth: Why should civil servants be relocated to the north, rather than the west midlands or anywhere else, other than on the criterion of efficiency?

Mr. Luce: The last word used by my hon. Friend is right, because clearly efficiency is the key in this case. It is extremely expensive to move civil servants from one region to another or, indeed, from the centre to regions. Our dispersal policy, still to be completed, involves moving 5,900 civil servants to the regions.

Mr. Pavitt: Does the Minister realise that there is a crisis in Newcastle on Tyne because of the shortage of civil servants employed on social security matters? All hon. Members know that, whenever we have constituency surgeries, elderly people come to see us because pension books are not coming through on time. Something should be done to provide more, not fewer, civil servants.

Mr. Luce: The hon. Gentleman will have noticed that there is flexibility, in that my right hon. Friend the Secretary of State for Social Services has already announced a plan to increase the number of civil servants in the DHSS to enable it to cope with some of the problems. There is flexibility in the Government's policy.

Mr. Fallon: What sense does it make to pay London weighting allowance to civil servants in London when the same work can be done more cheaply and beneficially in regions such as the north-east and the north-west, which have high unemployment?

Mr. Luce: As I said earlier, four out of five civil servants work in the regions. In London, we must have a policy that encourages recruitment and retention. Our policies are designed to that end.

Mr. Wrigglesworth: Will the Minister refute the suggestion that is made in the *Financial Times* this morning that the London weighting will be further increased because vacancies for civil servants in London cannot be filled? Will he reconsider providing more Civil Service posts in the regions, where they can be filled overnight?

Mr. Luce: London weighting has been considered in the context of the annual pay discussions. The key question, which we must ask, is whether we are pursuing policies in the Civil Service in London which allow adequate recruitment and retention.

Libya

3.30 pm

Mr. Tam Dalyell (Linlithgow): On a point of order, Mr. Speaker.

Mr. Speaker: Does it arise out of questions?

Mr. Dalyell: Yes. Precisely because I did not put in a private notice question I feel that, on behalf of several Back Benchers, I am entitled to ask whether it is not extraordinary that, in the middle of the crisis concerning Libya and the British bases, the House of Commons is to hear nothing. Would not any visitor consider it extraordinary if we were to spend eight and a half hours debating Sunday trading and yet, as a Legislature, be told nothing about the United States or Soviet position or to have a statement on the crisis?

You will know, Mr. Speaker, that I have thought for a long time that you are a very superior Speaker to George Thomas. *[Interruption.]*

Mr. Speaker: Order. I am enjoying this.

Mr. Dalyell: George Thomas made certain judgments of his own, such as that in April 1982 that the Prime Minister ought to be supported on the south Atlantic issue. We read that in his memoirs. There is no secret about it. That happened during one of the last crises, when he was Speaker, concerning those islands in the south Atlantic. Do you not think, Mr. Speaker, that it is matter of some judgment whether circumstances that are a matter of war, or potential war, outside Europe, entitle Parliament to a report from Ministers? There might be a judgment about the safety of British subjects. You know that I am one of those hon. Members who have constituents who are involved, and at risk, near Tripoli. Bearing in mind the circumstances, why does the House not have at least a Foreign Office or Prime Ministerial report on this urgent matter?

Mr. Harry Greenway (Ealing, North): Further to the point of order, Mr. Speaker. I note the hon. Gentleman's well-deserved tribute to you. I am sure that you will always call him for his share, but I hope that you will not call him more often than that.

Mr. Geoffrey Dickens (Littleborough and Saddleworth): On a point of order, Mr. Speaker. I have just recently left the Table Office, where I endeavoured to table a straightforward question, which any hon. Member would wish to table. If I can explain——

Mr. Speaker: Is this further to the point of order?

Mr. Dickens: No, but it is a point of order arising out of questions.

Mr. Speaker: Let me deal with the first point of order.

Mr. Andrew Faulds (Warley, East): Further to the point of order, Mr. Speaker.

Mr. Speaker: Briefly, please.

Mr. Faulds: I strongly reiterate the comments about you, Mr. Speaker. The only reason why I did not trouble your private office this morning to raise a private notice question on the dangers to peace in the middle east caused by the American President's cretinous behaviour was that I was sure that an hon. Member would have tabled, and been granted the opportunity to raise, a private notice question. I am surprised that that did not happen. Is it in order to seek leave to move the Adjournment of the House under Standing Order No. 10, to raise the issue?

Mr. Speaker: I thank the hon. Member. Private notice question applications are not matters that are raised in the House. Many considerations must be taken into account. I fully understand and appreciate the concern of the House about this matter, and I shall bear that in mind tomorrow and during the rest of the week.

Mr. Tony Marlow (Northampton, North): Further to the point of order, Mr. Speaker. Events of great significance in the middle east may take place tonight. How can the House bring its views to bear before those events take place?

Mr. Speaker: It would have been possible for any hon. Member to apply before 12 o'clock to seek leave to move the Adjournment of the House under Standing Order No. 10 to raise this subject—they did not do so. If anything has happened since 12 o'clock, it would be in order to ask leave under Standing Order No. 10 now. Mr. Dickens.

Mr. Dickens *rose*——

Mr. Peter Shore (Bethnal Green and Stepney) *rose*——

Mr. Dickens: I was endeavouring to explain that a short time ago I left the Table Office——

Mr. Shore *rose*——

Mr. Speaker: Order.

Mr. Dickens: You called me, Mr. Speaker. The right hon. Member for Bethnal Green and Stepney (Mr. Shore) should sit down.

Mr. Speaker: Order. In the interests of neatness, I shall hear the right hon. Member for Bethnal Green and Stepney (Mr. Shore).

Mr. Shore: Further to the original point of order, Mr. Speaker. My hon. Friend the Member for Linlithgow (Mr. Dalyell) has raised a matter of the utmost importance which should be treated with appropriate seriousness by both sides of the House. This is a matter in which our national interest is involved. As the Leader of the House is present, will he assure the House that hon. Members' feelings on this important matter will be conveyed to his right hon. Friend the Prime Minister and that a statement will be made at the earliest opportunity?

The Lord Privy Seal and Leader of the House of Commons (Mr. John Biffen): Yes.

Parliamentary Questions

3.33 pm

Mr. Geoffrey Dickens (Littleborough and Saddleworth): I am sorry that I have had to rise for the third time and that you are seeking to hurry me, Mr. Speaker. I have been patient—other hon. Members have not.

Recently I left the Table Office after endeavouring to table a straightforward question on a matter of public importance. A man was convicted and sentenced to six months' imprisonment for assaulting two people. He was a child murderer, and had been released from Park Lane mental institution. I wanted an inquiry into the release of that man, who had struck again. I wanted the Minister to consider holding an inquiry into the criteria that we lay down in considering cases in which murderers are released into an unsuspecting society.

You have been praised by the House, Mr. Speaker, and you richly deserve it. I therefore feel that you will deal justly with me. The Table Office informed me that my questions had to be referred to the senior Clerks—the Establishment.

Mr. Speaker: Order. Any matters concerning referral should come to me—privately, if necessary.

Ministerial Interests

3.35 pm

Mr. Dennis Skinner (Bolsover): On a point of order, Mr. Speaker. During the weekend it was revealed that a senior Cabinet Minister, the Secretary of State for Transport, had made £4,000 from shares in the Jaguar company, which this Government have privatised. That followed on from the Prime Minister's making money out of Broken Hill, which made money out of the miners' strike. Many hon. Members and people outside the House are worried about the way in which Cabinet Ministers in particular can own shares——

Mr. Speaker: Order. I must stop the hon. Member. Points of order raised with me must concern Members' interests. I am not concerned with ministerial rules.

Mr. Skinner: You are absolutely right, Mr. Speaker. The Register of Members' Interests, for which you have responsibility because it is a matter for the House, not the Government, is inadequate to fulfil present-day needs. It is high time that it contained a separate section showing how many Cabinet Ministers own shares. The latest report is that nine Cabinet Ministers own shares.

Another matter which you should consider is that in the Register of Members' Interests only an hon. Member who owns more than 1 per cent. of the total shareholding must register his interest. That is why the Secretary of State for Transport has "Nil" beside his name. It is high time that all shares were disclosed in the Register and that we had a separate section on the Cabinet, especially in view of the latest scandals and all the money that Ministers have been making through their actions in the House.

Mr. Speaker: Order. The hon. Gentleman is at liberty to put that suggestion to the Select Committee on Members' Interests.

MEMBER SWORN

3.40 pm

The following Member made the Affirmation required by law:

Wyvill Richard Nicholls Raynsford Esq., for Fulham.

Libya

3.41 pm

Mr. Andrew Faulds (Warley, East): Further to an earlier point of order, Mr. Speaker.

Mr. Speaker: Order. We have dealt with that matter.

Mr. Faulds: No. Forgive me——

Mr. Speaker: Order. I have dealt with points of order.

Mr. Faulds *rose*——

Mr. Speaker: Order. Is it a new point of order?

Mr. Faulds: It is related to your responsibility——

Mr. Speaker: Order. We must move on.

Mr. Faulds *rose*——

Mr. Speaker: Order. I take points of order at the appropriate time, which is immediately after questions, and we have now moved on.

Mr. Faulds: No, Sir. I raised a point of order——

Mr. Speaker: Order. I shall take it if it is a new point of order, but I shall not take a point of order arising from a matter with which we have already dealt.

Mr. Faulds: In that case, it is a new point of order. The one reason why I did not apply for a debate under Standing Order No. 10 this morning was that I expected a statement from the Prime Minister.

Mr. Speaker: Order. The hon. Gentleman is destroying a good reputation.

Mr. Faulds: I wanted a debate under Standing Order No. 10.

Mr. Speaker: Order.

Mr. Faulds *rose*——

Mr. Speaker: Order. I said in answer to a previous question that if something new had happened since 12 o'clock an application under Standing Order No. 10 would be in order.

Mr. Faulds: It has. The Prime Minister has not come to the House.

Mr. Speaker: Order.

Mr. Faulds *rose*——

Mr. Speaker: Order. The Clerk will now proceed to read the Orders of the Day.

Mr. Faulds: Further to that point of order——

Mr. Speaker: Order. I shall not take it.

Mr. Faulds: There is a new point of order——

Mr. Speaker: Order. We will now proceed to the business set down for today.

Orders of the Day

Shops Bill *[Lords]*

Order for Second Reading read.

Mr. Speaker: I must announce to the House that I have not selected any of the amendments on the Order Paper. More than 65 right hon. and hon. Members have sought leave to take part in the debate, and there may well be others. Therefore, I propose to exercise my powers under the Standing Order to limit speeches to 10 minutes between 6 pm and 8 pm. I hope that that will be the pattern throughout the day so that the majority of right hon. and hon. Members who are anxious to participate can do so.

3.45 pm

The Secretary of State for the Home Department (Mr. Douglas Hurd) *rose*——

Mr. Gerald Kaufman (Manchester, Gorton): On a point of order, Mr. Speaker. There was a little noise in the Chamber when you made your announcement and I may not have heard exactly what you said. Am I to understand that you have not accepted for debate the reasoned amendment that has been tabled by Her Majesty's Opposition?

Mr. Speaker: I have not selected any of the amendments or instructions on the Order Paper.

Mr. Kaufman: Further to that point or order, Mr. Speaker.

Mr. Speaker: Order. This is a decision that I have to take. There are a number of amendments and instructions on the Order Paper, and I have not selected any of them.

Mr. Ray Powell (Ogmore): On a point of order, Mr. Speaker. This is a similar point of order to that raised by my right hon. Friend the Member for Manchester, Gorton (Mr. Kaufman). Is it usual for you to make such a ruling on a reasoned amendment that is directed to a measure as important as the Shops Bill?

Mr. Speaker: The Opposition's reasoned amendment and the other amendments on the Order Paper cover the main provisions of the Bill. I think that the entire House is well aware of the various issues that are likely to be raised in opposition to the Bill, from both sides of the House.

Mr. Hurd: I beg to move——

Mr. Peter Shore (Bethnal Green and Stepney): On a point of order, Mr. Speaker. Obviously I do not wish to challenge your ruling, but I find your refusal to select an amendment on Second Reading in the name of the Leader of the Opposition and his colleagues to be unprecedented. I should be grateful, Mr. Speaker, if you would inform the House why you have departed from all previous practice.

Mr. Speaker: There are precedents for not selecting reasoned amendments which cover the main conditions in Bills.

Mr. Alan Williams (Swansea, West): On a point of order, Mr. Speaker. The Bill raises matters of profound conscience and there is an early-day motion on the Order Paper, which has been signed by many hon. Members,

which asks for a free vote. The Government have deliberately refused to allow that opportunity to hon. Members. The Opposition have endeavoured to meet the cross-House opinion on this matter—as I have said, the Bill involves issues of deep conscience—to enable some Conservative Members to express their opinion and concern. By your action, Mr. Speaker, you have made that protest on their part impossible.

Mr. Speaker: Not at all. The reasoned amendment covers the very points that hon. Members are likely to make for or against the Bill. That applies to hon. Members on both sides of the House. There is no controversy about that. If the reasoned amendment had called for a free vote, that might have been a different matter.

Mr. Neil Kinnock (Islwyn): On a point of order, Mr. Speaker. You have just said that the matters covered by the reasoned amendment relate to the issues that hon. Members may wish to raise in contention against or qualification of their support for Second Reading. Surely that is the position on all debates, especially on Second Reading. That is most certainly the case in respect of a reasoned amendment. If that were not so, the use of the stratagem in the House would not come under the title "reasoned amendment."

If hon. Members have reservations about giving a Bill a Second Reading, they will want to specify those reasons by means of a reasoned amendment. It is a matter of great disquiet to the Opposition that what we thought was a mixture of reasoning and convention, time hallowed in this place—a device that allows us to set out our reasons for having strong reservations about giving the Bill a Second Reading—has not been accepted by you, Mr. Speaker.

Mr. Speaker: The Leader of the Opposition has made the point exactly. In the course of debate Front-Bench and Back-Bench Members will state their reasons for having reservations in the very words that are contained in the reasoned amendment.

Mr. Kinnock: Mr. Speaker, I am sure you will recognise that the matters raised by your judgment today —naturally we are not challenging the wisdom or the judgment itself—have extremely important implications, not only for today's proceedings but for all other proceedings on Second Readings, whoever may be in Government or Opposition and whoever may propose a Bill, whether it be a private Member's or a public Bill. It is important that we have a clear and full understanding of the basis upon which the Opposition or any hon. Member may or may not table a reasoned amendment.

There have been cases, well within your memory, Mr. Speaker, and mine, in which there have been areas of contention, possibly not absolute, on certain Bills and, in order to specify reasons, especially on matters of great public importance, those against the Bill have been able to table a reasoned amendment.

Is it not the case in this adversarial House that the official Opposition, for all the natural and normal reasons, can expect to have more notice taken of their reasoned amendments than would possibly apply to others? On that basis, Mr. Speaker, I hope that you will not consider that the judgment you have made today will constitute a precedent on other occasions when we, or perhaps other hon. Members may wish to table a reasoned amendment.

Mr. Speaker: I have to make a judgment on these issues. I give the right hon. Gentleman an unequivocal assurance that I shall continue to consider every reasoned amendment most carefully. This is not a new situation. No binding precedent has been set for the future.

Mr. Frank Cook (Stockton, North): On a point of Order, Mr. Speaker. I accept your judgment, but in my lack of maturity as an hon. Member I feel that I must record my difficulty in understanding. It is possible for someone of such little experience as myself to misunderstand that this could be part of a covert stratagem to coerce Conservative Members to vote——

Mr. Speaker: Order, that is a thoroughly unworthy comment.

Mr. Dennis Skinner (Bolsover) *rose*——

Mr. Williams: Further to that point of order, Mr. Speaker.

Mr. Speaker: Order.

Mr. Williams: It is on a point of information, Mr. Speaker.

Mr. Speaker: I shall accept it if it is a point of information.

Mr. Williams: I realise that it is difficult for you to give a snap judgment in relation to the arguments you have heard from the Opposition Front Bench this afternoon. As the issue refers to a vote which will take place at midnight, would you be willing to reconsider it and listen to arguments in detail during the debate to see whether the opportunity of a vote may be extended at the end?

Mr. Speaker: I fully accept that I am the servant of the House. I shall reconsider the matter, but the debate on Second Reading will proceed without the amendment at this stage.

Mr. Hurd: I beg to move, That the Bill be now read a Second time.

The Bill falls into two main parts. It deals with Sunday trading and with the working hours of shop workers at all times. I propose to spend most of my time on the first part, Sunday trading, and my right hon. and learned Friend the Paymaster General will, of course, deal with points on the second part. I should like to clear the ground by beginning with a word of general explanation of the employment provisions.

The Shops Act 1950 requires that all shop workers must take a half-day holiday each week, should take specified meal and rest breaks during the working day and must take time-off in lieu of Sunday employment. Part II also sets more detailed restrictions on the working hours of young people — 16 and 17-year-olds. It sets their maximum hours and overtime and controls employment at night. There are no equivalent restrictions for adult shop workers.

The Bill, as originally drafted, aimed to remove the existing restrictions on adult shop workers but to leave in place the provisions for young people which we are reviewing separately.

Fundamental to our argument for lifting the restrictions on adults was the belief that these inflexible statutory restrictions do not reflect modern conditions. They originated during the early years of this century when retailing and society in general were different from today. We believe that the Shops Act 1950 employment provisions for adults are outdated and over restrictive.

[Mr. Hurd]

We believe that those repeals will not of themselves change the maximum hours that shop workers will normally be asked to work. The normal operation of the labour market has secured for shop workers as for other employees with no statutory restrictions, hours well within the potential hours permitted by the 1950 Act. Most employees determine their working conditions without that type of statutory restriction, and we believe that adult shop workers are just as capable of that. That is not to say that there is no place for the law or the Government. The Government intend to keep wages councils within this area, albeit with a modernised and restricted remit. There is now a raft of statutory protection for all employees covering social security, employment protection and health and safety at work, all of which post date shops legislation.

Therefore, we do not believe that there is justification for the view that the Bill, as originally drafted, would dangerously erode the working conditions of shop workers. On the other hand, unnecessary regulation spoils the ability of employers to adapt to changing circumstances and secure the success of their businesses. Despite those arguments, which seem to us to be compelling, in the other place the view was expressed that times have not changed to that extent, and that in shop workers we still have an exploited and vulnerable sector of the work force that is peculiarly in need of protection. Lord Denning's amendment to clause 2 was carried on that argument. His amendment retains indefinitely and in full all the employment provisions of the 1950 Act.

Facing that situation, we thought it right that this House should have the fullest opportunity to consider that particular matter, so we have not put forward proposals to alter the Bill since it came from another place. We shall listen carefully to what the House has to say before coming to our final view on what should happen about part II of the 1950 Act. That is why I say that at this stage we are not proposing any changes in the Bill, which has come to us from the other place.

Mr. Allan Rogers (Rhondda): Will the Home Secretary tell the House in what part of the Bill he will pay due regard to the principles and conscience of those who wish to preserve the special character of Sunday?

Mr. Hurd: Throughout, but particularly in the rest of my speech.

The controversy on Sunday trading, which has gone on inside and outside of the House for many months now, has been both strong and reasonably good tempered. So far as I am concerned, I want to keep it that way. There is scope for argument about the support for either side. Last week I received a group of eminent churchmen who reported to me more than 1 million signatures in petitions against the Bill. I was able to report to them a somewhat larger number of signatures in petitions in favour of the Bill——

Mr. Barry Sheerman (Huddersfield): Nonsense.

Mr. Hurd: The hon. Gentleman says "Nonsense." The score available to me today is 1·4 million signatures in petitions in favour and 1·2 million against the Bill.

Mr. Sheerman: Is the Secretary of State aware that only today I have handed in a petition containing half a million signatures against the Bill, on behalf of the Co-operative movement?

Mr. Hurd: When all the statistics of polls and petitions have been swapped, two facts emerge, which I believe the House will accept. The first is that there is a very large body of opinion—I believe a majority, although not the most articulate — which no longer believes in a law which says, broadly, that shops can open when people are at work but not when they are free to go shopping. Within that body are many whose pattern of work and life make the present law highly restrictive or inconvenient for them.

Secondly, there is a large body that wants to keep Sunday special, and that body goes well beyond the ranks of regular churchgoers. Therefore, there are those two bodies of opinion, and many of us belong to both——

Mr. Harry Greenway (Ealing, North): Will my right hon. Friend give way?

Mr. Hurd: I should like to carry on for a little while, otherwise my speech will be unduly long. If my hon. Friend feels that he wants to intervene a little later, I shall give way to him.

Many of us see no contradiction between believing that the Shops Act 1950 is unworkable and should go and wanting to keep Sunday special. We see no difficulty or contradiction in belonging to both bodies of opinion.

Many people seem to argue as though the special nature of the English and Welsh Sunday has always been enforced by law. Of course, that is not so. All through the last century, and for half of this century, there was no effective law forbidding shops to open. At the high moment of the Victorian Sunday, when Mrs. Proudie and Mr. Slope railed against Sabbath day travelling, there was no effective law forbidding shopping on Sundays. Only in 1936 was the law brought into something like its present shape.

The House must discuss three options: first, whether to continue a 50-year experiment which brought in the criminal law to regulate one, and only one, part of human activity on Sunday — shopping — and an experiment which, in its present form, is collapsing; secondly, whether to rely for keeping Sunday special on tradition, persuasion and example, as in Scotland; or, finally, whether some compromise or middle way is possible. Those are the three choices before the House.

I do not believe that the first option to continue with the present law suffice. The 1950 Act no longer commands respect or compliance. I need not go through the ludicrous contradictions in the Act. Of course, no one defends them. As a result of the contradictions, enforcement is arbitrary.

Mr. A. E. P. Duffy (Sheffield, Attercliffe): Will the right hon. Gentleman give way?

Mr. Hurd: I shall continue my speech. The hon. Gentleman may find that I cover his point.

Mr. Duffy: My point relates to enforcement.

Mr. Hurd: I shall come to enforcement later.

In the first nine months of 1985, there were only 550 convictions for illegal Sunday opening. Within five miles of the House, one could find as many shops breaking the law on Sunday. This is a bad Act because it regulates indefensibly an activity which most people no longer regard as wrong. The co-operatives' poll shows that most people shop on Sundays, many of them buying items which are illegally sold.

Mr. Duffy *rose*——

Mr. Hurd: I shall give way later, if the hon. Gentleman persists. I wish to get on with my argument. I am describing as fairly as I can the three options that the House must consider.

In Kent last month I met a man who runs a garden centre. Two thirds of his trade is done on Sunday, mainly through families who come to the centre in the afternoon. His livelihood is now at the mercy and whim or calculation of anyone who can go to court and force his local council to prosecute him for illegal trading. On what possible social, economic or moral grounds should that man be forced out of business? That is the sort of thing that could happen under the existing law.

A time comes when the Government must step in and change a law which can produce such results. That is the purpose of the Bill, which repeals the central provisions of the Shops Act 1950. It does not compel Sunday opening. It leaves the decision to the choice of the shopkeeper and the customer and it provides for the protection of existing employees, because we accept that the deregulation of shopping hours will alter the position of shop workers, many of whom may have joined the industry originally because Sunday working was not expected and some workers may not wish to work on Sundays for religious, family or other reasons. We recognise their anxiety about the prospect of Sunday working, and the Bill contains two important safeguards to protect their position.

Clause 3 and schedule 1 establish two new statutory rights for shop workers who are in employment before the commencement date of the Act. The first right is that the dismissal of an existing shop worker who refuses to work on Sunday will be automatically unfair. Secondly, shop workers will have the right not to have other action, short of dismissal, taken against them by their employer because they have refused to work on Sunday. All shop workers employed on the day before the commencement date of the Act will enjoy those rights, unless they have agreed to work on Sunday irrespective of how long they have worked for their employers, the number of hours worked per week or their age.

Mr. Greenway: My right hon. Friend is making a most impressive speech. Is he aware, however, that the difficulty for many of us in that he is inviting us to endorse unrestricted Sunday trading on a principle of pay now by voting for it tonight and perhaps having a say later in amending the Bill in Committee? It is almost impossible for me to accept that.

Mr. Hurd: I am glad that I did not give way to my hon. Friend earlier. I am approaching the part of my speech which deals with the arrangements which my right hon. Friend the Leader of the House and I have in mind for this Bill.

Mr. Michael Meadowcroft (Leeds, West) *rose*——

Mr. Hurd: I wish to make progress before I give way again.

I have dealt with the concessions to protect the conscientious position of shop workers, and I wish to discuss the third option which I mentioned—a possible compromise.

I wish to make two general points before I do that. I have tried to follow this discussion as closely as I can, and two things continue to worry me about the position of those who wish to preserve the status quo or something like it. I can easily understand those who would say that keeping Sunday special should mean restricting what we or others do to what is necessary. However, most people take a different view, whether they are for or against the Bill. Most of us think it harmless to fill up a car with petrol on a Sunday, to take our families out to lunch or to visit a leisure centre or a stately home. But none of those activities is necessary. They all require staff. Nearly 9 million people now work on a Sunday, of whom 4 million work regularly. All those activities, pleasant though unnecessary, make a call on public services. I cannot for the life of me see what is uniquely harmful about a shopping expedition or why going shopping disrupts family life in a way that those other activities do not. I do not understand why shopping alone disrupts the rhythm of life so badly that we should continue to try to use the criminal law to prevent it.

Mr. Jonathan Sayeed (Bristol, East): Does my right hon. Friend wish to see the increased commercialisation of the Sabbath?

Mr. Hurd: The best answer to the problem of the decay of the 1950 Act is to keep the criminal law out of the matter. I shall deal with possible compromises in a moment.

I can deal more briefly with my second anxiety. I speak as someone who wants to keep Sunday special, who feels strongly about Sunday and who enjoys a traditional Sunday. The churches and others are entitled, and probably obliged, to persuade and to set an example in this respect as in others, and I wish them well in that. However, it is a sign of weakness to argue that the processes of persuasion or example are not enough. It is a sign of weakness to say that we are entitled to wheel in the criminal law to regulate an area which is not, for most people, criminal in an increasingly vain attempt to prevent people from doing what otherwise, from convenience or necessity, they might do.

Mr. John Stokes (Halesowen and Stourbridge): We are all listening with rapt attention to my right hon. Friend's excellent speech. We have heard his personal view that Sunday should in some way be kept special. Is that also the view of the Government, or are they purely neutral?

Mr. Hurd: I think that it is the view of the great majority of my colleagues, and it is certainly strongly mine. We do not, however, believe that it is a matter for the criminal law.

I will deal briefly with the Auld report and the economic effects before I come to the question of compromises and the handling of the matter in the House. I have looked at the various predictions in the Auld report and elsewhere about the economic effects of deregulation. I think that it is fair to conclude that, as the assumptions are so varied, it would be foolish to claim certainty. Our surveys suggest that under 30 per cent. of shops would open all the year round, which apparently compares with just under 20 per cent. in Scotland, where there is no law against it. I believe that, as in Scotland, there would be plenty of volunteers to man those shops which opened.

One of the merits of the Auld report is that it did not claim that all the arguments went the same way. There is certainly a balance to be struck. There can be no certainty

[Mr. Hurd]

about the net effect on sales and thus on jobs, as these will depend on the free choice of the customer. All that one can be sure about is that the law in its present state produces uncertainty and unfairness, which can only be harmful.

Mr. Eric Forth (Mid-Worcestershire): Will my right hon. Friend confirm that the incidence of church-going in Scotland is higher than in England and that to his knowledge there has been no breakdown of civilisation north of the border of the type predicted by those who oppose the Bill?

Mr. Hurd: Civilisation seems to be strong and flourishing north of the border. The Scottish Sunday, about which one may have varying views, is preserved by tradition and example. That seems to me to be a sounder basis than that on which we rely in England and Wales.

I should like to say something about experience abroad. If I do not, others certainly will. Many countries have some form of regulation of Sunday shopping and several are having the same kind of debate as is going on here. We have done a trawl around, and I think it is fair to say that there is a trend towards more flexible shopping hours. In some cases, that has been recognised by legislative change, while in others a debate is going on. In others, illegal trade is increasing.

Norway started on the same course as we are following but was pushed by a minority campaign into a compromise solution with a local option and a schedule of goods. I am told that that compromise is not going particularly well. Sweden, on the other hand, introduced complete deregulation, and I gather that there is no particular demand for the reimposition of control. The reason may be that, as I understand it, the decline in small shops has been halted in Sweden. That suggests that deregulation can help small shops by enabling them to play to their strengths, which are flexibility and quality of service.

In the United States of America, seven-day trading is allowed in most states, and I know of no evidence that deregulation has been harmful to small shops there.

Sir Raymond Gower (Vale of Glamorgan): Why does my right hon. Friend keep looking at the smaller countries, such as Sweden and Norway? Is it not a fact that all the thickly populated countries, such as France, West Germany and Holland, have great restrictions on Sunday trading?

Mr. Hurd: In differing respects that is so, but many of the restrictions are now subject to argument, especially in Germany. One may also have views about the extent to which those restrictions are enforced. The last "small country" to which I referred was in fact the United States of America.

At a meeting in a church in my constituency on this subject one of the very last contributors was a grey-haired lady who was a warden of one of the churches in Witney. My heart sank, as she looked like a formidable opponent of the Bill—there was that feel about her—but she simply remarked that, having lived for many years in the United States, the main difference that she had observed in this respect was that in the United States the shops were open and the churches were full.

Sir Peter Mills (Torridge and Devon, West): Is my right hon. Friend really saying that complete deregulation will not affect small shopkeepers in this country? The big multiples are gaining in strength and they will open on Sundays. As there is only a certain amount of cake to go round, small shopkeepers will be drastically hurt.

Mr. Hurd: I said that it would be foolish to be dogmatic in this respect. I have referred to the Swedish experience. If my hon. Friend has information which contradicts my analysis of that experience, no doubt he will produce it. My analysis is that deregulation has actually helped to end the decline in prosperity of small shopkeepers.

Mr. Duffy *rose*——

Mr. Hurd: I should like to get on a little as I am coming to what may be a particular issue in view of the interventions of my hon. Friends.

Mr. Duffy: What about taking an intervention from this side?

Mr. Hurd: I have taken one from that side.

Mr. Duffy: He has gone.

Mr. Hurd: I am not responsible for that. I think that I have been reasonably generous in giving way.

With regard to the third option that I set out—those within and outside the House who broadly accept my critique of the 1950 Act but dislike the Bill and argue strongly that the Government should be able to devise some compromise between the existing law and the deregulation proposed in the Bill—I think that Members who hold that view will agree that it is not simply a matter of splitting the difference, nor can the matter be resolved by the ingenuity of the parliamentary draftsmen. Before the draftsmen can get to work, there must be some principle on which a compromise can rest if it is to be fair, acceptable and enforceable.

Many suggestions along those lines were put to the Auld Committee and in another place. I think that they fall under four main headings. First, there are the proposals for some form of local option involving local councillors in some way, despite their strong opposition to becoming involved and the complications and contradictions that would result. Secondly, there are proposals for a compromise on the hours of opening permitted on Sundays. Thirdly, there are proposals to extend but not abolish the list of commodities which can legally be sold on a Sunday, although I think that that would be difficult. Fourthly, there are proposals to limit in one way or another the size of establishment which may open on a Sunday. Under those four main headings, a large array of compromise proposals has been set out.

I do not wish to analyse those proposals today. I wish to make one or two general comments which I hope will be found reasonable. It is desirable that a measure touching Sunday should be as widely accepted as possible within and outside the House. So far, the Government have not been persuaded that any compromise of which we have heard is preferable to the Bill, but we intend to enter discussion of the Bill in detail with an open mind. *[Interruption.]* It did not require much intelligence to anticipate the scepticism with which that statement would be received. I therefore come at once to the specific arrangements whereby we believe that the general thoughts that I have just uttered can be made effective.

As we are persuaded that the present provisions will not work, we invite our supporters to join us in voting to repeal

those unworkable provisions, but neither my right hon. Friend the Patronage Secretary nor I would wish or expect that invitation to result in Members voting against their consciences. If the Bill receives a Second Reading, my right hon. Friend the Patronage Secretary will, in Committee and on Report, underline our open approach by doing his best to encourage attendance and then by arranging for Conservative Members to have a free vote on amendments.

Several Hon. Members *rose*——

Mr. Hurd: I should like to complete this point before giving way. We would not seek to upset in another place any alternative approach that had commended itself on a free vote to this House.

Mr. Robin Maxwell-Hyslop (Tiverton): Does my right hon. Friend's memory extend as far back as 27 February this year, when, on a free vote on the Procedure Committee's recommendations, the will of the Back Benchers was overturned by Ministers and PPSs who traipsed through the Lobby to do so? Does he recall that less than a week ago the Leader of the House explained this phenomenon by saying that Ministers looked to the Chief Whip for advice on a free vote and that PPSs are expected to do likewise?

Mr. Hurd: I have no direct memory of the incident, but I can readily and without equivocation put my hon. Friend's fears at rest. The freedom of the vote in Committee and on Report will be undiluted and unaffected in respect of all Conservative Members—right hon. or hon. Members of the Government or not.

Several Hon. Members *rose*——

Mr. Hurd: I shall give way only once more.

Mr. Charles Irving (Cheltenham): Having listened with care, am I to understand that there will also be a free vote on Third Reading?

Mr. Hurd: The Bill that will reach Third Reading will be the Bill as formed by the House on a series of free votes. It will be the House's Bill as a result of a series of free votes.

Several Hon. Members *rose*——

Mr. Hurd: We would propose that the Bill be referred first to a Special Standing Committee.

Several Hon. Members *rose*——

Mr. Hurd: I shall not give way, as I intend to conclude in a few minutes—*[Interruption.]*

Mr. Speaker: Order. If the Secretary of State does not give way, hon. Members must resume their seats.

Mr. Hurd: When I gave way to my hon. Friend the Member for Cheltenham (Mr. Irving), I said that I was just about to conclude.

Mr. Ted Rowlands (Merthyr Tydfil and Rhymney): On a point of order, Mr. Speaker. We have been following the Secretary of State very closely throughout the discussions about whether or not there will be a free vote. Can we, through you, have a guarantee that at no stage will he seek to move a guillotine on the Bill?

Mr. Speaker: I cannot answer that.

Mr. Hurd: I gladly give that guarantee — [HON. MEMBERS: "Oh."] We would propose that the Bill be referred to a Special Standing Committee. That will give the bodies and interests involved a clear opportunity to put forward their proposals for building, if they so wish, on the ground that the repeal of the 1950 Act would leave clear. I certainly hope that the critics of the Bill will welcome this opportunity to move from criticism to construction.

Mr. Ivor Stanbrook (Orpington): Will my right hon. Friend give way?

Mr. Hurd: No. I am coming to the end.

I have noticed the instruction, standing in the name of my hon. Friend the Member for Boothferry (Sir P. Bryan), which calls on the Government to amend the Bill

"to give statutory recognition to the special character of Sunday."

The Bill has always included special arrangements for Sunday in respect of employment, and it will continue to do so after its passage through another place. Therefore, in that respect, it already complies with the views of my hon. Friend in the draft instruction. In Committee and on Report we can consider further whether special arrangements can also sensibly be made in the first part of the Bill. The question is not whether Sunday should be kept special but what precisely should be the role of the law in that regard. I hope that the House will agree that the arrangements that I have outlined give hon. Members a reasonable chance to test thoroughly all possible alternatives to the simple proposal for deregulation. I repeat that we would not try to reverse any such alternative approach that commended itself to the House on a free vote.

Mr. Stanbrook: Will my right hon. Friend give way?

Mr. Hurd: I am just concluding.

First, we need to clear the ground by a straightforward decision on Second Reading that the present Act will not do. The ground must be cleared before we can decide whether to leave the ground as an open space or to erect some other building. If we fail this first test and the House tonight decides to leave the law as it is, I foresee a good deal of indignation from the wider public and a spasm of arbitrary prosecutions under the 1950 Act, from which traders and public alike would suffer. Later, I foresee a steady further collapse of the Act into disrepute.

The truth is that the law is in decay, and that is bad for us all — for shoppers, shopkeepers and all our constituents. I believe that the course that I have outlined shows us the way to restore the law to effectiveness and good health.

4.27 pm

Mr. Gerald Kaufman (Manchester, Gorton): This debate has been heralded by an unprecedented outbreak of largesse on the part of the Government. There has been an outpouring of goodies, which when carefully examined appropriately fit in nicely with the nostaglic old slogan of one of the Bill's commercial supporters, F. W. Woolworth —"Nothin worth more than sixpence."

We have the generous extension of the debate until midnight. Is it unworthy of me to wonder whether it has crossed the mind of the Patronage Secretary that as midnight approaches some of his frailer Back Benchers may find the lure of a mug of Horlicks and bed more enticing than the attraction of the "No" Lobby?

There is a motion to commit the Bill to a Special Standing Committee—a procedure rarely granted despite the most earnest pleas on even uncontroversial Bills, but

[Mr. Gerald Kaufman]

now supplied on this Bill for nothing. I ask myself whether the Government are worried about something. I ask that question even more on hearing the Home Secretary solemnly offering his Back Benchers a free vote on some of the remaining stages of the Bill if only they will vote for the Second Reading tonight. Any fly accepting the spider's invitation will have complete freedom of the web.

The Home Secretary's offer of a free vote is only worth while and meaningful if his hon. Friends vote against the Second Reading in numbers ample enough to gain substantial representation on the Standing Committee. That way, with a Committee not packed with Lobby fodder, the free vote will mean something, especially in the light of the promise by the Home Secretary that the guillotine will not apply at any stage of the Bill. No doubt sufficient hon. Members on the Government side will take the hint when the Division bells ring at midnight, and they can have complete confidence that voting against the Bill is in no way a violation of the three-line Whip that was issued to them.

I offer as proof a letter printed recently in *British Weekly and Christian Record*, a journal published by Christian Weekly Newspapers Ltd. In reply to a reader who demanded that there should be no Whip on this Bill for Government Members, a correspondent wrote in a letter:

"Mr. Roberts"

—that is the person who wrote the original letter—

"misunderstands the nature and power of the parliamentary Whips, at least as far as the Conservative Party is concerned. The Whip is issued to the Conservative MPs who agree to take it, essentially as a bidding to attend the House of Commons and to be present for voting.

How the MPs then vote remains very much a matter of their own judgment and conscience."

That letter, specifically written about the Bill, came from a most respected Member of this House, the right hon. Member for Selby (Mr. Alison), who is the Parliamentary Private Secretary to the Prime Minister. I have spent some time in 10 Downing street, and I know it is inconceivable that such a letter by the Prime Minister's Parliamentary Private Secretary could have been written without the knowledge and authority of the Prime Minister herself. Therefore, hon. Members on the Government side can be confident and carefree in voting tonight in accordance with what the right hon. Member for Selby calls

"their own judgment and conscience."

Regardless of one's view of the intentions of the Bill, in the form in which it is before the House it is unfit to proceed further because in the literal meaning of the word it is nonsense. As amended in the House of Lords, clause 2 maintains the Shops Act 1950, which provides protection for all workers in the retail trade but schedule 2, which has not been amended, removes the Shops Act 1950 protection from all except 16 and 17-year-olds. Page 1 does almost the exact opposite of pages 5 to 7. The Home Secretary has nurtured a reputation for seeing both sides of the question, but surely this is carrying broad mindedness a little too far. The right hon. Gentleman really wants to restore the Bill to the state that it was in before Lord Denning and Lord Stockton interfered with it, by withdrawing Shops Act protection from most workers. That is one of the major reasons why the Opposition ask the House to reject the Bill.

The Auld report makes it clear that the first Bills enacted by Parliament which related to shops

"had their origin in the late nineteenth century concern to protect shop workers from exploitation."

I suppose that that is what some people might call Victorian values. Shop workers needed protection a century ago, and today's 2 million shop workers, one in 10 of the working population, need protection just as much. They remain some of the most disadvantaged employees in Britain. Shop workers are a vulnerable work force. About 63 per cent. are women, two thirds of them married women, and 21 per cent. are 19 years of age or younger. About 15 per cent. of male workers are 19 or younger. Three fifths of the women work part time, and part-timers are disproportionately numerous among the younger workers. Of Saturday-only workers, 75 per cent. are under 18. Two thirds of them are girls and 87 per cent. are under 21.

The Auld report highlighted the predicament of shop workers when, speaking of those large numbers of workers whose employers have resisted trade union organisation, it said:

"They lack the trades union protection enjoyed by most other workers. In the main, shop workers have to fend for themselves on the subject of working hours and conditions."

The Auld report emphasised that shop workers work longer hours and receive below average pay. The national minimum wage rate for employees in the non-food retail trades is only £75·52 a week. For those in the retail food and allied trades it is even lower, £75·14 a week. Earnings of women shop workers are only half the national average earnings for women.

It is because of this special disadvantage that for much of this cenury Governments of all parties have agreed that shop workers should be given special protection. The reasons for that special protection were eloquently stated by Winston Churchill just before he became Home Secretary when, in 1909, he moved the Second Reading of the Trade Boards Bill, which launched the wages councils. *[Interruption.]* I am not sure whether hon. Gentlemen are sneering at workers' conditions or at Winston Churchill: it is up to them to decide.

When Winston Churchill moved the Second Reading of the Trade Boards Bill he said:

"where you have what we call sweated trades, you have no organisation, no parity of bargaining, the good employer is undercut by the bad, and the bad employer is undercut by the worst; the worker, whose whole livelihood depends upon the industry, is undersold by the worker who only takes the trade up as a second string."

That is relevant in a trade with so many part-timers. As President of the Board of Trade, Winston Churchill also said:

"It is a serious national evil that any class of His Majesty's subjects should receive less than a living wage in return for their utmost exertions."—[*Official Report*, 28 April 1909; Vol. IV, c. 388.]

I suppose that what Mr. Churchill was really saying was that one cannot build caring capitalism on exploited labour. From Churchill's legislation there developed the wages councils.

We heard a lot from the Home Secretary today, and from his predecessor in the debate last year, about the impartial recommendation of the independent Auld committee that restrictions on the hours of shop opening should be removed. The Auld committee made other

recommendations as well, and its members felt so strongly that they put those other recommendations forward even though, as they emphasised, the subject

"was not directly within our terms of reference."

They said:

"We strongly urge the retention for retail workers of the machinery of the Wages Councils for the fixing and proper enforcement of satisfactory wages and premium rates."

They added:

"We set great store by the preservation of the role of Wages Councils in fixing statutory minimum weekly rates, holidays and holiday pay for the retail trades. Shop workers need their protection in this respect as much as ever, in fact more so now when jobs are harder to find and the already low membership of unions in the retail sector is declining."

The Auld committee went on to say:

"we believe that there will be a strong likelihood of exploitation of some shop workers in the form of lower wages, particularly for unsocial hours of work, and possibly in a longer working week."

That is why it recommended the retention of the wages councils for those three matters. However, the Wages Bill now going through Parliament removes from the wages councils those very powers whose retention the Auld committee said that it set great store by—the powers to fix statutory weekly rates, holidays and holiday pay. The Auld committee said that, as part of deregulation, they should stay, but the Paymaster General is abolishing them in the Wages Bill.

The Auld committee made another recommendation:

"we also urge that there should be proper enforcement of the Wages Councils Orders, by adequately staffed Wages Council Inspectorate. This would become an even greater necessity in the event of de-regulation than it is now."

Since 1979 the Wages Inspectorate has already been cut by nearly one-third and now the Government intend to reduce it by a further 40 per cent. While the Government have accepted those Auld recommendations that suit them —deregulation and repeal of Shops Act protection—the two Auld recommendations that are an integral part of the package have been cast aside. For all workers under 21, a high proportion of shopworkers, the wages councils are being scrapped. The number of shopworkers aged under 21 totals 500,000. About one in three of young people find their first jobs in the distributive and related trades, yet the Government are repealing their wages council protection.

It has to be said that the Government are completely schizophrenic in their attitude to young shop workers. On the one hand they are determined to deprive all under-21s of even residuary wages council protection, and on the other they want to retain Shops Act protection only for 16 and 17-year-olds. I hope that I may be excused for claiming to see in this some logical inconsistency—it is what they call the generation gap.

A major gap in the Home Secretary's speech was his failure to state clearly what the Government intend to do about Shops Act protection. Their original intention was to remove it entirely for all except certain teenagers, and part of the Bill still embodies that intention. This afternoon the Home Secretary was even more obscure than usual about whether the Government intend to maintain their original intention. If they go through with it, they will be depriving most shop workers of entitlements to halfday holidays and meal breaks, and of the necessary protection for restrictions of working hours.

The Bill will enable shops to open for 24 hours a day, for seven days a week and for 168 hours a week, but under it shop workers will have no legal protection against disciplinary action or dismissal if they refuse to work late at night. What is more, the wages council legislation will give them no right to receive premium rates for unsocial hours. The Bill gives shops the unlimited right to open for all 24 hours on Sunday. Removal of the Shops Act protection would deprive workers of the right to have time off in lieu of Sunday working, which would abolish the statutory limitation that prevents Sunday opening for more than two Sundays in a month. Worst of all, the Bill will result in forcing all shop workers to work on Sundays whether or not they want to.

The Home Secretary made great play of the provisions in clause 3 and schedule 1, which seem to give existing workers the right to refuse to work on Sunday and not to be dismissed or disciplined if they exercise that right, but even this alleged protection is almost worthless. The unfair dismissal procedure cited in schedule 1(1) is a pallid protection. Even if a victimised worker makes such a complaint, the records show that only 4 per cent. of those who are successful get their jobs back. Employers, who in any case will have the weapon of refusal of promotion and of the opportunity of pleading genuine economic reason or the needs of the business, will not be deterred by this paper proviso.

Moreover, employers are even now planning to circumvent the provision. Schedule 1 makes it clear that this so-called conscience clause does not apply when the worker has signed an agreement to work on Sundays, and that exemption, which makes nonsense of the alleged safeguard, specifically applies after the Act comes into force. Employers are preparing for the new situation already. I have here a job application form issued by Harris Queensway plc. Among the other declarations it asks applicants to sign is this one:

"I agree to work on Bank Holidays, Sundays and overtime as required."

Mr. Charles Morrison (Devizes): When was that prospectus first published? Is it brand new, or has it been in existence for some time?

Mr. Kaufman: I cannot tell the hon. Gentleman because——

Mr. Neil Hamilton (Tatton): Ah!

Mr. Kaufman: I know that the hon. Gentleman is anxious for a job, but he should not creep every moment of the afternoon.

The form is extant now, many months before the Bill is likely to become law, if it ever does, and those who take jobs now are being asked to sign that form. In any case, this conscience clause, for the little that it is worth, applies only to workers in employment at the time that the Act comes into force. All others will have to work on Sundays, whether or not they like it.

Mr. Neil Hamilton: They are queueing up for jobs.

Mr. Kaufman: They are queueing up for jobs because there are 4 million unemployed.

All others will have to work on Sundays whether or not they like it, and that will mean that in time all workers will be forced to work on Sundays. The turnover of workers in the retail trade is enormous. One survey shows that 34 per cent. of full-time shop workers and 45 per cent. of part-timers have been in their current jobs for less than a year.

What will be the consequence of the removal of limits on Sunday opening? It will mean fewer jobs. This is made clear in the Auld report, which states:

[Mr. Kaufman]

"Sunday opening would generate Sunday jobs, but the resulting fall in week-day demand would mean fewer jobs at other times. In the short term, the IFS"—

the Institute of Fiscal Studies, which did a survey for the Auld committee—

"suggests that the net effect of these two conflicting influences on manning requirements would be a small reduction in employment in the retail trade, possibly about 5,000 full-time equivalent jobs . . . In the longer term, the reduction in retailing capacity would inevitably involve a further loss of jobs. Although more people might be required in the remaining shops, the IFS predicts that the net effect would be a reduction of about a further 15,000 full-time equivalent jobs."

That gloomy estimate is confirmed by a letter sent to me last month by Mr. Peter Hartley, executive chairman of Hillards plc. He wrote to me as follows:

"Hillards is a public limited company operating over forty large superstores and supermarkets in ten Northern and Midland counties. We employ over 6,500 people.

We have done our sums and calculate that if we trade on Sundays we shall provide additional part-time jobs for between 800 and 1,000 people. Most of these jobs will be for young people and housewives and will be for Sunday work only. We further anticipate that we shall increase our total sales because we shall take additional trade from many small businesses and corner shops that currently open on a Sunday in defiance of the law.

However, our total operating costs are likely to increase significantly more than the extra profit which will be generated from these additional sales and as a result we shall have to employ between 100-300 less people full time during the week.

So in one medium sized company (with sales of around £300 million) we provide up to 1,000 jobs for five or six hours on a Sunday but dispense with up to 300 jobs of 39 hours during the week.

In areas of already high unemployment this cannot make sense.

I have been asked by several Conservative Members of Parliament why should Hillards open on Sundays if they do not want to? That seems to be an odd question from a party which believes in competition and market forces"—*[Interruption.]*

This is a man who employs 6,500 people and has a chain of stores with a turnover of £300 million. I should have thought that his opinion was worth listening to. He goes on to say:

"If the law is changed we shall be forced to open on a Sunday and instead of creating full time jobs (we provided over 1,000 new jobs in the last year) we shall have to add to the numbers of those who are unemployed."

As Mr. Hartley states, Sunday opening will have a harmful effect on small shops. The Auld report reminds us that original legislation limiting shop opening hours was passed

"to protect small shopkeepers from excessive competition."

If the Bill is enacted, many retail chains which are against Sunday opening will all the same feel obliged to open. The John Lewis Partnership states:

"Sunday opening would be progressive and irresistible."

Mr. Nicholas Lyell (Mid-Bedfordshire): I am most grateful to the right hon. Gentleman for giving way. Is he aware that practically every shop, large and small, which trades on Sunday is trading illegally? Would it be the policy of the Labour party to enforce the present law?

Mr. Kaufman: It is not the job of a political party, or indeed the Government, to enforce the law, and the hon. and learned Gentleman, who is the Parliamentary Private Secretary to the Attorney-General, shows a great ignorance of what the law says.

The Association of Retail Trades has surveyed its members and found that 82 per cent. of small traders are opposed to deregulation. If the Bill is passed, many small traders will have to stay open seven days a week in order to survive. Many more will be driven out of business altogether. Is the Government's objective really to make Britain a land fit for superstore chains to rake in monopoly profits?

Sunday opening will be financially costly. The Association of County Councils states that the additional costs to the trading standards service alone will be £3·5 million, and that would be for only a skeleton service. There would also be the cost of checking additional fire precautions, the additional cost to private industry of discontinuing the present practice of carrying out road works on Sundays, extra costs of garbage disposal, extra costs of trying to ensure that children are not exploited as cheap Sunday labour, and extra costs of policing.

The chief constable of South Yorkshire says that Sunday opening

"will inevitably increase the policing costs and cause additional workload for foot patrol officers."

It is the considered view of the Association of Chief Police Officers that Sunday opening will increase crime. Mr. Brian Hayes, the chief constable of Surrey, and the secretary of that association, states:

"police presence on Sundays might need to be increased and the current practice of minimum manning would need to be re-assessed. Parking regulations would require major revision to incorporate Sundays, as many"—*[Interruption.]*

—this is the chief constable of Surrey; he may know a little more than do hon. Gentlemen about policing—

"Parking regulatiions would require major revision to incorporate Sundays, as many existing regulations do not apply after 6.30 pm on Saturdays. The increased restrictions would then need to be enforced . . . Longer opening hours would provide increased opportunities for persons, particularly juveniles, to commit offences of theft, and there could be an increased risk to shop staff, especially female, who are required to take cash to the bank or to travel home during the hours of darkness. There is also a possibility of an increase in offences of public disorder, criminal damage and violence if late night shoppers come into contact with early evening drinkers."

The Paymaster General and Minister for Employment (Mr. Kenneth Clarke): The right hon. Gentleman is opposing the repeal of the present legislation, and, most untypically for him, he did not answer the question of my hon. and learned Friend the Member for Mid-Bedfordshire (Mr. Lyle). Is it his opinion that the chief constables of Surrey and elsewhere should begin a drive to enforce the present criminal law against the many shops, large and small, the garages and others, which at the moment are trading illegally?

Mr. Kaufman: The right hon. and learned Gentleman is also a lawyer. He is unaware of the fact that it is not the job of the chief constable of Surrey to do that; it is the job of the local authorities. The right hon. and learned Gentleman had better stick to explaining why he is putting through Parliament a Bill which will take away the wages council protection which the Auld committee says should be retained.

Mr. Clarke: I entirely concede that the right hon. Gentleman was correct in correcting me. It is for the local authorities to enforce the law. Many of those local authorities are Labour controlled. Now will he stop retreating into pedantry and answer the question? Is it the opinion of the Opposition that the local authorities should begin a drive to enforce the present law, and is that the basis upon which he is opposing the Bill's Second Reading? [HON. MEMBERS: "Answer."]

Mr. Kaufman: I shall answer. I am grateful to the right hon. and learned Gentleman for acknowledging that Labour local authorities can be expected to enforce the law, whereas Conservative authorities presumably cannot.

Mr. Nicholas Fairbairn (Perth and Kinross) *rose——*

Mr. Kaufman: We believe that the law should be enforced and respected, and we believe also that that should be done by Woolworth as much as by the National Union of Mineworkers.

Mr. Tony Baldry (Banbury): Will the right hon. Gentleman give way?

Mr. Kaufman: No, enough is enough.

Sunday opening could change the character of Sunday. That is accepted by the Auld committee, which admitted:

"There can be no doubt . . . that widespread opening of shops on Sundays would affect the traditional character of the day very much more profoundly than the opening of cinemas, concert halls and theatres, or the holding of sporting events. The change would be likely to affect far more people in the way that they spend their Sundays, and would have a significant effect on the feel of the day."

Mr. Fairbairn *rose——*

Mr. Baldry *rose——*

Mr. Kaufman: Last week the Chancellor of the Duchy of Lancaster gave a notable address at St. James Church, Piccadilly. Some of that address, as one might have expected, was controversial, other parts were almost canonical. Indeed, on reading the text I had the feeling that the right hon. Gentleman was putting in his claim for the next bishopric that falls open. In his speech the Chancellor of the Duchy of Lancaster called for a return to traditional values of decency and order. That call must have struck a chord with many people. He called for the

"strengthening of the sense of personal obligations, most notably within families."

He declared that many of our miseries

"derive in great part from family disintegration and its causes —which are often spiritual and moral, not material."

Many people of the right hon. Gentleman's party, of other parties and of no party, may have agreed with him. How, then, can the Government of which he is a leading member introduce a Bill which could weaken family life and lead to family disintegration?

Mr. Robert Walker of Sears, a company which owns many large stores, including Selfridges, Lewis's and Mappin and Webb, said three days ago of the Bill:

"Most of the staff is made up of women and most of those women are married. We feel it is hard enough for people with families to work on Saturdays, and if they have to work on Sundays it will be very hard indeed."

The Family Policy Studies Centre estimates that if no more than half the shops opened on Sundays 350,000 shop workers would be required. These would include 94,000 mothers and 35,000 fathers. About 750,000 children would not be with their mothers and fathers for all or part of Sunday. The Bill will lead to many latchkey children being left unsuperivised and alone for long periods.

In response to a survey, nearly three quarters of married shop workers and a majority of unmarried shop workers thought that Sunday work would harm their family life. Of the married shop workers, 48 per cent. said that Sunday was the only day when their spouse was also off work. Of single shop workers who live at home, most of whom are teenagers, 56 per cent. found that Sunday was usually the only day that they could spend with their father. For 46 per cent. the same was true in relation to their mother. On the other days, either they or their parents were at work.

Some hon. Members listening to me may ask, "What is it to do with him?" It is undoubtedly true that Sunday is not my Sabbath, but I do know something about the Sabbath. My father was a Jewish immigrant from Poland. He was a factory worker all of his life. He never earned much of a wage. He had a large and growing family to house, clothe and feed, but whatever it meant to his employment and promotion prospects he would never accept a job which required him to work on his Sabbath. In the jobs which he did obtain, regardless of the effect on his wages, he resisted all pressures to make him work on his Sabbath. For him, in his hard-working and often toilsome life, the Sabbath was held precious as a tranquil island in the stormy sea of the week. That is how many millions of people in this country feel about Sunday. If I respected my father for his defence of his Sabbath, must I not equally respect those millions who wish to defend their Sunday? The Prime Minister takes pride in being a conviction politician. It is, indeed, admirable to be a person of conviction. It is equally admirable to remember that other people have convictions. It is admirable to respect the convictions of others as much as one cherishes one's own.

The convictions of many about the Bill are embodied in a statement made recently by Cardinal Hume, who said:

"We must beware lest the principle prevail that the market should rule supreme seven days a week. Our principle is that there is more to being human than supply and demand; there is more to social life than trading and commerce."

The bafflement of many was voiced by Lord Stockton, when he said:

"this Bill . . . is saying that because it is impossible to please or satisfy some opinions, and in order to please some strange new doctrine of liberalisation, we should adopt all the worst elements of liberal Victorian tradition, which has somehow infiltrated my old party like some kind of disease."—[*Official Report, House of Lords*, 21 January 1986; Vol. 470, c. 159.]

The warning of many was contained in a recent leading article in the *Daily Telegraph*, which declared:

"measures which outrage the deep feelings of large sections of the community and command the enthusiastic support only of doctrinaires and a few large commercial institutions do not make good politics . . . democracy is ill-served by inflexible politicians who are insensitive to public feeling."

Yes, the law is illogical and would benefit from reform, but that does not mean that this sweeping and uncompromising Bill, and only this Bill, is the answer. It does not mean that one set of convictions must trample underfoot a differing set of convictions and hold them for nothing.

This country has evolved into the greatest democracy in the world, not by absolutism and dogmatism, but by Governments using their tempering power to accommodate and reconcile clashing and conflicting convictions. The outcome is often compromise — and sometimes untidy compromise. But our democracy is built on the foundation of a myriad of untidy compromises. That is how we live with each other. The ability to live with each other in harmony is the true test of democracy.

Even at this late stage I advise the Government to withdraw the Bill. I advise them to call a conference of all interests — the Churches, trade unions, retailers, small and large, and the parties represented in the House — and try to work out an agreed change in the law that would be widely acceptable. That would be the sensible way.

[Mr. Kaufman]

That would be the way that our country usually works. If the Government are adamant against that way, I call on hon. Members in all parts of the House to vote against the Bill tonight.

5.7 pm

Mr. Francis Pym (Cambridgeshire, South-East): The Bill did not make any contribution to the large majority that my party achieved at the last general election. Indeed, no mention of it was made during the campaign and, so far as I know, little or no thought was given to the topic. The irony is that it is now evident that the Government need their large majority to get the Bill through.

Tonight's motion should have been on a free vote. I asked my right hon. Friend the Patronage Secretary as long ago as last autumn to allow a free vote. The Government are not prepared to allow a free vote and have chosen instead a three-line Whip on Second Reading, accompanied by the undertaking of free votes thereafter in Committee and on Report. That is an unusual device, to say the least, and might serve the needs of some of my right hon. and hon. Friends, but I think that it is a contradiction.

The vote on Second Reading relates to the principle of the Bill. That principle is deregulation. If one is against that principle, as I am, I do not see how in honour or in conscience I can do other than vote against it. If amendments are carried later to introduce some controls and limitations which are not now in the Bill, the principle of deregulation to which the Government attach such importance will be altered. That is a contradiction. I regard the steps that the Government have taken to try to get the Bill through its Second Reading as a moral victory for their opponents.

There is another unusual aspect of the handling of the Bill—the way in which the Government have directed their publicity campaign to justify pressing on with the Bill. That campaign blames the opponents for not coming forward with recommendations that would get the Government out of their own difficulties. But we, the opponents to the Bill as it stands, did not introduce the Bill. The Government introduced it. The Government have the enthusiasm and responsibility for it. They cannot absolve themselves from that responsibility, let alone blame anyone else for the difficulties that they face. Ministers thought that they could bend enough arms to get the Bill through, and maybe they can, but the dislike of it is widespread, and I wonder why it is being forced on the British people. The existing law is unsatisfactory—we are all agreed about that—but deregulation is not the only remedy. Plenty of other remedies are available, and my right hon. Friend the Home Secretary mentioned several this afternoon. As he said, all of them have disadvantages, but there are also disadvantages in deregulation. The Bill is offensive and distasteful to many people, yet the Government brush that aside.

Mr. Fairbairn: My right hon. Friend seems to think that this measure is being forced upon the British people; it is not. The Scots have always had deregulation. When the right hon. Gentleman was in high office, did he ever attempt to have deregulation removed from us Calvinists so that we would not suffer, as he opposes the English being given their liberty?

Mr. Pym: I am grateful to my hon. and learned Friend; I stand corrected. "The British people" is not the correct description; it would be more accurate to refer to the people of England, Wales and Northern Ireland. *[Interruption.]* I mean England and Wales.

It is hard to argue that the need for this change, as envisaged in the Bill, is urgent or crucial. At times Governments have to take unpopular action for some overriding need or in the national interest. This Bill, however, is not in that category and should not be treated as though it were. There is logic in the Government's argument that the law is not being obeyed in some cases and is difficult to enforce. The existing arrangement for Sunday trading is not the only example of that sort. It would have been wiser to find a better solution to the problem before legislating in a way that so many people dislike. In a matter of this kind, affecting the social life of our country, there should be a much wider degree of consent in the nation than exists on this measure.

A comparison has been made with the situation in Scotland, which has been prayed in aid. I believe that tradition and ethos in Scotland have been, are, and always will be, different. In particular, Scotland has a deeply rooted and much stronger tradition in relation to Sundays than exists in England today, so the circumstances are different.

Mr. Fairbairn: Rubbish!

Mr. Pym: Well, I think they are different. The free arrangement in Scotland would have a different effect in England if applied here. That point is behind the argument used by some members of the Church of Scotland for saying that they themselves dislike the passage of this Bill.

Some of my right hon. and hon. Friends believe that people are deprived of some freedom because Sunday is not like any other day, but it has been unlike any other day since creation, and long may it remain so. The Government believe that Sunday, or the Sabbath, will still be different even after the passage of this Bill. To the extent that it will still be the day on which some people go to church, it will be different. Many families will try to keep it special; no doubt many will succeed. But for many families, to do this will be difficult and perhaps impossible, especially those living near shopping centres or those who find that a member or members of the family have to work on Sundays when they do not want to work. This will apply particularly to shopkeepers who want to remain closed on Sundays but who find themselves forced by competition to open or else lose their livelihood. What a painful position in which to put people in the name of freedom!

In trying to get the Bill through, the Government probably believe that some intolerable constraints that now exist will be lifted, and that the freedom to shop anywhere for anything on Sunday will bring joy and happiness to everyone. I believe that things will work out differently and that many people will regret the change. The character of Sunday will be altered, not necessarily immediately, but over a time. Over time, I fear that the change will have a much greater effect than the Government believe and one that the nation will live to regret. The Government no doubt believe that the Bill will liberate and enrich our lives. I share such admirable intentions, but I believe that the Bill and the method in it for effecting the change, far from enriching our lives, will ultimately impoverish them. That is why I will vote against the Bill.

5.16 pm

Mr. Donald Stewart (Western Isles): I support what the right hon. Member for Cambridgeshire, South-East (Mr. Pym) said about the Scottish situation, and I shall come to that matter. The right hon. Gentleman also raised an important point which, as legislators, we should seriously consider—that there is no mandate for this change. At the last two general elections the manifesto of the Conservative party has not mentioned any promise or intention to carry out such a revolutionary change as is proposed in the Bill in the pattern of life in the United Kingdom. The Government therefore have no right to proceed with it.

The other day the Chancellor of the Duchy of Lancaster referred to the misfortunes which had befallen the United Kingdom as a result of the legislation which produced the permissive society. I agree with a large part of that charge, but I would be much happier if he or the Government would say what legislation they propose to reverse the permissive society. Incidentally, the right hon. Gentleman referred, in passing, to the trumpet sounding an uncertain note. His remarks would have been more impressive if he had quoted correctly. Unfortunately, there is nothing uncertain about the Government's attitude to the Bill. A measure which most people would regard as involving a matter of conscience will be steamrollered through the House by a three-line Whip. I believe that that is an innovation which the Government will live to regret. To some extent, what the Conservative party does is its own affair. The Secretary of State for Scotland claimed that the Government had come to the Bill with an open mind, but in fact his failure to agree to a free vote on Second Reading shows the extent of the Government's open mind on the Bill.

We have heard a great deal about the Auld report. The Auld committee took no evidence from Scotland, so the report does not cover the Scottish situation. Several companies, including Marks and Spencer, have announced that if the Bill becomes law they will open branches in Scotland, so there is a keen interest in that country in what will follow the passing of this legislation. It is a fact that when the original legislation covering England and Wales was passed no legal prohibitions were required in Scotland, for the very reason mentioned by the right hon. Member for Cambridgeshire, South-East. There are other restraints on Sunday trading in Scotland, where there is also greater respect for the preservation of the Sabbath.

Another fact is that in Scotland there is often no need for central Government statutes to preserve the Sabbath. Many firms are permitted to open under local authority byelaws. It is not uncommon for such byelaws to demand that there shall be no trading on Sunday, so it has not been necessary in many places for Scotland to go to the central Government for legislation to preserve the Sabbath.

It is not true that one can go along the high street of a Scottish town on a Sunday and listen to cash registers tinkling away merrily. There is no demand for the Bill. I have previously challenged hon. Members to say whether their postbags were heavy with letters from constituents complaining of inconvenience or suffering as a result of the lack of such legislation, and not one could do so.

On 3 March, when the hon. Member for Leicester, East (Mr. Bruinvels) asked the Prime Minister how many representations she and the Government had received about the Bill, she replied that there were 800 in favour and about 40,000 against.

The Minister of State, Home Office (Mr. David Waddington): Perhaps I might bring the right hon. Gentleman up to date. It is obvious that those who support the Bill were a little slow getting off the mark. The score is now 20,736 letters in favour and 47,000 against, and there are more names on petitions in favour of the Bill than on petitions opposing it.

Mr Stewart *rose*——

Mrs. Elaine Kellett-Bowman (Lancaster): Will the right hon. Gentleman give way?

Mr. Stewart: I am replying to an intervention. I see that the Government have been working on their Back Benchers and in the country, but the figures are still quite instructive and make nonsense of the Home Secretary's statement.

Mrs. Kellett-Bowman: Will the right hon. Gentleman give way?

Mr. Stewart: Be quiet.

Even the Minister's figures make nonsense of the Home Secretary's claim that there would be wide public indignation if the Bill failed. I believe that the exact opposite is the case.

The Auld report says in paragraph 66:

"It would, however, be misleading to leave the impression that there is an incessant general clamour for Sunday shopping or longer trading hours. Most people, even those who work full-time, do manage to buy what they need in the permitted times."

A Harris poll, which covered England, Wales and Scotland, found that only 5 per cent. could answer, "A lot" and that 67 per cent. answered "Not at all," when asked:

"Are you inconvenienced by most shops being closed on Sundays?"

We can only conclude that the Bill is designed for the benefit of certain chain stores which want to strangle small businesses, which is curious in the light of the Government's professed aim of helping small businesses.

The Bill is opposed by a significant number of large retailers, such as Boots the Chemists, Clarks shoe stores, the Co-operative Union, Dewhursts and Sears, Lewis's and Selfridge's. It is also opposed by the National Chamber of Trade, the National Federation of Meat Traders, the National Pharmaceutical Association, and the Multiple Shoe Retailers Association. On the spiritual side, it is opposed by the Archbishop of Canterbury, the Cardinal Archbishop of Westminster, the Moderator of the Free Federal Council and the churches of Scotland.

Mr. Paddy Ashdown (Yeovil): Would the right hon. Gentleman like to add to that list the names of no fewer than seven Ministers who, on 4 February 1983, voted against a Bill which was substantially the same—the hon. Member for Mid-Sussex (Mr. Renton), the right hon. Member for Tonbridge and Malling (Mr. Stanley), the right hon. Member for Suffolk, Coastal (Mr. Gummer), the hon. Member for Medway (Mrs. Fenner), the hon. Member for Peterborough (Dr. Mawhinney), the hon. Member for Rossendale and Darwen (Mr. Trippier) and the hon. Member for City of London and Westminster, South (Mr. Brooke)? Among those who voted against that Bill, and might therefore be expected to oppose this Bill,

[Mr. Paddy Ashdown]

there were no fewer than three Whips — the hon. Members for Watford (Mr. Garel-Jones), for Hove (Mr. Sainsbury) and for Reading, West (Mr. Durant).

Mr. Deputy Speaker (Mr. Harold Walker): Order. I should remind the House that 60 or 70 hon. Members are seeking to catch my eye and that interventions are made only at the expense of the speeches of other hon. Members. I shall have to take interventions into account when determining who catches my eye.

Mr. Stewart: The hon. Member for Yeovil (Mr. Ashdown) has given some exceedingly useful information. I shall study the Division Lists.

The shop workers' unions oppose the Bill. The effect on women who are employed in retailing and children is obvious. I shall not go into that, as others will deal with it adequately. The interests of shop workers are a legitimate and important concern, which I happily endorse.

It is appalling that a party should be Whipped on an issue of conscience. No fewer than 91 per cent. of the public who were questioned in the Harris poll said that there should be a free vote. After this, the Government cannot put themselves forward as having any pretence to a belief in Christian morality. It is all the more reprehensible when one recalls the numerous private Members' Bills which were defeated. We will watch the reaction of the hon. Members whom the hon. Member for Yeovil mentioned.

The real issue is the spiritual one. The Bill goes directly against God's plan for living. The fourth commandment is an integral part of the moral law of God and is therefore binding on all men. By denying this, a nation erodes its moral and social fabric. The scripture warns us:

"Remove not the ancient landmark, which thy fathers have set."

The fourth commandment says:

"Remember the Sabbath day, to keep it holy."

The proposals in the Bill would be irreversible. If the Bill is carried, the House and the country will be crossing the Rubicon, and the nation will suffer for it.

5.26 pm

Sir Paul Bryan (Boothferry): The House recognises the strength of my right hon. Friend the Home Secretary's argument in favour of legislation. There must be legislation to get rid of the chaos of present Sunday trading laws. I would vote against the Bill if I was convinced that, as its opponents say, it is likely to change the special character of Sunday for the worse. That is why I have tabled the motion

"That it be an Instruction to any Committee to which the Shops Bill *[Lords]* may be committed that the Bill be amended to give statutory recognition to the special character of Sunday."

I would also vote against the Bill if I thought that it would affect family life for the worse.

From my family circumstances, I am almost tailor-made as a recruit for the Archbishop's crusade against the Bill. I am the son of a parson, my brother was a canon, my daughter is a deaconess, I am the father-in-law of a vicar and I go to church. I almost qualify for a passport to Heaven. However, it appears to me that the case of the Archbishop and his friends is too much based on a fantasy of Sunday — on what it used to be like once upon a time, and on what they would like it to be. There was a time, a long time ago, when a lot of people went to church.

One of my pre-first world war predecessors as chairman of the company over which I used to preside in the west riding of Yorkshire employed his people for 56 hours a week and, come Sunday, preached to them in the Methodist chapel, so they had enjoyed the benefit of his words seven days a week. A lot of people went to church then, but there was nothing else to do. The great Sunday revolution has come not from shopping but from the motor car, the coach, and the fact that many people now own their own homes. When we talk about the "special" character of Sunday, we should look at facts and decide what people actually do on Sunday. In my part of the world —Yorkshire—those who live in the less salubrious areas such as Huddersfield, Halifax and Bradford get in their motor cars and motor over, usually as families, to Scarborough, Bridlington, Filey, the moors, the zoo at Kirby Misperton, Castle Howard and the rest.

According to the Auld report, 10 per cent. of people in England go to church. I suspect that a higher percentage listen to and watch church services on the television and radio. Members of families do a lot of motoring, with fathers and mothers visiting their children and grandchildren and vice versa. That is all very healthy

There are 30,000 caravans between Scarborough and Filey, and correspondingly thousands of families use them. Some families have yachts. Many have weekend cottages and others use boarding houses and hotels in Scarborough. More and more people are playing and watching games. People go to the cinema, and play bingo.

During the past 30 years, house ownership has doubled, and gardening and do-it-yourself have become the great activities. Like many hon. Members, on Sundays people read the newspapers, go to sleep or watch television. Many families use the DIY stores on Sunday.

That is what I see in my constituency, although the position may differ in other constituencies. I do not think that the church has all that much to grumble about. One can say that people are attracted away from church by those pursuits, but there is competition between activities and we must cope with it. I do not think that the "new Sunday" is detrimental to family life. Many pastimes are undertaken as a family. Despite all that activity, Sunday is a quieter day than others. Towns are much quieter on Sundays. [HON. MEMBERS: "They will not be."] I shall answer those interventions in a minute. It is against this wider, growing background of leisure activity that I ask whether it is really true that the opening of a few shops on Sundays will completely change the social scene and the character of Sunday.

When considering the number of shops that will be affected by Sunday trading, we all speculate according to our prejudices. However, the Scottish example shows what actually happens, rather than what we imagine.

Mr. George Foulkes (Carrick, Cumnock and Doon Valley): It is entirely different.

Sir Paul Bryan: Multiple shops with dealings on both sides of the border have given details showing that shopping habits are similar on the two sides of the border.

What are the facts in Scotland? According to the Auld report, 17 per cent. of people in Scotland go to church compared with 10 per cent. south of the border. Sunday trading does not, therefore, appear to cripple churchgoing.

Mr. Foulkes: They are less corruptible in Scotland.

Sir Paul Bryan: Apparently, prices in Scotland are not higher than they are south of the border.

The right hon. Member for Manchester, Gorton (Mr. Kaufman) said a great deal about the work force. As I understand it, those who work on Sundays in shops in Scotland are, on the whole, perfectly happy about doing so. There are few complaints. Many married women find that Sunday shopping is convenient because part-time, unskilled work for which they may be highly paid is available.

I know Scotland reasonably well. When I have motored through Scotland on a Sunday, the towns have been quieter than they are on other days of the week, just as happens in England. In America , where the number of church-goers is much higher than here, families go to church in the morning, go on to the supermarket for lunch and then go shopping in the afternoon. That seems a pleasant family outing. Everyone enjoys it. On the available evidence I believe that, in a year or two, we shall wonder what all the fuss was about.

The chambers of trade are understandably worried. One cannot say that Sunday trading will have no effect on all shops. It is bound to have some effect. One can, however, say that independent shops in Scotland do not seem to be worse off than they are in England.

The real revolution in shopping has been caused not by Sunday trading but by the motor car which has led to the development of large stores on the outskirts of towns. The housewife used to do her daily shopping locally to fill her shopping bag. She now does her weekly shopping to fill the boot of her car and to fill her freezer. That has inevitably hurt the small trader.

Local traders in my area recently sent me the findings of a poll showing that there is no demand for Sunday trading. That is not a good argument because, if there is no demand, there will be no effect on them. One should take notice of only those polls that measure what is happening or what has happened. If the polls forecast the future in hypothetical circumstances, they always get it wrong. The supreme example was broadcasting. When we had one BBC channel, the polls announced no demand for a second channel. Along came ITV, which soon had bigger audiences than the BBC. There was alleged to be no demand for BBC2 or a fourth channel. There was said to be no demand for expensive video recorders, but now they have swept the board.

Mrs. Ann Winterton (Congleton): Will my hon. Friend give way?

Sir Paul Bryan: I shall not give way. My hon. Friend will have opportunities to speak later.

In conclusion, I do not believe that Sunday trading will have a deleterious effect on the family or on the special character of Sunday. I support the Bill.

5.36 pm

Mr. Thomas Torney (Bradford, South): I declare an interest as a Member sponsored by the Union of Shop, Distributive and Allied Workers. For many years before I became a Member, I worked as a full-time officer with that union.

The Home Secretary was magnanimous in promising a free vote in Committee if the Bill is passed tonight, which I hope will not happen. A free vote would not be worth anything if the Government Whips insisted on including on the Committee Conservative Members who were yes-men on Government policy. May we have an assurance that the many Conservative Members who oppose the Bill will be fairly represented on the Committee? I hope that the answer is yes, even though I hope that the Bill is defeated.

I know from personal experience that shop workers have always been downtrodden, with poor pay and long unsocial hours. Even fringe benefits, such as holiday and sick pay and safety regulations, are comparatively new. The workers, usually members of the USDAW, have had to fight for them.

The Bill should be renamed the Exploitation of Workers in Shops (Open All Hours, Including Sundays) Bill. The Bill opens the way for exploitation and victimisation of shop workers. Those who imagine that protection will be given to shop workers who are religious and conscientiously object to working on Sundays are living in cloud-cuckoo-land. With 4 million unemployed knocking on the shop door, plus the threat of a halt to promotion prospects, the shopkeeper can easily suppress conscience and religion.

It is a fallacy for the Government to suggest that Sunday opening will create more employment. It will produce some part-time jobs, but only in shops, and only in shops that already have a considerable number of part-time workers. We want greater employment of full-time staff, but the Bill will further reduce the numbers of full-time workers to make way for part-timers. My right hon. Friend the Member for Manchester, Gorton (Mr. Kaufman) quoted a letter from Hillards, which has supermarkets in my constituency. I have received a similar letter, and I endorse what he said.

Mr. Baldry: Does the Labour party believe that the present law is satisfactory? If it is not, how does the hon. Gentleman, and the Labour party, suggest that it could be reformed? Can he make that clear to the House?

Mr. Torney: My trade union, and certainly the Labour party, recognises the illogicalities of the present legislation relating to shop hours. However, the Labour Government never introduced a Bill of complete deregulation. Therefore, I pass the responsibility back to the Government, where it rightly belongs. They have introduced a Bill of complete deregulation. If they wish to move away from it, they must produce legislation to replace it. Surely it is not beyond the power of the experts in the Public Bill Office to assist the Government with that. The Government should withdraw the Bill and come back with something different.

The often-quoted Auld report states that protection is required for shop workers, but with the Wages Bill the Government will abolish the protection provided by previous legislation. We hear much about the consumer and freedom of choice, but, if we look carefully, we find that there is plenty of choice and opportunity to shop. Many supermarkets and hypermarkets open as late as 8 pm on many evenings, and some stay open until 9 pm.

The only reason for Sunday opening is for people who forget something. The shop workers' unions have agreements with many employers about late-night opening, and large firms will confirm that the unions have never been obstructionist on this issue. We merely want to protect our members and to ensure that proper premium payments are made if they must work late or overtime.

[Mr. Torney]

If the Bill is passed, it will contribute to making Sunday just another day, not only for shop workers but for all workers. There will be no premium or overtime payments for those who are called upon to work on Sundays. That should be a warning to all workers in industry. Once premium payments are abolished for shop workers—the wages councils have already disappeared — other workers will have to follow suit.

Traditionally, Sunday is a peaceful day when families and friends, including thousands of shop workers, can get together and, even though it may require using a motor car, we want to keep it that way. The Government talk about the freedom to open or close, but they show complete naivety about modern distribution. It is clear that they have failed to think the issue through properly.

There will be absolutely no choice for retailers, because they cannot afford to lose business to competitors who stay open. Competition in the high street is immense, and the margins on food are small. I assure the Government that if one shop on the high street opens, they will all open. I know that from personal experience. When I was a young man working in a shop, my boss would send me out to see whether the other shops were closing before he would agree to close. Most of the large retailing chains are opposed to Sunday opening, but many have categorically said that, while they oppose the Bill, if it is passed they will have to open.

That brings me to a point about Scotland. The major chains in the south also have shops in Scotland. They have said that if the Bill is passed they will also open on Sunday in Scotland. I assure the House that the present laissez-faire position in Scotland will go to the wall if the Bill is passed.

The point about large retail firms has already been made by my right hon. Friend the Member for Gorton, so I shall not repeat the point about Hillards. Only so much money is available among the consuming public. Eventually all shops will open on Sundays if the Bill is passed, so that money will be spread over seven days instead of six. Therefore, there will be no extra trade. There will be extra trade only if a shop opens and others do not. That shop would then steal a march on the others. But, as the major retailers know that, they will all open and there will be no extra trade. Is that the price of the freedom of the few?

Our traditional, peaceful Sunday will go, and obviously prices will be higher to cover the greater overheads of seven-day trading. Shops and their staff will be exploited, and eventually all workers will lose premium payments for Sunday. USDAW, the majority of shop workers and I say that if we cannot defeat the Bill tonight, we must defeat it in Committee.

5.47 pm

Mr. Mark Carlisle (Warrington, South): Unlike my right hon. Friend the Member for Cambridgeshire, South-East (Mr. Pym), I certainly support the Government and hope that the Bill will be carried, supported by my right hon. and hon. Friends.

The main reason why I support the Government is that the present law is nonsense. It is illogical, full of anomalies, easily open to ridicule and out of touch with the reality of life today. It is widely disregarded, and those who must enforce it do not wish to do so. To the extent that it is enforced, it is patchy and unfair to individual traders. To continue in that way brings the law into disrepute, and that cannot be right. In those circumstances, the Government are right to take responsibility and to act as they have done. I hope that those who accept the need for change will support the Government on Second Reading.

Some of those who accept the argument for change tell us that, despite that, total deregulation and freedom do not provide the answer. However, I question whether there is a workable compromise. Having considered the various compromises, I am not convinced that that is so. All the options suggested are, to my mind, open to objection and would raise continued problems of enforcement.

I shall give two examples. To attempt to extend and update a list of goods allowed to be sold on Sundays would lead rapidly to yet more anomalies and become out of date and out of touch with the needs of society. As many of my right hon. and hon. Friends have argued, the local option is not an alternative. That would merely be to pass the buck to others to decide in our place.

Sir Raymond Gower *rose*——

Mr. Carlise: I would rather not give way to my hon. Friend, as I know that many right hon. and hon. Members wish to contribute to the debate.

The only sensible alternative to the present law is to give freedom to shops to open and to the public to shop if and when they wish to do so. I realise, as my right hon. Friend the Member for Cambridgeshire, South-East has said, that there are many who are opposed to the Bill. The fact that I do not agree with their arguments does not mean, as some seem to imply, that I and others who share my view are not prepared to listen to what they have to say. I respect the sincerity of those who oppose the Bill and those behind the Keep Sunday Special campaign, but they should not try to hijack Sunday for themselves.

It is reasonable and possible to like the traditional Sunday, to be a Christian and yet believe that someone, if he wishes, should be free to buy a mowing machine on a Sunday just as he is free at present to buy petrol to put inside one. It is reasonable to support the present traditional Sunday and believe in it, yet not believe that it is necessary to use the criminal law to prevent people who wish to shop from doing so. As my hon. Friend the Member for Boothferry (Sir P. Bryan) said, we allow many forms of commercial activity to take place on a Sunday. Public houses, restaurants and amusement arcades are open and professional sport takes place on a Sunday. I do not see on what moral basis we can suggest that it is wrong for shops to open when so many other places are open.

It is said that Sunday is a family day and a day on which to relax. That is how many of us like to spend our Sundays. I would point out to hon. Members, however, that the members of many families find that the only day on which they can go out together is Sunday. If they choose to shop rather than indulge in any other form of outing, I fail to see what is wrong in that.

Unlike the Bill's opponents, I do not believe that the effect of this measure will be to change the traditional Sunday. I believe that there is a demand for the Bill. The number of those who shop on a Sunday shows that to be so. I believe that certain types of shop will open widely once the Bill is enacted. It is my view that the fears which have been expressed by some of those who have already

contributed to the debate are exaggerated. After the early days, things will settle down and some types of shop will be open and others will not. In areas where there is demand, some shops will open; where that demand does not exist, they will not.

We are not forcing anyone to open his shop on a Sunday and we are not forcing anyone to shop on a Sunday. The only objection to the Bill could be if we were seeking to force people who have strong and genuine objection to work on a Sunday. Despite what the hon. Member for Bradford, South (Mr. Torney) said, I do not believe that that will happen. I remind the hon. Gentleman and the right hon. Member for Manchester, Gorton (Mr. Kaufman) that 4·5 million people already work on a Sunday—many of them not in essential services—and we do not complain about that.

Mr. Peter Bruinvels (Leicester, East): They do not all work every Sunday.

Mr. Carlisle: I do not see why shop workers should necessarily work every Sunday. Shops open on a Sunday in Scotland and I understand that there is no shortage of people who wish to work in them. I am sure that will be the response in England and Wales.

I believe that the concerns and objections are greatly exaggerated, as is the effect that the Bill will have on the traditional Sunday. As my hon. Friend the Member for Boothferry said, the Bill's opponents ignore the reality of Sunday.

If we allow shops to open on a Sunday, it will be in response to those who wish to see a change of that nature. As I have said, the present law is nonsense. It is wrong to use the criminal law in this area. For those reasons, I support the Bill.

5.55 pm

Mr. Paddy Ashdown (Yeovil): I can readily and happily agree with the right hon. and learned Member for Warrington, South (Mr. Carlisle) that the present law is more honoured in the breach than in the observance, and is in many senses disreputable. I understand that there are those in the House and outside who hold views that are entirely principalistic in their nature, which the right hon. and learned Gentleman might regard as the Sabbatian view of Sunday. I do not believe that that view is held widely in the House, but it is one which deserves respect, and that respect should be accorded to it.

There is no doubt in my mind—I believe that this is the prevailing view in the House — that the current legislation needs reform and amendment. It creates confusion and situations that are difficult for shopkeepers. The present law frequently leads to difficulties for those whose job it is to uphold the law. I am not opposed to reform in general, but that is not to say that I am in favour of any sort of reform, whatever its nature and implications.

When I came to examine the Bill, I applied four criteria by which I would judge my attitude to it. First, I took the view that we should not go for entirely free licence; that we should not deregulate to such an extent that we destroy the essential nature and character of our Sunday. Secondly, I considered that there should be a requirement adequately and effectively to protect the rights of shop workers. Thirdly, I decided that the Bill should give local communities some determination of how the law might be applied in their areas to meet the different natures of our various communities throughout Britain. Fourthly, I took the view that the Government should take into account —perhaps not in the Bill but in parallel legislation—the effect that the Bill would have on small retailers if it were enacted in its present form.

The Bill fails to satisfy, not on one, but on all four of those counts. First, total deregulation is proposed—total free licence. The Bill sweeps away all regulations. If enacted, it would allow Sunday to become the same as any other day of the week. There are those who will be deeply offended by that prospect of religious principle, and I can understand that.

For me there are even more important factors to be taken into account. There is a need for a rest day, when families can get together. This need is stated clearly in the Bible, particularly in the gospel according to St. Mark, which states:

"The sabbath is made for man, and not man for the sabbath."

It is essential that there should be that rhythm in our lives. It is a requirement that we have a day of rest. That view was expressed elegantly and powerfully by Lord Stockton in another place, when he said:

"Let us remember that the great commandment that was handed down to God's chosen people was perhaps the greatest social reform in the history of civilisation; the concept that every man or woman, however humble, should have at least some period of rest."—[*Official Report, House of Lords*, 21 January 1986; Vol. 470, c. 160.]

On that ground alone, the Bill could result in a fundamental and irreversible change to our Sunday. That will be important in its effect on the family, an issue which has been raised by right hon. and hon. Members already. It has been calculated that 1 million women will be drawn into employment on a part-time basis on Sundays if the Bill comes into effect. There has been a strong push towards part-time work, and the number employed in the retail sector has almost doubled over the past three years.

I find it ironic, therefore, that, as the right hon. Member for Cambridgeshire, South-East (Mr. Pym) said, the Conservative party manifesto in 1983 made no mention of the legislation. But the manifesto went further than that. The manifesto which elected the Government said that the Tories were pledged to defend—I shall use their words precisely—Britain's "distinctive way of life" and

"build a responsible society which protects the weak but also allows the family . . . to flourish."

The Bill will create conditions which will damage the one day of the week when, as the hon. Member for Boothferry (Sir P. Bryan) said, the family can get together to enjoy those wonderful outings which he described as a family occupation. They will be disrupted because the mother or father, probably the mother, will be away working in a shop because she will be required to do so. The free licence will damage the family unit which the Conservative party at the general election pledged itself to protect.

The Bill will do more than that. As currently drafted, it could cause significant damage to communities because it will introduce into communities a free licence for more traffic and more commercial operation on the one day when they can expect some peace. It will disturb the peace of many of our communities. Therefore, the Bill fails at that hurdle.

Many right hon. and hon. Gentlemen have touched on the question of the protection of the rights of shop workers. It is true that partially, at least, the Bill protects the rights of such shop workers as are employed when the Bill comes

[Mr. Paddy Ashdown]

into force. However, it does not provide for a similar right in the future. I fail to understand the logic of that. If a right is worth protecting now, surely it is worth protecting in the future. Why should we make an arbitrary decision about what rights an individual shall have according to whether they are currently employed in a shop or employed in the future? If now, why not in the future also?

But even the protection currently provided is wholly inadequate. The Bill has certain safeguards in respect of disciplining a shop worker who refuses to work on a Sunday. It prohibits that and it prohibits the sacking of a shop worker for refusing Sunday work. It does nothing, however, to safeguard a shop worker's ordinary expectations for promotion and advancement if he refuses to work on a Sunday. There are examples of that happening already. There was a recent example in Sheffield where a store manager was required to leave his £13,000 job because he refused to work on a Sunday.

Those of us who complain about that issue have to face the fact that it would be impossible to protect completely the rights of shop workers by any form of legislation. However, we can provide some form of protection, even for those who would wish to join the profession in the future. A clause which makes it illegal to discriminate against someone who is not prepared to work on a Sunday could have an application similar to that which makes it illegal to discriminate on racial or sexual grounds. That is not perfect protection, but it can act as a bulwark against such discrimination and act as a mechanism for testing in the courts of Britain whether such discrimination has taken place. But no such provision exists in the Bill.

Perhaps we should not be surprised at that, because when it comes to the protection of shopworkers we know that the Government take a purely minimalistic view. The Auld committee recognised that. The Government prayed in aid the Auld committee to support their position on the Bill. The committee clearly said that it felt that if Sunday trading was deregulated appropriate protection should be put in its place. But, as the right hon. Member for Manchester, Gorton (Mr. Kaufman) said, the Government have moved in precisely the opposite direction, by dismantling the protection of wages council and by massively reducing the amount of resources available to the inspectorate for employment and shops provisions and conditions.

The Bill not only provides no protection, but will be used as an instrument for further exploitation of the very vulnerable and mainly young work force within the retail sector. On those grounds alone, even if the other criteria that I mentioned were satisfied, I would oppose the Bill.

My final criterion was that of local option. Conservative Members have rightly asked how we can reform the Bill. I see nothing wrong with allowing an element, perhaps even a significant element, of local option. Indeed, it is interesting to note that the Auld committee was interested in that suggestion and said that it had some attraction. The problem for the committee was the inconsistency. Of course there are inconsistencies and differences in the various communities of Britain. There are differences between Bermondsey and rural mid Wales. Why should they have the same application of the law?

We already give considerable freedom to our local government institutions and local authorities to determine car parking and housing policy, which are dealt with differently in different areas. The same applies to taxi charges, education, collection of rubbish and even widows war pension relief. These touch on people's lives just as closely as shop opening. If we allow such inconsistencies now, why should we not allow them in this case? Why not frame within legislation the capacity to determine the hours the shop may open in one location or another within the ambit of the planning procedures? That would provide for a much clearer acceptance of the differences of the local conditions. Such inconsistencies which did arise would not be long lived where they were ridiculous, and where they were not ridiculous they would be consistent with genuine local differences of belief, practice, and environmental conditions.

Mr. David Alton (Liverpool, Mossley Hill): Does my hon. Friend agree that if the local electorate were tested on the issue, it would succeed in a way in which the Bill fundamentally fails? A measure is being brought forward which has not been tested in an election, which is offensive to millions of people in this country and on which millions of people have never had a chance to vote.

Mr. Ashdown: I am grateful to my hon. Friend. That is precisely the point. It would not only provide an opportunity to vote on this issue, which we have not had as it was not in the Conservative manifesto, but would allow the differences between our various local communities to be expressed.

The Bill will unquestionably damage the network of small retail outlets in Britain. That case has been more elegantly made elsewhere. The Government pray in aid, for example, the experience of Sweden, where they say that 3,000 new shops have been opened. I ask Conservative Members to recognise that in Sweden a small retail outlet is one with fewer than 25 branches. That is hardly what we would consider to be in danger in this country. We also ought to recognise the fact that in Sweden the Government have a full package to assist small retail outlets. We know that no such package is under consideration by the Government.

At the beginning of my speech I mentioned the issue of principle. There are principles and practicalities involved. For many, the principle will predominate. My party believes that this is, in part, for all of us an issue of conscience. We will therefore have a free vote. We do not understand why the Government will not allow a free vote. I must say in passing that I do not understand why the Labour party, which has made a considerable point on this issue, is not prepared to allow a free vote as well. However, returning to the Government, seven members of the Government Bench voted against the earlier Bill, and they will have to go into the Lobby tonight voting in favour of this Bill. Three Whips voted against the other Bill when it appeared before us. They will have to go through the process of Whipping their own colleagues in to vote for this measure. Only two years ago the Parliamentary Under-Secretary of State for the Home Department, the hon. Member for Putney (Mr. Mellor), who is not in his place now, but was earlier, said:

> "There are important considerations and fears about the character of Sunday, . . . These fears are held in many parts of the House and I agree that they are an important factor. That is why the Government adhere to the view, which successive Governments have adhered to, that the decision must be for the individual conscience of hon. Members."—[*Official Report*, 4 February 1983; Vol. 36, c. 557.]

We are entitled to know why the Government have changed their mind on this issue. Why do they now use the disgraceful instrument of the party Whip to coerce Conservative Members to vote on what two years ago a Minister recognised as an issue of individual conscience? We are glad that there has been an admission that there will be no guillotine on the Bill.

I am in favour of reform, but not any reform. I cannot support the Bill as it currently stands. The Bill in its present form will damage the essential character of our life in Britain. It will hurt the family, which the Government make such a virtue of seeking to protect. It will endanger the essential character of many of our local communities. It provides an instrument for the exploitation of shopworkers, whom the Government have already made one of the most vulnerable groups in Britain. It gives no power of determination to local communities. It will be a further blow to the fast-diminishing number of small retail outlets in our communities. It is being run through Parliament, against the Government's own commitments, by coercion by the party Whip and against the conscience of the Government's own members. I and many of my colleagues will oppose the Bill for those reasons.

Several Hon. Members *rose*——

Mr. Speaker: Order. Earlier this afternoon I gave an undertaking to the Leader of the Opposition that I would reconsider my decision not to select the reasoned amendment that is on the Order Paper in his name and the names of his right hon. and hon. Friends. I have done so, and I now say to the Opposition Front Bench that it will be in order for the hon. Member for Battersea (Mr. Dubs) to move that amendment when he rises to wind up the debate.

Mr. Meadowcroft: On a point of order, Mr. Speaker. I heard the discussion with you earlier. I suspect that hon. Members are now placed in some difficulty. They thought that the debate was taking place on the basis of the instructions that were given from the Chair at the very beginning of the debate. Hon. Members are now in difficulty because they find that that former decision has been reversed. If, after pressure from one side of the House, your decision can be reconsidered and changed, Mr. Speaker——

Mr. Speaker: Order. I think that that is the moment when I stop the hon. Gentleman. I gave an undertaking that I would reconsider the matter. What I have announced does not in any sense narrow the debate, which was my concern.

6.11 pm

Mr. Neil Macfarlane (Sutton and Cheam): I am grateful for the opportunity to take part in the debate, Mr. Speaker. I assure you that I shall be brief, although, having heard the comments of my right hon. Friend the Secretary of State, I doubt very much whether there will be much brevity about the passage of the Bill in the remaining months of this Session. There is now an element of confusion, although I am anxious to do all that I can to help my colleagues on the Front Bench.

My prime concern stems from what we might speculate will be the effect of the Bill. My concern is not so much about the present situation. The traditional Sunday has changed over the past 25 years. Nowadays even the younger generation would have some doubts about what precisely a traditional Sunday is. I am often told that we represent the party that espouses Victorian values. I have never understood that fully. If that were logically applied and we had Victorian values, everywhere would be closed on Sundays, and we would have rather a joyless day.

As I said, my concern stems from speculation about the effects of the Bill. I appreciate that there are many anomalies in the current framework of our legislation on retailing. I can well understand that the legalistic mind of the lawyer is anxious to have the Bill tidied up, but I have some sympathy for my right hon. Friend the Home Secretary because he has picked up the policy from his predecessor.

I do not want to tell my constituents in Sutton and Cheam when they should shop or which retailers should open and when they should open. As the hon. Member for Yeovil (Mr. Ashdown) and many Conservative Members have said, I do not believe that the Bill will improve the quality of life, particularly in the suburbs of towns and cities—I represent a suburban area—and that is my concern.

As my right hon. and learned Friend the Member for Warrington, South (Mr. Carlisle) said, there are now professional sporting events on a Sunday, and the motor car has opened up new possibilities. The framework of a Sunday is totally different from what it was. The fact is that what we are proposing will unquestionably change our Sunday. Those are the things of which we must be most aware when considering the matter over the next few months. We must understand what we are triggering off.

I have never accepted the argument that the Bill will be a job creator, because I believe that all it will do is transfer the pattern through a seven-day week. We know that many retailers do not open on a Monday. They will simply transfer more to Sundays. The hon. Member for Bradford, South (Mr. Torney), who speaks for the Union of Shop, Distributive and Allied Workers, made it clear that he expected an increase in the pool of part-time employment. I echo those sentiments. That is not good. I do not like it at all.

The proposals of my right hon. Friend the Secretary of State will have a major impact on the people in the suburbs of our towns and cities over the next few years. As you will know, Mr. Speaker, representing a seat in an area not dissimilar from mine, over the past 10 or 15 years there has been a stark change in Good Friday. Good Friday, which is perhaps the greatest symbol of Christian hope, has now become a day like any other. I should have thought that it was logical that Sunday would become the same. I cannot believe that there can be any serious disregard for that argument. I think that Sunday will become like any other day. That may well be what a large proportion of the nation wants. It is what a large proportion of the nation already has now. We must work out precisely what we want to do and exactly what will be the bottom line in a few years' time. My hon. Friend the Member for Boothferry (Sir P. Bryan) said that in 15 years' time everyone will wonder what all the fuss was about. I am not certain that I share that opinion. We shall have to wait and see. I suspect that the Bill has some way to go before it reaches the statute book.

I ask hon. Members on both sides of the House to consider the problems, such as the competition that many of the retailers will face. Many of them have already said that they will open, and others have said that they will not. I should have thought that the very fact that many of them

[Mr. Neil Macfarlane]

are committed to opening, such as W. H. Smith, Mothercare, DIY companies and other retailers that we know about, means that it is inevitable that some of those who have said that they will not open ultimately will. Who could blame them? They will have to open. I would not blame them for doing so. Many of them would be mad if they did not. In fine cities, such as Edinburgh and London, and in the north-east and the west midlands, where there is an element of strong tourist appeal throughout the year, it would not be in their interests to remain closed. The big retailers in Oxford street and Bond street, and in the centre of London, would also be mad not to open.

Therefore, what we are proposing undoubtedly will have an effect. It will have an effect on young people who are starting out on a career in retailing. Their annual staff appraisal might include the words, "Quite a good company man" — or woman — "but won't work Sundays. Therefore, does not have the company's interests at heart." I think that that will begin to emerge.

Mr. Michael Shersby (Uxbridge): Does my hon. Friend agree that many small retailers will have to open, which will lead to a severe diminution in family life for them?

Mr. Macfarlane: That is right. As we have heard before, the part-time jobs that could be created as a result of the Bill will be largely for students and women, and women are the anchor of the family.

There will be an increase in noise and perhaps because vehicles will now be making deliveries on Sundays. In my constituency and in many others on the outer peripheries of big cities—the villages and more rural areas will not be affected so much—undoubtedly a transport manager will say to his staff and his board of directors, "I think I can save you several pounds per week per vehicle if you start to deliver on a Sunday," and jobs might disappear as a result of that. In my constituency, we have many major through routes. We already have much commuting traffic on a Sunday, and I think that there will be a major increase in that.

I do not know whether my right hon. Friend the Secretary of State, or indeed any of his colleagues on the Front Bench, wishes to see a dramatic change in our traditional Sunday, or the Sunday that they consider to be traditional. I suspect that their offspring might have different ideas about the traditional Sunday. I do not believe that they want to see that change. That is why we are beginning to see a slight shift in the policy and opinions of the Front Bench, for which I have sympathy.

The Bill will change our way of life. It is not in the best interests of the country. Therefore, although I shall not vote against my colleagues, because my heart is still with them, I shall abstain and closely watch the Bill's passage in Committee, on Report and on Third Reading.

6.19 pm

Mr. Terry Lewis (Worsley): That this is one of the most controversial measures to be brought before this Parliament cannot be doubted, especially when one witnesses the extent of the disarray on the Conservative Benches and notes the Government's recent reaction to the threatened rebellion of Back-Bench Members. There is no doubt that the hostile public response to the Bill has transferred from nervous Back-Bench Members to the Government, even at this late stage, hence the apparent Whipping concessions. I hope that the Home Secretary's undertaking not to impose a guillotine if the Bill passes its Second Reading tonight will mean at least fundamental changes to the Bill. I hope, however, that the Bill will not overcome its first hurdle tonight.

The battle lines are clearly drawn and opponents from all sections of society have come out firmly in vocal opposition to the Bill. Not least significant in the opposition to deregulation of shop hours are the churches. For once in my life, I completely agree with the various religious organisations. I am sure that the churches do not oppose the Bill to coerce the public into attending church on Sundays. Instead, they argue correctly that for hundreds of years Sunday has been a special day. That point has been made by many hon. Members. It is a day whose promise of rest, relaxation and family togetherness provides, in a contemporary sense, a break of sorts in our increasingly hectic and pressurised lifestyles.

A strange feature of today's debate is that most hon. Members would rarely benefit from the advantages for which they argue on other people's behalf. That is certainly my position.

The Lord Bishop of Winchester in another place provided the strongest argument against the Bill when he said:

> "Total deregulation is a too-drastic solution because it could well lead to the erosion of something we greatly value—a corporate rest day which gives identity to our community. We need these opportunities of rest and recreation for families, and recreation includes . . . worship . . . We do not want the cohesive character of . . . society to be sacrificed for the sake of greater commercial gain on Sundays."—[*Official Report, House of Lords;* 2 December 1985; Vol. 468, c. 1103.]

I say "Amen" to that.

To counter such arguments, supporters of the Shops Bill say that the special character of Sunday is rapidly disappearing from our society. In their view, abolishing Sunday trading restrictions would be an appropriate response to these modern times. There is no doubt, however, that a significant majority of the population favours the maintenance of a special Sunday that does not become just another day. My post bag reinforces my view that the special character of Sunday should be preserved as far as practicable as a day of leisure in which a person is not required to pursue his or her weekday work and is free to do what he or she chooses.

The question then becomes whether the liberalisation of the trading laws will alter the special character of Sunday. Paragraph 132 of the Auld report, on which the Government justify the Shops Bill, states:

> "Widespread opening of shops on Sundays would affect the traditional character of the day very much more profoundly than the opening of cinemas, concert halls and theatres"—

that point was made earlier by my right hon. Friend the Member for Manchester, Gorton (Mr. Kaufman)—

> "or the holding of sporting events. The change would be likely to affect far more people in the way that they spend their Sundays, and would have a significant effect on the feel of the day."

That is just one of the many cases in which the Auld committee's conclusions are hardly supported by its arguments. It is clear that Sunday trading would hasten rather than respond to the demise of our traditional special Sunday.

I return to the economic effects of unrestricted Sunday trading. The Auld committee, again to determine the likely effects of the Shops Bill, commissioned a report

from the Institute for Fiscal Studies. Although the committee chose to regard that report as the final word on the subject, the IFS begins its report with an explicit disclaimer:

"The principal conclusion reached is that it cannot be decided on a priori grounds whether the restrictions on consumer choice, inherent in limitations to trading hours . . . could nevertheless yield overall benefits. The fact that shops choose to open on Sundays does not guarantee that the gains derived from greater consumer choice will offset the additional costs involved. A final assessment must depend on an empirical study of the costs and benefits involved, and this has not been addressed previously."

I reject that suck-it-and-see approach, but to rely on empirical evidence sells the pass with regard to maintaining our traditional Sunday.

Staying with the IFS report for a moment, and referring specifically to the suggestion that a 13 per cent. increase in opening hours would lead to a 10 per cent. increase in costs, I must register my profound unease at some implications of that. There is no doubt that there would be an insufficient increase in retail trade to make up for the increased costs. As a result, the costs per unit of sales would necessarily increase to the detriment of consumers. In the long run, as has been said, smaller stores that operate on the margin will be squeezed out of business. The consequence will be that the highly regarded convenience of the local store will disappear and once again, and this must be repeated, the less mobile, the sick, the elderly and families without personal transport—not everyone has a motor car—will suffer inconvenience. Indeed, there is little doubt that their cost of living will increase commensurately as retail domination forces prices up, as I forecast it will if the Bill is passed.

I would have wished to say more on this important matter, but in the interests of brevity and because I want to hear the speeches of many more Conservative rebels, I shall conclude my remarks. I pray in aid the IFS report on which the Auld committee placed such store. The IFS concluded that as many as 20,000 workers would lose their jobs as a result of open-all-hours trading. With unemployment at such an intolerable level, that would serve only to exacerbate an already unacceptable position. That alone is too high a price to pay for the dubious benefits claimed for the Bill. However, just as worrying is the nature of the job losses. The jobs that will be lost will tend to be full-time jobs that require some skill and training. Full-time jobs also tend to lead to the development of jobs in which employees rise within a company, acquiring more skill and loyalty to the firm. To replace those jobs with unskilled, part-time employees is undesirable. That is why I shall oppose the Bill. I hope that many Conservative Members will do the same.

6.27 pm

Sir Peter Blaker (Blackpool, South): I refer to the letter that has been sent to all right hon. and hon. Members by the Archbishop of Canterbury, the Cardinal Archbishop of Westminster and the Moderator of the Free Church Federal Council. They make several points which I wish to discuss. The letter refers to a large petition against the Bill. My constituency experience is that considerably more people support the Bill than oppose it. We know from opinion polls that were taken in 1984 and 1985 that a vast majority of people favour seven-day shopping in England and Wales. I understand that, for union members, the percentage is even higher than for non-union members. Therefore, it is clear that the majority of people want us to give a Second Reading to the Bill.

The second point of the Archbishop and his colleagues is that they do not wish to throw away the special character of Sunday. I have been enormously impressed throughout the debate by the confidence with which so many hon. Members have forecast exactly what horrors will result from the Bill. Many of the Bill's opponents have remarkable powers of foresight. That was especially true of the right hon. Member for Manchester, Gorton (Mr. Kaufman).

I am much less confident about what will happen in the future, but I believe that the special character of Sunday will not be destroyed. I cannot prove it beyond doubt, but I believe that there is relevant evidence.

As Aneurin Bevan said,

"Why look in the crystal ball when you can read the book?"

For me, the book is Scotland. I am half Scottish, although that does not give me a particular claim to interpret the Scots. Nevertheless, I believe that Scotland is more like England than it was some years ago because of the pressures to which my hon. Friend the Member for Boothferry (Sir P. Bryan) referred in his impressive speech in support of the Bill. Mobility, television and all the other modern pressures have made the different parts of this country far more similar than they were 50 years ago. The large number of Scots who come to Blackpool seem very similar to the people who come from Yorkshire, the south of England and elsewhere, except that they tend to enjoy themselves rather more vociferously. I believe, therefore, that Scotland provides the best evidence available. I should apologise to those who oppose the Bill for actually referring to facts, but it seems perfectly clear to me that the special character of Sunday is alive and well in Scotland. Some of my Scottish hon. Friends may wish to comment further on that.

It has been suggested that the Scottish experience is not relevant to England and Wales, but if the effects of liberalisation turn out to be different in England and Wales from those which have occurred in Scotland, it will be because the people of England and Wales want them to be different. It is not right to use the criminal law to try to prevent the people of England and Wales from following the course, the culture and the life that they wish, especially as the present law is already in such disrepute. That would be a most unwise course to follow. If Scotland is still a more sabbatarian society, it is surely remarkable that Scotland can accept deregulation with enthusiasm while in a less sabbatarian society, if such it be, people are arguing against deregulation. It seems to me that that argument works in the opposite direction from the way in which it has so far been used.

With regard to the anxieties of the Archbishop and his friends, I remind the House that 16 per cent. of people in Scotland still go to church while the figure for England and Wales is only 10 per cent.

The Archbishop and his friends were also concerned about what they described as the "commercial imperative", suggesting that

"we can expect a steadily rising trend over the next 5 to 10 years which ultimately will make Sunday barely distinguishable from Saturdays."

Again, they ignore the experience in Scotland and the fact that fewer than 20 per cent. of shops in Scotland are open on Sundays. I think that the House will agree that if anyone

[Sir Peter Blaker]

recognises a commercial imperative when he sees one, it is a Scot. Therefore, I am not greatly impressed by that argument. The Archbishop and his friends, like many Opposition Members, seem to think that shopkeepers enjoy making a loss. In my experience, if shopkeepers think that they will make a loss they do not open, which doubtless accounts for the fact that fewer than 20 per cent. of shops in Scotland are open on Sundays. I am therefore not impressed by that argument either.

The Archbishop and his friends also fear that shop workers will suffer, but an opinion poll has shown that 72 per cent. of the people in Scotland who work on Sundays wish to be allowed to continue. Again, why look in the crystal when we can read the book? Scotland is the open book.

The Archbishop and his friends hope that the House will not support the Bill

"unless it is substantially amended to protect the traditional character of Sunday."

We cannot amend the Bill unless it receives a Second Reading. We should therefore give the Bill a Second Reading and then consider the exact form in which it should emerge on to the statute book.

Deregulation is popular in Scotland. An opinion poll in 1985 showed that 98 per cent. of respondents in Scotland thought that the quality of life had not been affected. Sunday it still different from other days of the week in Scotland. It is still a day of leisure and a day for the family. People shop as families, especially for joint decision purchases such as lawnmowers, to which reference has already been made. People do not find themselves compelled to work against their will. There is no shortage of volunteers to work on Sundays. According to the evidence that I have seen, small shops in Scotland have not suffered. Prices have not risen as a result of Sunday opening. I understand that when a questionnaire was sent to various churches in Scotland asking whether they felt that there should be more regulation, the only reply received was from the Free Presbyterian Church which has only 16,000 members. The evidence that I have, therefore, is that the Scots are content with their situation and cannot understand what all the fuss is about in England and Wales.

Mr. Sheerman: Will the right hon. Gentleman give way?

Sir Peter Blaker: In fairness to others, I would rather not give way.

With deregulation, Sunday is still special in Scotland and I am not convinced that the situation would be any different in England. Sunday in England has certainly changed in the past decade. Until very recently the cathedral shop in Canterbury was open on Sundays and selling the "Good Pub Guide" to Kent. I do not complain about that. It is a sign of the way in which attitudes have changed.

Sunday is special in England in another important respect—the extent to which the law is defied. I believe that when the law is so widely defied the time has come to consider changing it.

There are two options before us. The first is to reject the Bill, in which case the existing law will have to be enforced far more rigorously, which I believe will be deeply unpopular with the vast majority of people. Interestingly, the spokesman for the Opposition, the right hon. Member for Gorton, refused to answer questions about the Labour party's attitude to this because he knew that to insist on enforcement of the law as it stands would be deeply unpopular. I therefore look forward to hearing from the Labour party——

Mr. Sheerman *rose*——

Sir Peter Blaker: I do not want to hear from the Labour party now, but I look forward to hearing in the Opposition winding-up speech about the attitude of the Labour party to enforcement.

The alternative, which I must prefer, is to give the Bill a Second Reading and thus allow the House, while keeping Sunday special, to bring the law into line with what people want and with common sense.

6.38 pm

Mr. A. E. P. Duffy (Sheffield, Attercliffe): When the House last discussed Sunday trading, it was addressing one of those intriguing areas of public policy in which there are sound arguments on both sides, but that was last May and the position is no longer the same. The balance of the argument has shifted against Sunday trading, thanks to opposition in the other place and the Keep Sunday Special campaign, whereas the supporters of the Bill have had nothing new to say, save the surprising claim of the Home Secretary today that he has now received more signatures in support of the Bill.

The Home Secretary starts from the basis that if the law is being openly broken it must be changed. But how openly is it being broken and where are the black spots? In any event, does not a duty of enforcement lie with district councils? When and how far have district councils been encouraged by the Home Office to do their duty? The Government's only response has been to call for a change in the law. The Government plead that there are anomalies, but, given the extent to which retailing has changed since the war, it is scarcely surprising that anomalies have arisen. Must we really go the whole hog to the deregulation of shop hours to resolve them? What defeatism! Do we need Sunday trading because district councils receive no guidance from the Government?

That is certainly not the case in Sheffield, where the city council last month reaffirmed its opposition to the Bill. This opposition is supported by the Sheffield Council of Churches, the chamber of trade, Family Concern, the two trade unions principally involved—the GMBATU and USDAW—and by all but one of the representations that I have received.

The only exception within my constituency has come from the local Asda, which wants the Bill. But Asda makes no mention of the Bill's impact on its workers or on local residential amenities. It does not appear to have occurred to Asda to ascertain how far local residents want heavy lorries, noisy deliveries or impossible parking to split asunder their quiet traditional Sunday.

How many Members of Parliament who tonight plan to vote for Sunday trading live near a supermarket or have checked with those of their constituents who do? I wonder whether there is even one such Conservative Member. Are the Government therefore insisting that for a city such as Sheffield—or south Yorkshire as a whole—there is no case for a local option, and that the local authority be allowed to establish, either through its elected councillors

or by a local referendum, whether there should be Sunday opening and, if so, the permitted hours? Environmental judgments of this order are taken daily by planning authorities. To extend a power over Sunday trading in this way would enhance local democracy and thus provide for choice.

Those who say that shops need not open must be unaware of what is now happening to retailing both at home and overseas. It is clear from the Home Secretary's speech that he does not know what is happening in Sweden, and he is even less aware of what is happening in the United States, given what he said about small shops being unaffected by seven-day trading. No other Bill has been presented to the House with less sureness of touch and confidence. The Home Secretary's performance was inept and unimpressive.

Fierce, uncompromising competition has changed the face of retailing. The number of retail outlets has halved in the last 25 years, and 60,000 small shops have gone in the past 10 years. I speak not as a theorist, because my family is involved in the retail sector and in a small shop. I know what I am talking about. Those who survive are under great pressure. With the proportion of national income devoted to spending in the shops down from 46 to 36 per cent. since the war, the overriding incentive is to retain market share. Among the national department stores and supermarkets, some have notoriously and quite unscrupulously sought to bounce Parliament into unrestricted opening hours, and some Conservative Members are falling for it.

The Home Secretary says that there is no workable compromise, but I have offered one. He claims that there is a large public demand for Sunday opening, but the March survey by Harris finds differently. He declared that implementation of the Bill will not stop Sunday remaining special. But if large parts of the community go out each Sunday morning to serve in shops, if the streets are never to know the stillness of non-working days, and if husbands are chivvied by wives to drive or accompany them to a supermarket, things will be very different.

The Home Secretary does not believe that there will be any great increase in public spending on public services. That is not the finding of the Association of County Councils' independent survey. The right hon. Gentleman argued in last May's debate that prices would not be affected by Sunday trading, but when more corner shops have closed and competition is reduced, price movements will undoubtedly reflect costs and rise. At present, small shops are only just hanging on in the face of such competition.

I am very close to the retail trade. I am not merely a member of the all-party retail group; I am involved in the retail sector as well—at the poor end, which is under pressure, which has given so much ground in recent years and which, frankly, is terrified of this Bill. In recent days I have been at pains to consult over as wide a cross-section as possible, and I know of no one who is not opposed to the extension of Sunday trading. Shopkeepers believe that such a development will be detrimental to themselves, their families and retail workers, but if their competitors are to open, they insist that they, too, will have to open, whether they like it or not.

When Sunday is an ordinary shopping day, it may become an ordinary working day for many people in addition to those employed in the retail trade. Can we not have one day off, free from normal pressures, to provide opportunities for rest, recreation, reflection and worship? Must all the seven days now become the same?

Of course Sunday has changed, and it may now involve some of us in travel and organised recreation. But, as Cardinal Hume warns, there is a balance to be kept. The freedom to pursue leisure interests for some involves others in the obligation to work. There is more to social life than trading and commerce. Genuine humanism requires such a perspective. That is confirmed by the Christian vision of Sunday. That is why, if the roles were reversed, I would continue to believe that it is in the public interest to preserve the traditional Christian Sunday. Therefore, nothing would induce or pressure me into action that is calculated to threaten the traditional Christian Sunday.

The plain truth is that there is no overwhelming demand for the Bill, but a large proportion of the electorate, consisting only in part of churchgoers, bitterly oppose it. Small shopkeepers, as well as shop workers, feel threatened by it. On 4 March, the *Daily Telegraph* said:

> "Measures which outrage the deep feelings of large sections of the community and command the enthusiastic support only of doctrinaires and a few large commercial institutions do not make good politics."

In the opinion of the Catholic bishops of England and Wales:

> "The present law may indeed be flouted and in need of tidying up. We do not think the alternatives have been adequately proposed or examined."

In the light of the debate so far, I do not see how any hon. Member can quarrel with that judgment.

6.47 pm

Mr. Ivor Stanbrook (Orpington): It would be a mistake for any hon. Member who is opposed to the Bill to say that there is no need for a revision of Sunday trading law. On the contrary, there is great need for a revision of the law, not only because it is anomalous, but because much of it is unnecessary. What is more, there are parts of the Bill that are desirable, and I personally believe that the deregulation of shop hours on weekdays is justified. I would support that if it were the only part of the Bill.

But the question for answer is whether total abolition of the restrictions on Sunday trading is necessary in order to achieve the abolition of the anomalies. To put it another way, is a balance between commercial considerations and respect for Sunday as a special day desirable and possible? I believe that it is.

Let me also say straight away that I do not believe that this is a party political matter. Conservatives are not libertarians. We are not devotees of the free market to the extreme, certainly not to the extreme that involves conflict with a deeply rooted institution in the life of the British people and a part of our Christian heritage. Woe betide any Conservative party that goes against such institutions, because the Conservative party should at least live up to what its name implies—change only when there has demonstrably been a case for such change that does not destroy existing institutions. For that reason, although I sympathise with the wording of the reasoned amendment which has been selected, I and many of my hon. Friends who oppose the Bill will not support that reasoned amendment, because we want to make the point that this is not a matter of party politics. We shall march into the No Lobby under nobody's banner but our own.

[Mr. Ivor Stanbrook]

The Home Secretary offered consultations and mentioned certain procedural arrangements made by the Government to assist in the consideration of the Bill at this stage and beyond. Unfortunately for him, he said that the Government had an open mind on the matter. How on earth does he reconcile that with a three-line Whip on the principle of the Bill? I am sorry that he did not give way when I tried to put that to him during his speech. The principle of the Bill is the total abolition of all restrictions on Sunday trading. How can he say that he has an open mind when everybody is compelled to vote for that principle? That makes nonsense of the procedural concessions offered by my right hon. Friend.

The Government have made a number of tactical ploys. The offer of a Special Standing Committee appears to be a good idea—if only the Bill were suitable for that purpose. The specialist work of the Standing Committee has been done for us. That is what the Auld committee was for, and, whatever one might think about the conclusions of that committee, one knows that it did a good job in assembling the facts and marshalling the arguments.

Mr. Hurd: Will my hon. Friend give way?

Mr. Stanbrook: I shall give way to my right hon. Friend, although he did not give way to me.

Mr. Hurd: I seek to be helpful to my hon. Friend. I gave way extensively, and my hon. Friend rose towards the end of my speech. I am sorry that I did not give way to him, and I shall try to be helpful on the point that he has made. The Bill creates an empty site. It sweeps away a piece of legislation which, as my hon. Friend said, is inadequate. I do not think that he or anybody would argue that the matter can be righted simply by amending the 1950 Act. The Second Reading would clear the site, and the site is best cleared.

Mr. Stanbrook *indicated dissent.*

Mr. Hurd: My hon. Friend disagrees, and that will have to remain a disagreement between us. However, we all agree that the existing Act will not do, and giving the Bill a Second Reading will enable the Standing Committee, through the procedure that we have acknowledged, to construct, if it so chooses, a new building. That seems a perfectly logical and reasonable proceeding.

Mr. Stanbrook: On a point of order, Mr. Speaker. I hope that I shall be exempted from the ten minute rule because my right hon. Friend's intervention has taken so long.

Mr. Speaker: I shall bear that in mind.

Mr. Stanbrook: The point that my right hon. Friend does not appear to have grasped is that, if he gets a majority on Second Reading, it will logically be impossible to get a majority on any amendments to regulate opening hours on Sundays. The Government's argument will be that we have voted for the Second Reading. They will say, "You voted for the total abolition of restrictions on Sunday trading. How can you now seek to put in restrictions that will make total abolition impossible?" That is what would happen, and my right hon. Friend should know that the same thing applies about the offer of a free vote in the Standing Committee. Who will pick the members of the Standing Committee? If it is the Committee of Selection and it bears in mind that members of the Committee are to have a free vote, its composition may well be quite different from what my right hon. Friend would like it to be.

If the Bill fails tonight, that is it, but if it goes through I hope that my right hon. Friend will give encouragement to the adoption, where there appears to be a sizeable agreement, of an amendment that will keep Sunday special. The three-line Whip is an affront to the consciences of many of my hon. Friends. Even my right hon. Friend the Chief Whip has agreed that this is a matter of conscience. Everyone will agree that the restrictions on Sunday trading are not matters of conscience, yet we have a three-line Whip, compulsion, on a question of conscience, and we are given a free vote on the detail of restrictions. My hon. Friends have been misled by the Government's procedural tactics on the Bill to induce them to abstain on the vote, but they ought not to abstain. This is a clear-cut issue; either we abolish all restrictions on Sunday trading, as the Bill requires, or we consider a compromise, a balance, between those interests we know run deep, between the needs of modern commerce and the need to respect our traditional Sunday.

The Government should have offered us a free vote. If they had lost they could have said it was an honourable cause but that they had taken the view that the matter was susceptible to a free vote. If they had won, they could have cut the ground from beneath the feet of their opponents by saying that on a free vote this Bill on total deregulation had got through and that they were entitled to go ahead—as they now intend.

It is no satisfaction to me to oppose the Government on this issue because in many other respects the Government have done splendidly. However, they seem to have had a tendency recently to make errors of political judgment. This is not the first such error, but let us hope that it will be the last.

6.59 pm

Mr. Laurie Pavitt (Brent, South): My speech will parallel that of the hon. Member for Orpington (Mr. Stanbrook) because my mind is running along similar lines. Hon. Members have been canvassed more on this issue than the average voter in Fulham has been canvassed in the last month. Our postbags have been full and we have had the facts, the polls and the figures. I do not propose to weary the House with the selected points in favour of my case for opposing the Bill because that has already been done. In the Auld report and in the information from polls that we conducted a number of points emerged. I am sorry that the Home Secretary did not give way when I tried to intervene. During his speech he allowed only one member of the Opposition to intervene. However, I will make the point now. As the House knows, I have been a Co-operative sponsored Member of Parliament. I am proud to have been, although I am no longer so sponsored because I am no longer a candidate, but I have been during the whole of my time in the House.

I wanted to ask the Home Secretary about his selection from the report by the Co-operative international research people. He gave just two sentences and failed to go through the report in which the whole of the Co-operative movement came down solidly against the passing of this Bill. The impression he gave the House, probably unwittingly, was quite the opposite. The hon. Member for

Orpington has put his finger on the biggest botch-up of all time. I agree with the Home Secretary that the ground should be cleared because this is a ramshackle, jerry-built Bill. It is the most complete muck-up of the many mucked-up Bills that I have seen and the obvious thing is not to tinker about with the expertise of the Patronage Secretary or with the ways and means of circumventing the opposition to this Bill, but to take it away, finish this Bill tonight and start all over again.

I hope that a considerable number of right hon. and hon. Members will vote against the Bill. That will give the Home Secretary what he wants. It will clear the ground so that he can then have full consultation with all concerned and produce a second Bill that will receive consensus support. It has emerged from the debate that there is a consensus on a number of issues.

We all agree that the law has to be changed, that we have to accept changes in modern retailing, and that there should be protection for the special character of Sunday. A number of my local clergymen have been on to me about this, including the Bishop of Willesden. There is also much agreement on the subject raised by my hon. Friend the Member for Bradford, South (Mr. Torney) concerning the effects of the Bill's provisions on shop assistants.

The ground could be most effectively cleared, and the Government would be showing a little political acumen for a change, if they would accept the decision of the House and introduce a new Bill at a later stage. Why is there such a hurry? Why is the Prime Minister so insistent that this legislation goes through here and now? Are the Government to have an election next June? Are they anxious to get this on the statute book immediately? There should be plenty of time for the Government to take away this botched-up Bill and get it right. This is not a party political point of view, because opposition to the Bill comes from both sides of the House.

The Auld report dealt thoroughly with wages councils. It said that if any changes were made, at least for retail distribution, the wages councils must be maintained. The Government have fudged that one, because by altering the rules and regulations they have left the wages councils in existence, but emasculated them so that many people who will be affected by the Bill, if it becomes law, will not be protected by wages councils.

I remind the House of the importance of the shop assistants and the wives of the people concerned. When the House passed the Licensing Act many years ago, when I first came to the House, the breweries were anxious that the pubs should open on Sundays until three o'clock because it would be beneficial to them. However, the publicans' wives said that this would interfere with their family life. The House made sure that pubs closed at two o'clock so that the roast beef and Yorkshire pudding could be consumed.

Certain philosophies are running behind both the desire for the Bill and opposition to it. Ever since I came to the House, we have been moving more and more towards a materialistic society, but there are other values. The quality of life is even more important than the quantity in it. As a young man, I was very impressed by the Earl of Stockton's book, "The Middle Way". He made a strong appeal for what he considers to be true Conservative values, and he set those out again recently in the other place. Therefore, I hope that Conservative Members who feel keenly about this will behave as I am sure that he would have done had he still been in the House. I hope that they will go into the Lobby and reject the Bill.

We should allow a breathing space so that all the interested parties can feel that they are participating in giving advice on the ultimate decision rather than being told what will happen. A breathing space would give us the opportunity to clear up the mess of the Bill with all its anomalies, and replace it with something based on the best traditions of the House, and on the tradition that we wish to preserve—that not all the days in the week are the same.

As Members of Parliament we go to many different churches, although I cannot claim to be a member of any. However, this matter affects not just churches. We must establish the importance of having a whole day in which one can breathe a sigh of relief because the pressures are off. The Bill would put the pressure on in an unacceptable way, and, as it is unacceptable, I hope that many Conservative Members who feel as I do, and I know that there are, will take their courage in their hands and vote against the Bill.

I have been a Government junior Whip and I know the power of a Whips' Office. The proposal to allow a free vote upstairs is not worth the paper on which it is written. However, because of the way that Committees are run, the Patronage Secretary is all-important and the payroll vote is sufficient to make sure that the Government get their way. Therefore, our only hope is that the Government will change their decision, that this Bill will not get its Second Reading and that this important matter gets a fresh start.

7.5 pm

Sir Adam Butler (Bosworth): Time does not permit me to comment fully on other speeches, but I shall pick up one point made by the right hon. Member for Manchester, Gorton (Mr. Kaufman). He chided some Conservative Members as being unlikely to stay on until midnight. However, matters of conscience are a 24-hour business. Those who intend to vote against the Bill will be here. We are worried that there will be laxity on the part of the Opposition, so I ask him to spend some time between now and midnight making sure that all his troops are here, particularly as I understand that the Opposition have a three-line Whip to vote against the Bill.

My hon. Friend the Member for Orpington (Mr. Stanbrook) deserves some commendation for the way in which he has held steadfast not just in opposing the Bill but in organising the opposition on Conservative Benches. Much to the discomfort of the Government Front Bench, we have maintained solidarity throughout. I hope that that solidarity can be maintained if we have to debate the Bill through its various stages.

I speak as a practising member of the Church of England—I am a church warden. At one time I was compelled to work on Sunday when I was a shift worker in a continuous manufacturing process, so I know from my own experience something about the arguments. There are many arguments, and it is important to concentrate on the important ones. I make no apology for repeating the argument already put by, for example, my right hon. Friend the Member for Cambridgeshire, South-East (Mr. Pym) and my hon. Friend the Member for Orpington.

We have to grasp the simple point that is fundamental and crucial to the debate. Despite all the arguments and inducements, this issue must decide how we vote today.

[Sir Adam Butler]

It is all very well to argue that the Bill may be amended in its progress. If the Bill is in a different state by the time it gets to Third Reading, so much the better, and we can judge whether or not to oppose it on that occasion. However, the principle of the Bill is not, as my right hon. Friend the Home Secretary would have us think, merely clearing the ground for possible amendment. It provides for total deregulation of shopping hours throughout the week and on Sunday. That is what the Government and the Bill's supporters want, but it is not what I want.

My right hon. Friend the Home Secretary is trying to persuade my hon. Friends who might be inclined to vote against the Bill to give it a chance and an opportunity for amendment. If my right hon. and learned Friend the Paymaster General, who is to wind up the debate, will, together with my right hon. Friend the Home Secretary, take the lead in amending the Bill, we may have other thoughts. However, my right hon. Friend the Home Secretary has already said that the Bill as it stands is preferable to any amendment, so his mind is not open; it is committed. The House might decide otherwise, but my right hon. Friend's mind is committed.

The Government's case rests on the libertarian principle of removing statutory restraints and letting the people decide. That is a fine, but dangerous principle, and it is not exclusive. What is government about if it is not to restrain the will or the actions of the people? Governments have done it again and again.

Mr. Fairbairn: No.

Sir Adam Butler: Perhaps my hon. and learned Friend should reflect briefly about compulsory helmet wearing for motorcycle riders. Why should that not have been left to the will of the people? Why should not the compulsory wearing of seat belts be left to the will of the people? The principle does not apply as widely as the Government would have us believe.

I have to ask whether the Government want to see the character of Sunday changed. Do the Government want to see the high street opening up for the whole of Sunday as it does on a weekday? Do they want Sunday to become like any other day of the week? I do not believe that they do. I do not believe that my right hon. Friend the Home Secretary does. In fact, he has assured us that he does not want that to happen. We know from letters that my right hon. Friend the Prime Minister has written that she does not want that to happen.

What is the Government's approach to this? The Government say that that will not happen or, if it does, it will be because the people have so decided. The Government have a responsibility to ensure that that does not happen by avoiding that risk. I agree with my hon. Friend the Member for Orpington once more. He referred to another basic principle that the Conservative party should follow—that we should be seeking to conserve what is best in British practice and tradition, and that means the English and Welsh Sunday, and possibly the Scottish Sunday as well.

The Government argue that Sunday will not become like any other day of the week. I cannot accept that, and I am certainly not prepared to take the risk. All the evidence shows that it will very likely become like every other day of the week because the big stores will open. A sufficient number of big stores have clearly stated that they want to open. The ones that would not open by choice have admitted that they would probably be compelled to do so in order to avoid loss of market share. It is admitted by those who have surveyed the subject that there would be no economic benefit. Indeed, costs would rise, and therefore prices. Overall, there would be no employment gain. There would possibly even be some loss of jobs. I was particularly attracted by the picture which I think the John Lewis Partnership painted, presumably in its house gazette. Retailers were compared with the crowd at a football match. When one person stands up to get a better view and the view of others is obstructed, so all the rest stand up and nobody is better off. That is what would happen with Sunday trading.

I do not believe that people want the high street shops to open on a Sunday. Certainly my post bag tells me that they do not. Of course, there are people who want a particular shop to open on Sunday—the one at which they like to shop. One could get petitions by the thousand in such cases. That is where I think the petition of 1·4 million signatures, referred to by my right hon. Friend the Secretary of State, came from. If I were to put a petition in pubs and clubs and said that the Government were seeking to ban the sale of beer, I would get not thousands, but hundreds of thousands of signatures. That is what has happened in this case.

We must have regard to the shop worker. There has to be a balance between consumers and shop workers in this matter. We would do the British people a great disservice if we knowingly passed legislation which significantly increased the number of those who work, particularly those who were obliged to work, as they would be in the larger stores, on a Sunday. We must bear that principle in mind if and when we come to amend the Bill.

There is no time to go into all the arguments for the various amendments, but if we can distinguish between the small and the big shop—the small shop is by definition usually a family shop or a shop where those who work are self-employed—if we can deregulate the small shop and then seek to restrict the trading of the big stores, possibly to Sunday afternoons, we shall prevent the high street opening up, as I believe it would otherwise be bound to do.

That is where my case rests. We all have our own views about the special character of Sunday. We might define it differently. It is something which perhaps is personal to each of us. It goes much beyond the question of religious worship, although that is very important. For most people it is a family day. It is a day for rest and recreation. As somebody put it to me only this morning, everyone needs a break from work or the weekday routine, and we must not prejudice that state of affairs. Therefore, much as I regret it, I have no alternative but to oppose the principle of the Bill, with all the risk inherent in it, and vote against the Government tonight.

7.14 pm

Mr. Austin Mitchell (Great Grimsby): The Bill presents a difficult decision for hon. Members on both sides of the House. What the Government are trying to do is basically right in the sense that they seek to liberalise shopping hours and to allow shops to conform more to what the public wish and demand, making things freer and more flexible. That is a goal that we should accept and further. The problem is that the Government have gone

about it in what can only be described as a wrong-headed fashion, which makes it difficult to support a principle which in itself is right.

Whatever one's belief in the basic principle, the way in which the Government have gone about implementing it makes it extremely difficult to support. I support the principle of deregulation. At present the law—as has been argued so many times and it is pointless to repeat all the illustrations—is unenforceable. It is a patchwork of enforcement and non-enforcement, of the enforceable and unenforceable, which brings the law into disrepute. It is better that such a law should be taken off the statute book and revised and reformed. Once that process is embarked on, I can see no possible stopping place between the present law and the total liberalisation which is proposed. I can see no common ground on which people can rally. There is no stopping point at which people can say that they need go no further towards liberalisation.

Are we to say that shops above a certain size should remain closed and that smaller shops shall be open? If so, there will be all the problems of measuring up. Shall we say that certain types of shops—garden centres and do-it-yourself shops—for which there is an obvious popular demand, shall be open and others not? Much shopping today is multi-purpose. Many difficulties will be produced. Shall we have a local option which will make the patchwork quilt more patchwork and less quilted and comfortable? I see no stopping point and so it is better to opt for deregulation, which takes the hands of hon. Members off the wheel. It takes the decision away from us. Indeed, the decision does not belong to us. It belongs to the people. They have to decide whether they want to shop on Sunday and, if so, the facilities will be open. It is their decision; it is not for us to enforce our framework on them. If people do not want shops to be open they will not be open. They will be regulated in that way by the market.

We shall have a situation such as that which exists in Scotland. That is the situation that will prevail in parts of Britain such as Grimsby, which is the part in which I am interested. There would not be a strong demand there for shops to open on Sunday and I do not anticipate that shops would open on any scale on Sunday. In London and in the major conurbations, it is probably a different matter. There there is a tourist demand and other social demands. But for most of Britain the situation in Scotland would prevail. If we allow people to decide in that way, all the fears about Sunday trading would prove false. This is a matter of discretionary spending — whether to spend on restaurants, holidays or shopping. More shopping opportunities would mean more trade and so more jobs.

I can accept so much of the argument. I want to keep the character of Sunday special but we do not keep it special by enforcing its special character by legislation. It can be special only if the people want it to be special and that means giving them the opportunity to decide what they want to do on Sunday and whether they want to shop. That is sensible and that is what I think the public want.

All the opinion polls show that there is a majority preference for Sunday trading and for longer opening hours. That is not a burning preference. It is not the kind of passionate preference that would cause people to rush to the shops to break down the windows to try to get in if the shops are shut. But there is a broadly diffused feeling that the law is anomalous and wrong and that shops should be open if people want them to be open. If the Bill responded to that popular demand it would be sensible. However, it is upsetting for someone holding that view to find that the Government have gone further than to assert that clear, demonstrable and defensible principle. The Government put the principle itself in danger by dealing also with hours and conditions for shop workers.

In any society the Government have a responsibility to protect the pay, conditions, standard of life and the role of the vulnerable. That is the Government's social responsibility. It cannot be denied that shop workers are vulnerable. They are underpaid, overworked and badly treated. They have no means of fighting back. Only a few are unionised. Only about one eighth of shop workers are in a union. They cannot protect themselves. Many of them are women, or young workers, and are very vulnerable. It is morally offensive for the Government to do down that vulnerable group in the way which the Bill proposes.

I cannot understand how any Government with a conscience can propose this Bill to deal with deregulation, which is sensible, and at the same time introduce a Wages Bill to undermine the wages councils, which are vital to the protection of that vulnerable sector. The Government are removing the powers of the wages councils as they affect those under the age of 21. The councils' powers in respect of the rates and wages for those over 21 will also be weakened. It is unacceptable for the Government to do that at the same time as introducing this Bill.

The Government plan to remove the protection contained in the 1950 legislation. That compounds the offences in the Wages Bill and does down the workers instead of freeing the shoppers. We accept that shoppers should be freed, but not at the expense of the workers. The Government have made a basic mistake.

The Bill also deals with conscience and with whether people should be forced to work on Sunday. I do not want anybody who does not want to work on Sunday for whatever reason—conscience, convenience or for any other reason — to have to work on Sunday. That protection should be extended. That right should not be signed away. The right should apply to all workers, present and to come.

The Bill deals with three issues, one of which I welcome and two of which I oppose. That is the dilemma. The Government have 33 marks out of a 100 and in any system that means failure. It would be more sensible, logical and reasonable to allow the House to vote on the principle of deregulation. I was one of three Opposition Members who voted for the Auld report. On that basis I would have voted for this Bill on the ground that other parts could be attended to in Committee. I hoped that a sensible Committee would change the Bill to provide protection for the workers. I have been deprived of that opportunity by inept Government tactics.

The Prime Minister's maxim is never to rest content with the plaudits of free men if she can achieve more by coercion. That is what she is doing. A three-line Whip is wrong and offensive. It changes the ball game and puts those with religious scruples in the invidious position of having to choose between eternal damnation and the wrath of the Prime Minister. There is no doubt about the lesser penalty — eternal damnation. That is probably particularly true for the hon. Member for Leicester, East (Mr. Bruinvels) who attacks the Bill but endorses Samantha Fox in *The Sun*.

The three-line Whip makes the Bill a party matter when it should not be. Deregulation is basically right but the

[Mr. Austin Mitchell]

Government are going about it in a ham-fisted fashion which makes the Bill difficult to support. I cannot now support the Bill and I shall abstain.

7.25 pm

Mr. Charles Morrison (Devizes): The speech by the hon. Member for Great Grimsby (Mr. Mitchell) was refreshing, but I was disappointed with his last sentence.

I accept that the problems of shop workers are special, but I do not understand how their problems, although different, are more special than the problems experienced by hotel workers, firemen, television workers or many others who work on Sunday.

After all the fire and fury about the Bill, and in spite of appreciating that it is always possible to make mountains out of molehils — today's debate is a fair demonstration of that — I believe that the Bill is unimportant. It does not initiate social change, but ensures that the law is brought up to date to accord with the social change that has already occurred.

I do not believe that the Bill will have a great effect. It will not lead to mass Sunday opening. I am sceptical about some of the claims about its leading to more or less employment. If the Bill becomes law, Sunday will still remain special.

Compared with the great issues of the day, such as unemployment, East-West relations and the Labour party's expenditure programme, the Bill is something of a mouse. However, because it is concerned with Sunday, it touches the sensitivities and emotions of many people.

I feel that I have been here before, because way back in 1967 I served on the Committee examining the Sunday Entertainments Bill, introduced by that much respected and popular Labour Member, Will Hamling. That Bill must have been the worst named Bill introduced in the House. It had no hope. It was named the Sunday Entertainments Bill, not the "Sunday Entertainment Bill". It was given a Second Reading, but after 54 hours in Committee it died. The Bill's objective was to allow professional sport, for which entry was charged, to take place legally on a Sunday. The Bill was killed.

The spirit, and often the letter, of the law is now totally disregarded. The Wimbledon tennis finals take place on a Sunday, as do the Open golf championships, the last day of the Badminton three-day event and the motor racing grand prix. Each of those events is accompanied by shop opening.

I favour sport on Sunday because it provides the opportunity for family outings. The only sport that does not take place on a Sunday is horse racing. I am not against that, but that sport is constrained by the Betting, Gaming and Lotteries Act 1963, which insists that there shall be no cash betting on Sunday. Again there is a contradiction, because one can go into a casino on a Sunday, into amusement arcades or even place a credit telephone bet on Sunday on racing in Ireland, France or Germany. It seems to me that in due course sport, including racing, will be another area for action.

It could be argued that as the law applying to sport and shops is being broken without problems now, why change it? The owner of one village shop said to me the other day that the law had been broken for 13 years. We are constantly reminded that local authorities continue to turn a blind eye to the law. However, my right hon. and hon. Friends and I are Conservatives, and we believe in the rule of law. If we acquiesce to the law being flouted in one sphere, it is difficult for us to claim consistently that it should not be flouted in other spheres. When a law is flouted and no effort is made to uphold it, not only that law but all laws are brought into disrepute. That is the strongest reason for saying that the law must be changed.

As my hon. Friend the Member for Orpington (Mr. Stanbrook) said, most people agree that the law should at least be amended to clear up anomalies. As we know, the Auld committee and the Government say that that cannot be done, and I agree. The Home Secretary has said that we should not replace an old muddle with a new muddle. The Committee stage is when that opinion can be tested and attempts made to insert realistic amendments. Thus, the Bill must be given a Second Reading. If not, the law must be applied as it is, and that is the third and final alternative open to us.

All I can say about that is that I should not like to be a Member of Parliament who voted against the Bill on the Second Reading and was then morally bound to go back to the constituency and draw the attention of the local authority to current breaches of the law. Apart from personal political considerations, it could be a full-time job catching up with all the law breakers. Therefore, I support the Government and trust that the Bill will become law.

7.32 pm

Mr. David Young (Bolton, South-East): Like many of my colleagues, I have here a petition covering many churches in my area, expressing their concern about the nature and scope of this Bill. They are concerned that it is not aiming to regularise the anomalies of Sunday trading but is bowing to the pressure of a few large influential retailers to change not only the character of Sunday but basically to attack small retailers. I come from a family that earned its living in a small shop, and small business men of that type will go to the wall as a result of this Bill, which will not increase trade but will simply mean a redistribution of trade.

Does the Conservative party, which supports this Bill, want to support large or small business men only? The president of the Federation of Meat Trades said today that, if carried, the Bill will be a disaster for small business men, who will be squeezed out of business by large multiples. Let us make no mistake. If trade is redistributed, what happens in effect is that the person who does not want to open is forced to open, not to increase trade but to maintain the level of existing trade. I find that morally indefensible from the point of view of commercial let alone religious ethics. Although my father was religious, he was forced to reduce his churchgoing and to alter his family life in order to work seven days a week. Many people are in that position today.

The Bill will not even result in increased employment. Rather, employment opportunities will be transferred from the staff who tend to be permanent and experienced to part-time people who will work for knockdown wages. I cannot possibly understand how such moves are justified. There is deep concern about this matter on political and religious grounds. Many religious people do not want to impose their convictions and ethics on the rest of the community, but they believe that the Bill is forcing on them the ethics of the rest of the community. That is wrong. I should have thought that a party that stands for Victorian values, like

the Tories, would recognise the family as the basis of moral values in this society. Certainly, the Bill affects the family values of those who work in the retailing trade.

I am concerned about the attitude adopted by many Conservative Ministers. I have listened to the attacks made on bishops, almost with the vehemence of attacks made on the Labour party. I used to believe that the Church of England—and I am a Church of Scotland man—was the Tory party at prayer. I am sure many of them are still at prayer, but I am not sure to which deity they are praying. I believe that an important principle is at stake—the principle of a Member's conscience. It is entirely wrong to implement a three-line Whip on issues such as this that have social and religious implications. It is really abrogating responsibility to say that Members of Parliament must abide by a three-line Whip on the Second Reading, but that a certain laxity will be introduced after that. We must realise that if the Second Reading is carried, the Bill, with all its imperfections, will go through in a form that will in no way remedy the existing anomalies in the law that it could be argued should be remedied.

I believe that the Prime Minister is putting pressure on her party to make this a party issue. I do not denigrate the Prime Minister; I respect her strength of character. I have even said that I believe she is a creation of the Almighty —to test our belief in Him. The fact remains that this issue should never have gone to a three-line Whip. This evening, not only will we see the matter decided on party divisions but we will also see Members having to choose between sincere personal and religious convictions and their party. On an issue such as this, that situation serves neither the function of the House nor the function of the quality of the laws that we should be passing.

7.39 pm

Sir Bernard Braine (Castle Point): I warmly echo the closing words of the hon. Member for Bolton, South-East (Mr. Young).

That the present law on Sunday trading is unsatisfactory, none of us can deny. That anomalies abound is self-evident. That local authorities are reluctant to enforce the present law is, alas, only too true. So what do the Government propose? To deal with what is still a relatively small nuisance, they set about creating a larger one, with no clear idea where it will lead us. When we demur, they brush aside our anxiety by telling us that total deregulation will not change the character of our traditional Sunday. How do they know? When arguing that deregulation will not destroy Sunday as a special day, they give the example of Scotland. They do not tell us that the Auld committee took no evidence from Scotland or that it admitted that restrictions in England and Wales and the strong tradition of Sunday closing have kept opening in Scotland at a relatively low level.

However, we now have more relevant evidence about what is likely to happen in England and Wales. I refer to a survey of the trend in shop opening on Good Fridays, which was carried out late last year by the Jubilee Centre in 10 towns in England and Wales. It showed that, in the decade from 1976 to 1985, the percentage of shops opening on Good Friday had doubled, and last year 40 per cent. of all shops opened. This steadily rising trend of opening on Good Friday is what many of us believe will happen on Sundays. Moreover, what has taken years to happen on Good Friday is likely to happen much more quickly on Sundays, with high street competition being fiercer now than ever before. One can only conclude that, whether it takes six months or six years, the Bill must lead to full-scale business activity on Sunday.

There is more to it than that. The Bill is not about allowing a few corner shops to open on Sunday if they choose. It is about allowing every high street in the land to become as busy on Sunday as on every other day of the week, if the big retail consortia choose. That is the point that we want to bring home to Ministers. Basically, the Bill is about market shares. It is not about freedom, as some claim, as there is no clamour from the constituencies for it. It is about destroying Sunday as a day set apart for centuries as one of rest, relaxation, recreation and family togetherness.

Mr. Fairbairn: Will my right hon. Friend give way?

Sir Bernard Braine: No. I am subject to the ten minute rule, and I must have regard to other hon. Members. Besides, I am talking about conditions in England and Wales.

The Bill has been designed to satisfy the greed of one section of business. Even putting aside the argument that Sunday is the only day of the week set aside for health and corporate worship——

Mr. Fairbairn: Rubbish.

Sir Bernard Braine: It may be rubbish to my hon. and learned Friend, but it is not in England and Wales. It must be clear by now that the overwhelming majority of Christians in England and Wales, and, I believe, in Scotland too, oppose the Bill. Moreover, there has always been good social sense in having one day set apart from the rest which is quieter and more relaxed—never more so, I suggest, than today, when millions of married women are at work during the week and many husbands are on shift work. Sunday is the only day when such parents can come together and be with their children. Not a day passes without the press and media reminding us that family life is under serious threat.

That being so, when we have a Bill which is likely to affect family life in a fundamental way, we can only presume that there are compelling reasons for it. What are they? Are the public clamouring for it? Are our town halls and constituency offices besieged by angry mobs demanding Sunday opening? Are shop workers petitioning Parliament to be allowed to work on Sundays as well? Not at all. The recent Harris poll showed that over two thirds of the public say that they are not inconvenienced by most shops being closed on Sunday. Five per cent. said that they were seriously inconvenienced. Perhaps we can describe the Bill as one for 5 per cent. of the public.

Do retailers want it? The overwhelming majority of small traders most certainly do not, as has been made crystal clear by the National Chamber of Trade. Many big retail concerns—household names such as Marks and Spencer, the John Lewis Partnership, Boots the Chemist, Dewhurst, and Selfridges — utterly oppose Sunday trading.

Mr. Sheerman: And the Co-operative Union.

Sir Bernard Braine: Indeed. True, the Open Shop Group wants Sunday trading and has spent a lot of money telling us so, but that vested interest accounts for less than 10 per cent. of retail turnover. Perhaps, then, we can describe the Bill as one for 10 per cent. of the retail trade.

[Sir Bernard Braine]

How are we to interpret the Government's attitude? Is it that although they know there is no great clamour for the Bill, as the Auld committee admitted, they feel nevertheless that there is an economic case for it? Perhaps they feel that once market forces are free to operate on Sundays the advantage to all will soon become apparent. Alas, they cannot say that, because the Auld committee was told by the Institute of Fiscal Studies that, in the long run, about 20,000 jobs would be lost. Some firms will open on Sunday. It has been made plain to me that some firms will feel obliged to open on Sunday in order to retain market share. As their overall turnover is not expected to increase, part-time workers will most certainly be taken on on Sundays, but at the expense of weekday workers, who will be sacked. Like other hon. Members, I have that in writing. It is no secret that seven-day trading will cost more than six-day trading. Who will bear the cost? Perhaps when the Minister replies he will answer that. Either consumers will pay higher prices, or retailers and shareholders will see their profits squeezed. It is one or the other.

If, then, we are warned in advance that there is no economic case for the Bill, there should be no question of our voting for it, hoping for some small improvement in Committee or on Report. Who do the Government think they are kidding?

Perhaps I might summarise the reasons for rejecting the Bill. The Government have no mandate whatever — [HON. MEMBERS: "Hear, hear."] — to change the character of the traditional Sunday. The Bill is not before us to fulfil a solemn pledge to the nation. It did not figure in any election manifesto. It was not an issue that was placed squarely before the electorate at the last general election. The Bill is not brought before us, like others, as a welcome measure for strengthening the economy and increasing the number of real jobs. On the contrary, it can have only a marginal effect on trade, it may well increase prices, and, while offering some extra part-time employment, it will reduce the number of ordinary weekday jobs.

The Bill is not brought before us as a liberating measure, as some claim, which will encourage small businesses, because it will manifestly force many to close, as the National Chamber of Trade has repeatedly predicted. In truth, the Bill is a surrender to certain large retail concerns which will weep no tears if all the small traders are put out of business, because the Bill gives them the opportunity to grab a larger share from others in the retail trade.

All those are reasons enough to reject the Bill, but there is another and overwhelming reason why the House — especially my right hon. and hon. Friends — should throw it out. To Tories at least, the nation is composed not only of the living but of the dead and the still unborn.

Mr. Fairbairn: And of the Scots.

Sir Bernard Braine: We who are privileged to sit here have a responsibility to preserve the best of the traditions handed down to us from our predecessors and to cherish them for future generations. We are never more than trustees for posterity. Once the special character of Sunday has been destroyed, it cannot be recreated. It will have gone for ever. No British Government should embark on such a course, least of all this one, who at the last election said:

> "How to defend Britain's traditional liberties and distinctive way of life is the most vital decision that faces the people at this election."

Mr. Deputy Speaker (Mr. Ernest Armstrong): Order. The right hon. Member is exceeding his time.

Sir Bernard Braine: I am moving rapidly to my conclusion.

Mr. Deputy Speaker: Order. In fairness to the House, the right hon. Member must keep within the time limit.

Sir Bernard Braine: I cannot find it in my heart to support the Bill in the Lobby. We are on a slippery slope.

Mr. Deputy Speaker: Order. The right hon. Member has made his final remarks.

7.50 pm

Mr. Ray Powell (Ogmore): I should like to compliment the right hon. Member for Castle Point (Sir B. Braine) on his excellent speech, despite the comments about the Scots. As a fellow Celt, I enjoyed his speech.

I support the amendment in the name of my right hon. and hon. Friends. I am grateful to Mr. Speaker for his understanding in accepting the arguments for calling the amendment.

The Home Secretary said that the Government will not apply the guillotine. That was confirmed by the tapes which I recently read in the Corridor. On that basis, we all look forward to the Committee stage. Three of my colleagues who want to sit on the Committee can speak for three hours without notes and another three hon. Members who would like to sit on the Committee can speak for three hours without a note or without drawing breath. We therefore look forward to the Committee stage. I do not know when the Government intend placing the Bill on the statute book, but I think that, unless there is a guillotine, it will be a long way in the future.

I declare an interest as the sponsored Member of Parliament for the Union of Shop, Distributive and Allied Workers. I pay tribute to the Deputy General Secretary, Mr. John Flood, for his work in the campaign against the Bill and similar measures. I speak for the millions of people, especially the 2·2 million employed in the retail commercial sector. The Bill proposes a free-for-all in the retail commercial sector. The legislation has increasingly been described by many informed people as inconceivable and totally unjustified and legislation that will make for the Government more political enemies than friends. The Bill is selective in its approach to the problems facing the retail industry.

In tracing the historic background to the Shops Act 1950, we can appreciate the problems and difficulties that the reformers had to face and try to overcome. There is a need for reform of that legislation, for anomalies to be sorted out and for constant and continued consideration as times and attitudes change. Most hon. Members will readily accept that and eagerly respond by introducing such legislation.

The House will not agree with the bullying tactics of a Government with such a large majority forcing a Second Reading through on a three-line Whip, "strictly enforced" by the Government Whips' Office. The Conservative party was warned by the right hon. Member for Cambridgeshire,

South-East (Mr. Pym) when he left the Cabinet and by the right hon. Member for Henley (Mr. Heseltine), with proof, of the hard, uncompromising, abrasive and thug-like tactics of the Iron Lady but, on this Bill, I believe that she has completely lost her ball bearings.

I point out to Conservative Members that, whatever the tactics of persuasion to make them vote for the Second Reading, and whatever the pressure, such as loss of parliamentary office, however junior or senior, their opposition to date is recognised, appreciated and acclaimed by millions as a move to persuade the Government that we need to preserve something in the 1980s to take us through to the next century. We need Sunday for our traditional family talks, meetings and get-togethers. It is a time when the bustle of everyday life is partly stopped for 24 hours. It gives a little respite for the six days past or the six days to follow. Once that is taken away, life as we have known it will soon become the hustle and bustle of endless weeks, woven into a pattern that we cannot even visualise or truly appreciate as we consider the serious implications.

Why is there a need to introduce the Shops Bill? Was there a manifesto commitment by the Tory party in the 1979 or 1983 elections? Has the electorate given the Government a mandate? If not, what moral or Government emergency compels the Government to introduce the Bill without the country's consent? Is it to reward the Tories' main financial backers who have a direct or indirect interest in the Bill? Is it to reward the campaigners for setting the people free to decide whether they want to shop on Sunday, whether they want to open their shops on Sunday or whether they want to work on Sunday? Is that the "setting the people free" approach? It is ironic that, on Second Reading of such a major piece of legislation to free the people from the bondage of the Shops Act 1950, the Government have the effrontery to ignore the requests and pleas of more than 100 of their Members for a free vote on a matter of conscience and blatantly and hypocritically to impose a three-line Whip with useless, puerile promises of a free vote later.

The Home Secretary talked about the Government's open mind. If the Government are so open-minded on this legislation, why have they not allowed a free vote, as requested by hon. Members on both sides of the House? If this legislation is popular capitalism, why is it so unpopular with millions of people? The House and I have been presented with many petitions since the Bill was introduced. Numerous petitions are still being handed in. It is passing strange, to say the least, that the Government can conjure up a figure now but, only a few weeks ago, when the Home Secretary was asked how many letters of protest on the Bill he had received, he said that there were 310 letters in support and 37,000 against. Yet today he talks about the number being fairly even.

I shall now deal briefly with the suggested reasons why the Government are introducing the Bill. They suggest that conflicting interests make it difficult for general agreement on legislative compromises, so they are compelled to abandon all mediation on the pretext that it is too difficult and would mean surrendering the function of Government. Surely the function of Government is to legislate on a programme presented to the people and for which they have a mandate, not on the whim of the Prime Minister, who dreamt this one up when she dropped off to sleep while writing the Queen's Speech after returning from the Tory party conference last October. The House will fully appreciate that she must have had a hard time then, and that there are more hard weeks ahead at Tory party conferences, especially after last Thursday's magnificent result for Labour achieved by my new hon. Friend the Member for Fulham (Mr. Raynsford). In all probability more will be said about that result another time.

The Prime Minister's dream about the Shops Bill resulted in her including one sentence as an afterthought at the end of the Queen's Speech. It read:

"A Bill will be introduced to remove statutory restrictions on shop opening hours".—[*Official Report*, 6 November 1985; Vol. 86, c. 5.]

That sentence, produced without a mandate or full discussions with Tory colleagues in either House, resulted in the Bill. *[Interruption.]* I am being told that I have had my 10 minutes. I hope that the House will support the amendment in the name of my right hon. Friend the Member for Islwyn (Mr. Kinnock), and vote against the motion.

8.1 pm

Viscount Cranborne (Dorset, South): It is interesting for me to follow the hon. Member for Ogmore (Mr. Powell) who is clearly one of the paternalists of the Welsh Labour party.

Before I embark on my defence of the Bill, I should like to declare an interest. I have a share in a number of shops, including gardening centres, which already open on Sundays. I wonder whether I am in breach of the law. I should appreciate it if the right hon. Member for Manchester, Gorton (Mr. Kaufman) could tell me whether he would enforce the law so rigorously that I would be inspected, in the unlikely event of the Labour party being returned to power at the general election.

I have been impressed by the references to the enormous number of people who already work on Sunday. A great many work in my constituency, which subsists to a substantial extent, although by no means overwhelmingly, on the tourist trade, especially hotels, and the beauties of the Dorset countryside. It is curious that people shop and enjoy themselves with their families, not only in do-it-yourself and tourist shops, but—

"Tell it not in Gath"—

in the cathedrals of the west country. They can buy their artefacts on Sundays, not only up and down the esplanade at Weymouth but in the Gothic towers and shady nooks of the cathedrals — indeed, in the ambulatories of our ancient cathedrals.

It is odd that the bishops of the Church of England should advocate that W.H. Smith should not open on Sundays while they are happy to sell guidebooks and many other souvenirs on Sundays to cover their substantial expenses. It is perhaps a little pharisaical for them to say that they should be allowed to do something which the high street shop should not.

All hon. Members know that the law is an ass, and as soon as it is universally recognised to be such it brings the rest of the law into disrepute, as well as the law which is demonstrably an ass. Therefore, a Government who attempt to reform the law are surely to be commended for trying to bring life into the modern world so eloquently described by my hon. Friend the Member for Boothferry (Sir P. Bryan). We know, particularly from my hon. Friend's splendid description, how the world has changed. People go out in their cars on Sundays. It is curious to assume that a tradition, which we learnt on further

[Viscount Cranborne]

inspection was started as an experiment only 50 years ago, can become the law of the Medes and Persians and be defended to the death by the paternalists in the Labour party. It is curious how soon traditions in a traditional country come to be established.

We are living in the reign of Queen Elizabeth II, not Queen Elizabeth I.

Mr. Foulkes: Not in Scotland.

Viscount Cranborne: I bow to the hon. Gentleman's superior knowledge. In England and Wales we are in the reign of Queen Elizabeth II. *[Interruption.]* Although I normally love the interventions of my hon. Friend the Member for Wolverhampton, South-West (Mr. Budgen), I have only 10 minutes. If he will keep quiet, I can get on with my speech.

We are living in the world of Queen Elizabeth II, not Queen Elizabeth I of England. Even in the world of Queen Elizabeth I of England, laws were passed to compel people to go to church, not to forbid them to trade on Sunday. That was a political decision, with which I am sure Labour Members would disagree profoundly. The political decisions and puritanism that we have seen exhibited with such eloquence by my hon. Friend the Member for Castle Point (Sir B. Braine), among others, came in 100 years later with the Puritans and Oliver Cromwell. We know what happened to those sentiments after 10 years.

This legislation represents liberalisation. It will allow people to do what they want. It comes ill from canting bishops to tell us what we should do.

I close by reminding the House of a story which hon. Members may find as deeply affecting as I did. Bishop Porteous of London was described in the memoirs of Captain Gronow in volume 2. In 1825 he heard that King George IV held a parade of the Household troops on a Sunday on Horseguards Parade. He hastened from Fulham palace to remonstrate with the King at Carlton house. Bishop Porteous, unlike some members of Fulham today, was a Tory. He told the King that he should not hold a parade of his troops on a Sunday. King George IV sent him away with a flea in his ear. I must tell hon. Members, particularly those who have quoted the views of church leaders with such relish, that as soon as the bishop returned home he was rewarded for his pains by being struck down dead.

The Bill remedies an absurdity, and I commend it and the courage of my right hon. and hon. Friends in introducing it to the House. We can look forward to an age which is not dominated by a law which caters only for the sort of spirit which the Labour party introduced for the first time in its paternalistic legislation of 1945, and which this Government have done so much to repeal.

8.10 pm

Mr. Roy Hughes (Newport, East): Last Friday at Newport civic centre I was handed a petition containing hundreds of signatures. It had been signed in chapels and churches throughout the constituency and the signatories were opposed to Sunday trading. Before that I had received several hundred letters and a number of smaller petitions expressing opposition to the Bill. I did not need any prompting from my constituents on this issue, because I had made up my mind about it long ago.

The Government have introduced the Bill despite the warnings which they have been given, and they have done so by stealth. First, they smuggled it into the House of Lords. Perhaps the worst crime of all was to impose a three-line Whip on Second Reading, when the issue of principle will be decided. I know that many Conservative Members are battling with their consciences, and I hope that they will heed the words of their hon. Friend the Member for Orpington (Mr. Stanbrook), and stick to their guns and oppose the Bill. The Labour party has always shown a great deal of tolerance on issues of principle, and it is my belief that the Government will live to regret their intolerance on such a sensitive issue.

I oppose the Bill on the grounds of religion, social considerations and trade unionism. When I say "religion", I am not being sanctimonious. I have not seen any blinding light recently, but I am conscious of the fact that Britain has a Christian heritage. We have all been brought up in the belief that Sunday is at least different from the other days of the week. Apart from any moral considerations, we all benefit from the fact that Sunday is different from the rest of the week, in that it is a day of rest. That is especially beneficial when we bear in mind the pressure of modern living.

In our society there is an insatiable demand for consumer goods. Advertising ensures that that demand continues. That is what the capitalist ethos is essentially about. It is characterised by the slang expression, "Keeping up with the Jones's". In other words, if one family has a video system, the family next door will very soon want one as well. The cost of living being what it is, and with mortgage repayments and other commitments, the standard of living that is desired can often be obtained only by the wife going out to work. I have no wish to enter into any argument about the rights and wrongs of that issue. It is a matter for the individual to decide upon, and circumstances will play a part in his or her decision. However, we have a serious crime rate and delinquency is prevalent among our youngsters. There is drug taking and glue sniffing.

If Sunday trading becomes the norm, the wife and mother who works part-time in a shop will be expected to work on a Sunday. Sunday has been the one day when the members of a family can get together, with the mother perhaps preparing the Sunday lunch. It is my firm conviction that the loss of the family Sunday will be highly detrimental to our society.

Throughout my working life I have been a trade unionist and a firm believer in trade union principles. Many shop workers have to work on Saturday, and they certainly do not wish to work on Sunday as well. Lorry drivers will be expected also to work on Sundays, as shop deliveries will be necessary.

Mr. James Couchman (Gillingham): Will the hon. Gentleman give way?

Mr. Hughes: No, I shall not give way.

There will be parking problems and more police officers will be required to be on duty. The principle of double time for working on Sunday will soon be swept aside as Sunday becomes just another working day. Sunday trading will lead to part-time jobs of four, eight or 16 hours, perhaps, with no holiday rights, pension rights, sickness rights or national insurance contributions. It will lead to the exploitation of young people despite the

safeguards that are contained in the Bill. It will lead also to redundancy for many older and experienced shop workers.

I recognise that the law needs tidying up. However, nothing more drastic than that need be done. I would not complain if small food shops were allowed to open until midday on Sunday. I recognise that there is a need to buy newspapers on a Sunday. The public should be allowed to visit garden centres and make purchases; why not? I agree that minor modifications of that sort should be made to the present law. But I do not want to walk along the main street of Newport on a Sunday and see all the main chain stores open and all the hustle and bustle that that involves. That would be a marked infringement of our traditional Sunday, from which we have all benefited.

Sunday trading will do harm in a social sense. It will increase the crime rate and further erode family life. It will lead to a deterioration in working conditions and the more marked exploitation of labour in the retail trade, and wages and conditions in that trade are low enough at present. For all these reasons, I shall vote against the Bill's Second Reading. I do not need any three-line Whip to tell me which Lobby to enter.

8.17 pm

Sir Raymond Gower (Vale of Glamorgan): It is recognised on both sides of the House that there are some serious and quite considerable anomalies in the current law on Sunday trading. Many of us, however, do not feel that complete deregulation is an acceptable solution. The only thing that commends complete deregulation is the fact that it is the easiest solution. I warn my right hon. Friend that easy solutions are not always the best.

It has been contended that there is disregard of the law as well as anomalies and that the law is difficult to enforce. A survey was recently carried out in 40 towns and it showed that about 93 per cent. of shops are closed on Sundays. It revealed also that only 1·4 per cent. of shops were open illegally. Sunday opening is, therefore, not the enormous problem that some of my hon. Friends and others have suggested. If these figures are only near the facts, it is clear that the problem is capable of being dealt with by reform and not necessarily by complete deregulation.

My right hon. Friend the Home Secretary and my hon. and learned Friend the Minister of State have told us constantly that complete deregulation would not lead to any serious change in the nature of our Sunday. We have been told that repeatedly. They are saying by implication that the position can be acceptable only if deregulation fails. They are saying, in effect, that everything will be all right if deregulation does not go too far. That reveals the nature of their argument. It is clear that they do not know how far it will go.

Mr. Lyell: Will my hon. Friend give way?

Sir Raymond Gower: No, I shall not give way.

Many of my right hon. Friends fear that the change brought about by deregulation will be great. It could hopelessly change the nature of Sunday and would be an irreversible step which we should not take. Many of us are saddened by the course that the Government propose to take, but we are not annoyed. We are sad that the Government are determined to press on with the Bill as it stands. The change that is proposed for Sunday trading seems incompatible with the Government's other aims in recent years, most of which have been founded on family life, improvements in the environment, law and order, and encouragement of small business. The Government have stood up for all those things. Family life is bound to be damaged. Many illustrations have been given by speakers from both sides of the House. The change will be damaging to the improvements in the environment. My hon. Friend the Member for Sutton and Cheam (Mr. Macfarlane) explained what will happen in suburbia, with the increased traffic, which is bound to effect a serious and damaging change in many of our towns. We are often told that overcrowding, bad housing and poverty are contributory factors to vandalism and crime. How rarely does anyone say that the decline of religion and church attendance has also been a contributory factor in creating vandalism and crime? Anything that Parliament does to damage Sunday cannot do anything to help the Church's work. It cannot be beneficial. It is bound to be harmful and that is one of he most potent reasons why I cannot support the Bill.

We have said that we want to help small businesses. I declare a personal interest as a vice-president of the National Chamber of Trade. Nearly all our chambers and nearly all our small members are terribly worried and concerned about the Bill. I shall summarise my objections under three main headings. I hope that I will not be accused of being a narrow Sabbatarian but as a churchgoer I do not want to see our Sundays like other days. Secondly, as vice-president of the National Chamber of Trade I share the fears of our smaller members of the probable consequences of the change on their businesses. By golly, those small shops are already under severe pressure. Thirdly, I do not want employees in the retail sector to be under severe pressure to have to work on Sundays contrary to their religious belief, conscience or even their personal inclination. I am afraid that that will be the case. I regard the protection in the Bill, such as it is, as utterly inadequate. It provides no protection for shopworkers changing jobs. It gives no protection to new entrants into the industry. Are they to be treated differently even if they have Christian conscientious objections? Why should they be treated differently from those already employed in the industry?

Mr. Roy Hughes: They will not have a job.

Sir Raymond Gower: Of course they will not. They will be under pressure. Much of that pressure is difficult to avoid if we legislate in this open-handed way. I trust that those of us who take these views will not be regarded as extremists.

On the Church argument, I share the views based on the Christian doctrine that the sabbath was made for man, not man for the sabbath. Those views are held by more people in the community than my right hon. and learned Friend suspects, even in this country of many religions or people of no religion. I am satisfied that Sunday has been a boon and a blessing to people of all persuasions and no persuasion. Many have been impressed by the article by Chaim Bermant in today's *The Guardian* in which, as a Jew, he pays tribute to the British Sunday. He calls it a

"day out of time, less trammelled, more relaxed, an occasion for rest and recreation."

That is what the Bill may put in peril. As Mr. Bermant reminds us,

"Addison put it:

'Sunday clears away the rust of the whole week.'"

[Sir Raymond Gower]

We shall also put that in peril. We put at peril an institution which, despite all its difficulties and imperfections, has been a tremendous advantage to the people of this country. Ministers have cited Scotland, Norway and some of the states of the United States of America. I do not believe that the Auld committee, or Ministers, have looked sufficiently at examples of countries such as France, West Germany and Holland, none of which have complete deregulation.

Mr. Lyell: What about Spain?

Sir Raymond Gower: I cannot speak with authority about Spain. I do not think that it has complete deregulation but I might be wrong.

Like others, I regret the three-line Whip. During my many years in the House I have spoken and voted on many Bills of this kind but they were always private Members' Bills and there was always a free vote because it was a question of conscience. We are told that because this is a Government Bill there must be a three-line Whip. I suggest that that is not the case. When we came to the issue of capital punishment in the Bill dealing with law and order we were given a free vote. Why should we be deprived of a free vote on Sunday trading if we were given one on capital punishment? The Government have been utterly inconsistent in that. They have also been inconsistent in bringing the Bill forward, as many of my hon. Friends have said, utterly without mandate. At no stage during the previous general election were any of us able to say that this was a part of our policy. It was not part of our policy.

The Bill may have pleased a few. I hope that my right hon. and learned Friend knows who it has pleased. I can tell him some who it has not pleased. It has displeased and caused deep anxiety to thousands of churchgoers and fine citizens of this country. It has caused concern among many small shopkeepers and it has caused great worries among many shop workers. How the Government can cause distress and concern to so many people at once I do not know. It could be very injurious politically. I warn the Government and I hope that they will have second thoughts about it.

8.26 pm

Mr. George Foulkes (Carrick, Cumnock and Doon Valley): I declare my interest as a Member sponsored by the Co-operative movement, and a Co-operator of long standing.

I wish to follow on from the points made by the hon. Member for Vale of Glamorgan (Sir R. Gower) about the Whip. I certainly do not need a Whip to help me to make up my mind on this matter. It is a pity that the Whip is being used on Conservative Members. It was not just on the last occasion, when it was a private Member's Bill, that there was no Whip. On almost 20 previous occasions when this matter has been discussed there has not been a Whip on Conservative Members. Indeed, the Parliamentary Under-Secretary of State for the Home Department said:

"There are important considerations and fears about the character of Sunday . . . That is why the Government adhere to the view which successive Governments have adhered to, that the decision must be for the individual conscience of hon. Members."—[*Official Report*, 4 February 1983; Vol. 36, c. 557.]

What has changed since that declaration? What has changed since the 20 previous occasions? I can only assume that the Prime Minister has made up her mind and all her troops have to fall solidly in line behind her. I am encouraged to hear the declarations that we have heard tonight from Conservative Members and to know that there are significant numbers of them who will not fall in line. I was greatly impressed by the speech of the right hon. Member for Castle Point (Sir B. Braine). I am sorry that he is not in his place. It was full of passion and rational argument. It was exactly what has made this House what it is today in debate. He was right to say that the Government have submitted to narrow commercial interests and have dressed it up as an issue of great principle.

Like the right hon. and learned Gentleman the Paymaster General, I smile a little, but for a different reason, when I hear Conservative Members talking about the joy of shopping. Some books begin "The Joy of". I know that the hon. Member for Leicester, East (Mr. Bruinvels) knows about it, because I have seen his comments about page three of *The Sun* in relation to this issue. Those books are best sellers. The Home Secretary has written a few best sellers, such as "Scotch on the Rocks" and others, but if he wrote a book entitled "The Joy of Shopping" I can guarantee that it would be remaindered within a month.

We have heard from grandfathers on the Conservative Benches who think that the joy of shopping is taking their grandchildren once a year into Santa's grotto and seeing their eyes light up. That is a myth. That is humbug. It is not the reality of the daily, the weekly, drudge of shopping. I do not look forward to being dragooned by my children on a Sunday, as much as on any other day, into this thing which the grandfathers on Conservative Benches think is a great opportunity.

On a more serious note, it is no joy for the many families existing on £50 a week to go shopping, with the incessant demands of their children, spurred on by the pressure of advertising. It is no joy for them to go around the shops and know that they cannot afford to buy the things that they see there. We are hearing a myth about the great joy of shopping.

Mr. Eric Forth (Mid-Worcestershire): Will the hon. Gentleman give way?

Mr. Foulkes: No, I shall not give way.

There has been a great deal of pressure on this issue. I am getting a little fed up with the consumer organisations which set themselves up to speak on behalf of the whole population. I received a letter from the National Consumer Council, signed by Mr. Martin Smith, who calls himself the Parliamentary Officer. He has the audacity to write:

"On behalf of the millions of consumers".

What right has Mr. Smith to say that he speaks on behalf of millions of consumers? I have discussed the issues with my constituents, and even I cannot purport to speak on behalf of all of them. I get fed up with consumer organisations, which represent the middle-class Habitat shoppers and not the mainstream of people, saying such things.

I have challenged the Scottish Consumer Council to say who it consulted on this issue—I do not think that it has consulted anyone substantial—and how it decided to support the campaign. The council thinks that it is representing the interests of consumers. It may represent

the short-term interests, but the effect of the Bill on prices, British manufacturing and the quality of goods will not be in the long-term interest of the consumer.

I oppose the Bill. There is no widespread demand for its provisions, as many hon. Members have said. I shall not go into that in more detail and repeat the points that have been made, except to say that when Mr. Auld and his committee considered the matter, they had the benefit of the wisdom of six professional assessors, and four of those assessors opposed the deregulation, and are still against it. They are Lord Gallacher, representing the large traders, Miss Head, representing the small traders, Mr. Thimont from the Churches, and Mr. Flood, representing the shop workers. The committee and the Government paid no attention to the people appointed by the Government to be assessors. They knew what they were talking about, yet their views were ignored by the committee.

I oppose the Bill because the weight of the representations to the Government is still strongly against it. Reference has been made to the number of letters. I suspect that the Government have whipped up support for the Bill. Even with that whipping up, the figures are still nearly three to one against among people taking the trouble to write letters.

I should like to refer to Scotland, because such a lot of nonsense has been said about it. If English and Welsh Members want to come into line with Scotland, they should look at the successful changes in the licensing laws. They set a better example for change in England and Wales. I should like to quote from a representation that I received today. I must enunciate the name carefully—it is from the Scottish Association of Master Bakers. The association's representation reminds hon. Members that many bakers

"will have to work a Saturday night shift to produce goods for sale on the Sunday."

That is forgotten about. The association goes on to say:

"It might be said, what interest do Scottish bakers have in Sunday trading in England? The fact is that everyone in Scotland will be strongly affected by the Government's proposal to abolish the Shops Act. Inevitably, many supermarket chains and multiple retailers who are currently not opening in Scotland on Sundays"

—my hon. Friend the Member for Monklands, West (Mr. Clarke) and I can confirm that—

"will be forced willy-nilly to reconsider their position if Sunday trading becomes general in England."

That is why the legislation affects us, and why the situation will change in Scotland if there is change in England.

Mr. Forth: Will the hon. Gentleman give way?

Mr. Foulkes: We know that the consequences for the workers are severe. Double time and time and a half will go. A domino effect will result from maintaining a competitive position. More shops which do not want to open on Sunday will be forced to do so. That is the position into which the Co-op might be forced if the measure goes through. Sunday will become, not like any other day, but much more like Saturday, one of the busiest days of the week——

Sir Fergus Montgomery (Altrincham and Sale): What about Scotland?

Mr. Foulkes: I have dealt with Scotland.

We are concerned that the turnover will not rise in proportion to the costs, that prices will go up, and that several corner shops will close, particularly small traders. Even the large traders will be forced to close shops which are now marginal. Others will need to work. We shall need more drivers, more policemen to make sure that the law is enforced, more cleaners, more traffic wardens, more trading standards officers, and more local authority employees. There will be pressure for the rates to go up.

I urge the Paymaster General to consider this. There is an opportunity for sensible compromise. Almost everyone who has spoken wants a sensible compromise. We should look at other countries where the Sunday trading laws are working effectively. We should consider the four options which the Home Secretary described, which everyone realises are a potential for compromise. We should look at ways in which we can do that, because almost all of us recognise that the present state of affairs is anomalous and needs tidying up. Many, if not all, Opposition Members would support tidying up and improvement.

Above all, we say to the Government that we do not want total deregulation. We do not want this threat to the traditional Sunday in the United Kingdom. The Government should withdraw the Bill and consult all the interests involved. We can wait another year before we consider detailed legislation. Then we can bring in the new proposals after consultation. I can say on behalf of the Co-operative movement that we shall support such proposals if they are a sensible compromise.

8.37 pm

Mr. George Gardiner (Reigate): I approach the Bill as one who at least seeks to merit the description of being a Christian, as a periodic church worshipper, and as one who also wants to keep a special character for Sunday. As such, I can say that I have no hesitation whatsoever in supporting the Bill.

The law is in such an idiotic tangle that sometimes it has been rather difficult to understand the logic of those who oppose the reform that has been introduced. Some, of course, take the straight Sabbatarian position, and for that one must have a good deal of respect. They will not turn on the television or radio on a Sunday; they do not take Sunday newspapers because someone has to be employed to distribute them; they do not buy Monday newspapers because journalists and printers have to work on Sundays to produce them; and they serve themselves on a Sunday with a cold lunch.

However, surely it is up to each Christian to decide where to draw the line for Sunday observance. As a Christian, I decide for myself. Like the hon. Member for Carrick, Cumnock and Doon Valley (Mr. Foulkes), I have no wish to shop on a Sunday for provisions or most other things, but as a Christian I do not seek to impose my judgment or decision on that matter on other people.

I listened with great interest to the speech of the right hon. Member for Manchester Gorton, (Mr.Kaufman), who opened for the Opposition. He would not expect me to agree with a great deal of what he said. The right hon. Gentleman gave a moving description of his father, who resolutely refused, in any circumstances, to work on the Jewish Sabbath. One must have great respect for that mixture of conviction, pride and humility. As the right hon. Gentleman was speaking, the thought crossed my mind that Kaufman senior did not need the criminal law of the land to fortify his position.

Most of the opponents and critics of the Bill, and most of those who have written to us, write from the fear that the special character of Sunday is under threat. I sympathise with that feeling, although I disagree with the

[Mr. George Gardiner]

conclusion that they have reached. What does the special character of Sunday mean? I was interested in the speech of my hon. Friend the Member for Boothferry (Sir P. Bryan), who described the changing nature of the traditional British Sunday. First, Sunday is a day specially set aside for church worship. I should like to see many more citizens attending church regularly — indeed, attending church more often than I do—but that is a matter for the church and its witness. No one could suggest that the reason for the empty pews in many of our churches is that garden centres and do-it-yourself shops are open. In fairness, church men have not so pretended. Most of the vicars from my constituency who have written to me on this subject say that they do not base their objections to the Bill on a fear that it will undermine attendance in their churches. Instead, they cite the rhythm of life — a weekly pattern of life in which people must have some rest. They also cite the strain that would be placed on families if their members, especially mothers, were forced to work on Sundays.

The rhythm of life is not put in question by the legislation. No one suggests that workers should work for seven days a week, week after week, month after month. There are many examples of workers in other areas of the economy, such as my former profession of journalism, who work a 14-day pattern. Someone who is on duty one weekend would have a long weekend off the next. Many people enjoy such a pattern of work.

There is also the example of Scotland, where there is a ready flow of volunteers to work in the limited number of shops that are open on Sundays. Many people, including managers, volunteer for duty on Sundays. Only last week I spoke to a woman who managed branches of a multiple store in Aberdeen and Edinburgh. If she was on duty one weekend, she would have a long weekend off the following week. On her posting to London, she was bitterly critical of the fact that, on alternate weekends, she did not have a three-day break, because there is no chance for her to do duty on Sundays.

As for family strain, there is no evidence that family breakdown is any greater among those employed in electricity generation or in transport who are required to work on Sundays on a rota basis.

A further special element to the character of Sunday is that it is a day of recreation and has been so for a long time. One cannot see that this will be undermined by the provisions of the Bill. More importantly, the special character of Sunday consists in the fact that it is, in many respects, a special family day. Several hon. Members have acknowledged that. Families choose to do many different things in their time off, such as making certain purchases together.

There is evidence from garden centres in my constituency that the whole family arrives and the children play on slides in the corner while mother and father work out what will be planted in the garden that year. There is evidence from do-it-yourself stores, where all the family go at a time convenient to all of them to choose the paint and wallpaper for their homes. In furniture stores open on the Sunday, whole families choose their new suite of furniture together. At the seaside, too, we see families enjoying themselves in shops which are open to serve them. I assert that many shops that open on Sundays are already enhancing Sunday as a family day, rather than detracting from it.

Opinion polls, especially those organised and financed by different sides of the argument, show conflicting evidence of what people want, often depending on how the questions are framed, but the only true way to discover what people want is to give them the chance to choose. I do not believe that more than a handful of our high street shops would open on a Sunday, because there is not and will not be the pressure from the public to warrant it, except perhaps in the weeks immediately before Christmas. Garden centres open because there is a demand for them to do so. Do-it-yourself shops open for the same reason. Out-of-town hypermarkets, which are being developed anyway, will open if they offer a market in circumstances which make them congenial for families to shop together. But there will be no demand for all shops to open, so they will not do so. Sunday will remain a special day because the majority or us want it that way. I believe in the old adage that the customer is always right in these matters.

The extent of Sunday trading will be determined by what our citizens want. I do not believe that the decision is one for archbishops, or for vocal lobbies, such as the Keep Sunday Special campaign. Nor should the decision be made by us in Parliament. The choice belongs to the people as responsible citizens, and the moral merit of the Bill is that it seeks to give them that choice.

8.47 pm

Mrs. Ann Winterton (Congleton): This has been an interesting debate with robust contributions from hon. Members on both sides of the House and both sides of the argument. A tremendous amount of common ground has been established in that the majority of those speaking have agreed that the present law is in a terrible mess, but the majority also objects to the total deregulation proposed in the Bill. We appreciate that it is a logical course for the Government to take that, if they do not like what is happening, they should completely deregulate, but I do not believe that that view is shared by the majority of people in my constituency or in the country as a whole.

It is the Government's duty, because they brought the Bill to the House, to come up with an alternative reform which they might wish to make in the future, and I assure them that that would have tremendous support from those who have reservations about total deregulation. It is not for Back-Bench Members to produce reforms, but if the Minister wishes to swap places with me, I should be keen to have a go in his place!

Many hon. Members have said that there is a tremendous demand to liberalise the Sunday trading laws. They say that because they come from a Whiggish background, not a Conservative background. There is no pressure or great demand from the country as a whole to introduce total deregulation, but there is some demand from a narrow commercial sector—a small percentage of the retail trade which is pressing for a total deregulation because it knows that that would be in its best commercial interests. I do not blame them for that. It is a perfectly normal attitude, but it does not mean that we should fall in with those ideas. Indeed, we should put them completely to one side.

As many hon. Members have said, in recent years the pattern of Sundays has changed. Many more families now

take part in leisure activities. There has also been a great change in the way in which people go about their shopping. In this day and age, with six full days shopping per week and at least one late night, possibly more as a result of the Bill, with flexi-hours and shorter working weeks, I cannot understand why families who want to buy a three-piece suite together cannot do so on a Friday or Saturday or some other day when the husband is at home and can take his wife out. In the small towns in my constituency most shops close early on a Saturday afternoon because everyone has gone home for tea. There is no great demand there for Sunday opening.

The distortion in trading patterns worries me considerably. About half of all retail trade and two thirds of all food shopping takes place in the big multiple chains, which are often based in city centres and draw trade to those centres. I am worried that total deregulation will draw trade away from the smaller centres and especially from the small independent traders. The chambers of trade in my constituency are absolutely together on this. They believe that it will do irreparable damage in the long term and will put many traders out of business.

I live in a rural area in which the village shop is extremely important to people who have no transport of their own. They rely on the village shop for their basic needs and if it goes out of business they will be in real difficulty. Elderly people also rely very much on small local shops. If those shops disappear, considerable social benefits will disappear with them.

Total deregulation will hit the independent trader hardest of all. In a family business members of the family work six full days a week. Sunday is the only day they have off and the only day on which they can catch up with the paperwork and prepare for the visit of the dreaded VAT man. If they have to open seven full days a week to try to maintain their share of the market, their overheads will rise and the family will have no time off at all.

Most people who work in the retail trade are women and young people. If one such member of the family is absent on a Sunday the whole family is affected. Let us not forget that there has been a great diminution in the standards of our family life and, dare I say it, of our national life. I believe that that has been to the detriment of society as a whole. Let us not do still more damage to the family as the basic unit of society and a great major stabilising factor in society. Sunday is the only day when the family can be together. A day off on Monday or mid-week for people who work in the retail trade cannot compensate because the children will be at school. Sunday is the only day when the whole family can be together.

I am saddened, too, that a Conservative Government should seek to introduce such an un-Conservative measure which will damage the independent sector. I thought that, as Conservatives, we favoured creating a climate in which small businesses could thrive and prosper. Total deregulation will have exactly the opposite effect. The Government should govern not by logic alone but by a combination of head and heart and, one hopes, reach a common-sense solution at the end of the day.

This is a Christian country and I am a practising Anglican. I believe that we have a duty to keep Sunday as a special day. In the past, Sunday has been traditionally kept for family life, rest, relaxation and religious worship. We are here to judge the matter in its widest sense, not in the narrow commercial interests of those who support total deregulation, but in the best interests of our constituents and of the country as a whole. I shall oppose the Bill.

8.55 pm

Mr. Tom Arnold (Hazel Grove): I support the Bill, and I should do so with or without any kind of Whip, because I believe in it. Contrary to the remarks of some of my hon. Friends, many of my constituents — the majority, I believe — support the Bill. Despite the comments of my hon. Friend the Member for Congleton (Mrs. Winterton), I believe that important issues of freedom and freedom of choice are involved. Those are among the reasons why I and my constituents support the Bill.

I should like to deal with some of the arguments against the Bill, starting with the argument about the mandate. The Auld committee was set up in August 1983 after the last general election, but I have always believed politics to be a dynamic activity. God forbid that we should be constrained from discussing other issues and putting forward new measures simply on the basis of what was or was not in a previous general election manifesto. If we were constrained solely by the contents of manifestos, I believe that the quality of our political life would suffer and the management of our affairs would be a great deal more complicated.

The Government were perfectly entitled to set up the Auld committee, to reach a considered view on its findings and to proceed with the introduction of the Bill. My right hon. and learned Friend the Member for Warrington, South (Mr. Carlisle) spoke of the major difficulties with the present legislation and the fact that the 1950 Act is frequently not enforced because it is not capable of enforcement. I believe that that discovery by the Auld committee lies behind the Government's thinking in introducing the Bill. Those who have spoken against the Bill have argued that the anomalies, confusion and complexity of the present law are manageable and need not concern us unduly. That is their opinion and they are entitled to it, but the Auld committee reached a different conclusion. Paragraph 25 of the report states:

> "Some authorities have adopted a policy of not enforcing the law at all. Many others act only in response to complaints . . . Very few local authorities prosecute as a matter of policy all traders who open outside the permitted hours."

It also states:

> "Many local authorities are out of sympathy with it. It is being widely disregarded by shopkeepers all over the country, to the evident satisfaction of Sunday shoppers."

It adds:

> "Even if a local authority does prosecute to conviction it knows that, in many cases, the small fines commonly imposed by magistrates will act as no deterrent at all to further breaches of the law by the shopkeepers concerned. Moreover, the full costs of prosecution will rarely be recovered."

That has been the experience in my own constituency. Although I have received many representations from members of the clergy and others who are opposed to this legislation, I believe that some of the other representations that I have received should have greater weight, given experience locally in Stockport in Greater Manchester.

I return to my main theme, that frequently this legislation is not enforced and is incapable of being enforced. I would go further and say that the operation of the Shops Act 1950 is surrounded by a good deal of hypocrisy, evasion and ignorance.

[Mr. Tom Arnold]

Civil obedience, be it to laws, institutions or rulers, is but an outward manifestation of consent and support, and the opinion that must underpin that consent and support. For those of us who believe in upholding the authority of Parliament and our laws, it is not good enough to say that it does not matter whether or not this law is obeyed. After all, we are talking about the criminal law, and there are criminal sanctions for people who break this law. We should bear that in mind. I do not believe that in 1986 it is appropriate for the criminal law to operate in this area, particularly in view of the changes that have taken place in society in recent years.

I have referred to evasion, and I use the example of my own constituency in Greater Manchester. Some years ago there was an attempt by the local authority to bring pressure to bear, in advance of a prosecution, on a garden centre that had been bold enough to start selling books. The centre quite properly desisted, yet three miles away at Manchester airport one can buy the same books.

The right hon. Member for Manchester, Gorton (Mr. Kaufman) referred earlier to shop workers, but more than 50 per cent. of Manchester international airport is owned by the city of Manchester which is Labour-controlled. Many shop workers work there on a Sunday. Moreover, there are now very few things that one cannot buy at Manchester airport on a Sunday. One can buy men's clothes, women's clothes, food of many descriptions and many other goods and services, ranging from books, publications of all kinds, gramophone records and goodness knows what else—[HON. MEMBERS: "That is irrelevant."] It is not irrelevant, because it underlines yet again the reason why there is so much confusion and dissatisfaction about the Shops Act 1950, which enshrines in law a series of anomalies, some of which I shall refer to later.

Having said that many local authorities choose deliberately not to prosecute until such time as the pressure becomes unbearable — if, indeed, they choose to prosecute at all — I now come to the question of ignorance. One of the complaints made against the Shops Act 1950—and it is frequently made by the very small traders to whom Labour Members have referred—is that such small traders are unable to discover what exactly they are permitted to sell. When the weights and measures man says, "Perhaps you should not be selling that", they ask, "Will you give me a categorical ruling about whether or not I can sell this range of goods?" Frequently, the answer is, "No. I cannot tell you that. It is up to the court to decide."

Since the 1950 Act was passed, there have been many changes in retailing and in the definitions of goods, and many small shopkeepers are in genuine difficulty about knowing what they can reasonably sell.

I conclude by highlighting once again—because it is necessary to do so in a debate of such importance—some of the ridiculous anomalies to which the Auld committee drew attention in its report. It wrote:

> "The anomalies have been widely canvassed. Some of the more bizarre ones in relation to Sunday trading are that it is legal to sell—
>
> gin, but not dried milk;
>
> fresh vegetables, but not tinned ones;
>
> spares for a car or an aircraft, but not shoes;
>
> a razor blade, if sold for the purpose of cutting corns, but not for shaving;
>
> a pornographic magazine, but not a Bible unless the Bible is sold from a bookstall at a designated airport or railway station;
>
> fish and chips from any take-away food shop except a fish and chip shop, although fish and chip shops are permitted to sell any other form of take-away meal on a Sunday."

It is nonsense like that, which hon. Members simply touched on as if it were irrelevant, that has infuriated a great many of my constituents, including a number of small traders who have been most unfairly prosecuted for opening on Sundays when all they have done is respond to the needs of their customers, frequently in circumstances where they have been unable to find out whether they would be prosecuted by the local authority. Frequently the local authority is uncertain about how the law would operate if a case were brought to court.

For all those reasons, I urge support for the Bill and I am pleased to have this opportunity to put on record my views and the views of my constituents, irrespective of what happens at later stages of the Bill.

9.6 pm

Sir Peter Mills (Torridge and Devon, West): I apologise to the House for not being here for the whole debate. That is because of my health problems. I am not able to stand, or even sit, for very long, but because I was not here it does not mean that I am not interested in what is happening. Some of us have always had to work on Sunday. Some years ago I was a dairy farmer and I had to milk 14 times a week. Essential work has to be done. Doctors and nurses, and transport and electricity workers, are necessary to modern life, and their work has to continue.

The questions before us are: do we want a further extension of many people working on Sunday? Do we want the complete deregulation that the Government are seeking to bring in? I do not, and I do not approve of this legislation. The Government are making a serious mistake. I am also worried about the tactics of the whole thing. They leave me somewhat dismayed and confused. Many of us are not clear why two hours were added to the debate. Obviously, this is a way of seeing that some people do not attend, that they go home. That is unfortunate, especially when the Government are saying that after this Second Reading there can be a free vote. That worries me, and I am fussed about it as well. It seems strange, especially as I understand from the Home Secretary that there will be no guillotine. I assure the Government that many people will speak for many hours about this in Committee and later. The whole thing is muddled and fuddled, and I am dismayed at the way in which it has been brought about.

Also upsetting to me were the statements made by Ministers before this debate. They seemed adamant about total deregulation, and that was a great pity. Much more could have been done to discuss the matter with those who are opposed to total deregulation, to try to come to some agreement. I would be much happier and would reconsider my actions if the Government made a promise to accept an amendment in Committee that would allow Sunday to be a different day and preserve the traditions of the past. Such a promise has not been given. No hint has been given that the Government would accept such an amendment, and I am disturbed about that.

I should like to raise three further points about which much has been said. There are economic problems about complete deregulation. As I said when I intervened during

the speech of the Home Secretary, there is a problem about small shops and a real fear about their future. If the large superstores and multi-retailers in my area open on Sundays, small shops will rapidly start to disappear. I am backed up in this argument by the chambers of trade, which feel just as strongly as I do, and are opposed to total deregulation.

The big companies are in favour of deregulation. Only a certain amount of money will be spent each week in our shops, and if the big companies can grab a large share of this money on Sundays that will have an adverse effect on the small shopkeepers. I am not a lawyer, but I know that there are difficulties. However, I cannot believe that we cannot make the necessary adjustments to bring the legislation up to date, make changes and throw out some of the stupid provisions. I am sure that we could do something about this. Although I may be destroying my argument in saying this, there is a case for looking closely and carefully at allowing garden centres to open on Sundays. They ensure much pleasure and enjoyment, and we want Sunday to be a day of rest, relaxation and pleasure for families.

My second point has also been raised already—the effects of total deregulation on social problems, and in particular on home life. The family is under the most severe attack that it has ever faced, and home life is disintegrating fast. This must not be brushed aside, because the basis of our country's stability is family life. That will be in even more difficulty if we have complete deregulation.

There is a strong case for one different day—a day of rest and relaxation when the family can at least try to get together. It would be serious if the whole week were merged into a whole working week and one could not look forward to that one day of rest and relaxation. If there is complete deregulation, further social problems will arise.

It is said that one multiple retailer has stated that it will be employing women just for Sundays. This will surely mean that many homes will not have a mother at home on that day. It could be that the children in those homes will never sit down to have a meal with their parents at home. Such things cannot be brushed aside. *[Interruption.]* My hon. Friend the Member for Derbyshire, South (Mrs. Currie) is muttering. I am willing to give way to her, because this is a serious matter and we should consider carefully the Bill's effect on home life.

I make no apology for taking the Christian or religious view on deregulation. This may be a minority view, but it is important. We are supposed to be a Christian country —God help us if we forget that, as we are tending to. I had the privilege of replying to the Queen's Speech, and I mentioned that as a nation and a Parliament we should again acknowledge God in the affairs of our national life. We have gone a long way from that, and it will be of no benefit to the country.

God has made it clear that we should have one day of rest. The Ten Commandments are not old-fashioned rules that can be thrown away. They are there, not only for a religious purpose, but to ensure a sane, sensible and ordinary life for every one of us, even though we may not be Christians. It is important to have one day of rest, and we should consider that angle carefully.

The Bill allows workers the opportunity to go to church, but there will be grave problems and dangers for those who wish to do so. Even with Government protection, they will probably be passed over for promotion and find it difficult to carry on if they insist on going to church on Sunday morning. That is what the commandment is all about. Not only should we acknowledge God and his laws, but we should seek for the community this one special day—a day of enjoyment and fun when we can at least pay a lot of attention to our families. Many will probably not accept what I am going to say, but a nation that ignores God and his commandments is bound to fail, and fail miserably. I must give that warning.

All in all, I shall not be able to support my Government tonight. I am usually a loyal person, but on this issue I cannot support my Government. A mistake is being made. In my constituency, and others in the south and west where people feel strongly about this, the Bill will be highly detrimental to the Conservative party at the next election.

9.15 pm

Mrs. Marion Roe (Broxbourne): I support the Bill, representing as I do a horticultural area which would benefit from the legalised status of Sunday trading. My constituency contains a large horticulture industry, mainly the glasshouse sector, and important within that sector are garden centre operators and suppliers. The market for the industry is valued at £800 million and consists of 30 million gardeners with varying degrees of enthusiasm.

Gardening and the use of the garden have become one of the nation's main leisure activities. A consequence of the growth of interest in gardening has been the increasing expectation of the public to regard gardening as it would any other leisure activity and to make purchases during leisure time, especially at weekends.

The public has always been permitted to purchase plants on Sundays in accordance with the Shops Act 1950, but nurseries which sell pots, ties and stakes are breaking the law. It is virtually impossible to limit sales to plants only, and garden centres openly trade on Sundays across their entire product range. In most cases it is with the knowledge of the local authorities, which recognise that garden centres are meeting a public demand. Indeed, I am sure that it is not unknown for local authority members and Members of the House, by their purchases from garden centres, to encourage illegal Sunday trading.

Many garden centres are now dependent on Sunday operation for their very existence. A recent survey of 380 members of the Horticultural Trades Association showed that 32 per cent. estimated that they would go out of business altogether if they were forced to close on Sundays, with a consequent loss of employment for 1,347 staff. Even in the case of the 68 per cent. who said that Sunday closing would result only in a scaling down of their businesses, significant loss of earnings would affect a further 1,741 staff. Enforced Sunday closing would result in increased unemployment and a significant reduction in garden retailing facilities for the public.

It has been claimed that it would be difficult to obtain staff prepared to work on Sundays if general Sunday opening were to be permitted. Quite apart from the overwhelming evidence of industries which currently operate on Sundays—such as transport, catering and public utilities—the majority of garden centre operators have no difficulty in recruiting and retaining staff who are prepared to work on Sundays as part of a roster arrangement. Garden centres which are open on Sundays

[Mrs. Marion Roe]

provide a retail service for which there is patently considerable demand and, furthermore, provide employment which would not otherwise exist.

Therefore, it is clearly wrong in principle to continue to support a law which operates in favour of some traders in some places selling some goods while the generality of traders are not allowed to do so. It must be to the benefit of the retail trade if trading conditions are created which enable it to compete better in the market place.

It is accepted that for staple items of food, clothing and furniture, the overall market will not expand significantly as a result of Sunday opening, but that for a host of discretionary items the same restriction of demand will not apply. Greater sales will generate increased employment opportunities, as is demonstrated by garden centres.

Considerable concern is expressed that the freedom to trade on Sunday would result in a deterioration in the quality of life. That claim is based upon the belief that all retailers will want to open on Sunday. The Scottish experience does not support that view. In practice only shops that find it profitable to open on Sunday will do so.

Consistent research findings by a number of organisations show that the majority of people are in favour of Sunday opening. Given the high incidence of households in which both partners are wage earners, the availability of shopping facilities on Sunday would certainly enhance the quality of life. The rapidly changing lifestyles over the past decade mean that people's expectations of a family Sunday have altered.

I regret that many hon. Members are using the Bill to hold forth on the concept of a traditional Sunday, which public evidence shows no longer to exist. Hon. Members on both sides may be fortunate to have spouses who are supportive in family tasks, such as shopping. However, we cannot say that our lifestyles permit us to shop in normal trading hours. Often I and many other hon. Members have been grateful for a shop which opens on Sunday. Can hon. Members honestly declare that they have never assisted in breaking the law in that respect or that they have not been grateful for the ability to do so?

It is time that we recognised the changes in society that have affected patterns of consumer as well as retailing demands. It is well known, and much argued in another place, that Sunday trading would have an adverse effect on the lives of the woman shop worker and her family, but there is clear evidence from shopkeepers who trade on a Sunday that there is no difficulty in obtaining employees who are willing to work on that day, provided that adequate rostering is arranged in lieu.

We are not talking about exploitation. For many the opportunity to work on Sunday is not disagreeable. As one weekly journal showed recently, for many people it is preferable to not working at all. Retailers as well as employees must exercise some flexibility and adapt to a new situation which will create opportunities for work for many more people.

I fully support the Bill. If industry works seven days a week, it is rewarded. Why penalise retailers and consumers?

9.23 pm

Dame Jill Knight (Birmingham, Edgbaston): During the debate we have had our moments of humour and on one occasion we even managed a little pantomime, but in general the occasion is uncomfortable and even painful for most hon. Members. For myself, I cannot decide which is the greater discomfort — my indigestion or my indignation.

My indignation is because I think it wrong to have a three-line Whip tonight. I am told the reason is that it was thought that the Bill would not get through without a three-line Whip. So be it. If we believe in democracy and in votes in the House, surely what the House says on a free vote should be good enough. I cannot remember a three-line Whip being imposed on such an issue — a moral issue. I tell the Government that there would have been no shame in being defeated on a free vote. That is the voice of Parliament. Only those who are ashamed to listen to the voice of democracy can deny that we should have been allowed to say freely what we wished this evening.

My indigestion is also extremely painful because of what I am being asked to swallow.

Shops already open six days a week, often until 8 pm or 9 pm. Surely that is enough. I do not believe in all these families that are supposed to be unable to shop at any other time than on Sunday because that is the only time they can be together. That is not true, and I cannot swallow the contention that an extra day of shopping is called for.

I am sick and tired of being told, as we are told repeatedly—and my hon. Friend the Member for Hazel Grove (Mr. Arnold) rehearsed the same catalogue—that, on Sunday, one can buy pornography but not a Bible. In 20 years of representing my constituency I have never had one constituent complain to me angrily that he was unable to buy a Bible on a Sunday, and no complaints have been made about buying other things on Sunday, either.

I cannot digest the argument that freedom is jeopardised by the inability to shop everywhere on Sundays. We should remember that the extension of freedom to one citizen frequently means the diminution of freedom to another. The freedom of many people will be curtailed if this Bill becomes law. I refer, for instance, to the people who actually live in shopping centres. One woman wrote to me to say that Sunday was the only day on which her relatives could come to see her because only then could they park their car reasonably near her house. She said that if Sunday trading were introduced there would not be a day on which she could look forward to her family visiting her. She should also be free of the noise of cars being parked and the crowds of people Sunday shopping near her.

Hon. Members should not fool themselves into thinking that we can protect workers who do not want to work on Sunday from being made to work. In many cases, employers will not employ people unless they agree to work on a Sunday. I have read the Bill carefully. What would be the position of those whom it purports to defend? The Bill will affect people who have been working in a shop for some years. Suppose that a shop decides to open and a person who has been working there claims the right not to work on a Sunday. What would be the position of such an employee vis-á-vis the other employees in the shop? A great deal of irritation could be aroused if one person gets Sundays off and others have to work. It is not the same thing to have off another day of the week. I expect that the chances of such a person gaining promotion would be fairly slim.

Many shopkeepers do not want to open on a Sunday. Many have written to me and come to see me, telling me

that they do not want to open on a Sunday but that they have to do so if their competitors open. Only this morning I received the following letter from a constituent:

"I have been employed as a fishmonger in Birmingham bull ring market for over 30 years, five and a half days a week averaging 53 hours."

He has now been informed by the Birmingham council

"that in the event of the proposed Sunday Trading Act being passed we will have to open on Sundays or they will revoke our licence. My employer has told me that rather than open and pay more rent, rates and service charges he will close down, putting me out of work."

The Bill does not deal with the situation outlined by my constituent, but scores if not hundreds of people will be forced into working on Sundays when they do not wish to do so. We must not fool ourselves into thinking the Bill will protect people in that situation.

I do not understand the supposed economic viability of the Bill. I cannot see where all of the extra money will come from when it is not there to be spent from Monday to Saturday. I cannot swallow that or the argument about Scotland. I was impressed by what my right hon. Friend the Member for Cambridgeshire, South-East (Mr. Pym) said about that. I agree that the present law is a mess, but there again I am in trouble when I try to swallow the fact that there is no alternative to sweeping it all away. I do not believe that we must have a free-for-all or no change.

It has been suggested that, if the Bill is defeated, hon. Members should tramp around their constituencies reporting those who trade on Sundays. I have never thought that snooping was my job as a Member of Parliament. We have many choices about what to do. For example, we could allow opening when there is a clear demand. Garden centres have been mentioned. They are usually quite distant from town centres. *[Interruption.]* I do not think the acres of glasshouses which have been described are in towns. It would not be impossible to accommodate such demands. Some leisure trades could be permitted.

I cannot see that we must sweep away all controls because we want garden and DIY centres to remain open. We could restrict the hours of opening. We could consider zoning and what other countries are doing. Auld gave only one paragraph to the option of allowing shops to open until 1 pm, which happens in Luxembourg, and less than two paragraphs to allowing shops with three employees or fewer to open, as happens in France. The Auld committee ignored the experience of 10 European countries which limit Sunday trading.

I cannot swallow the contention that the House can only sweep everything away or leave things as they are but enforce the restrictions. We could restrict according to size. It has been argued that that would be impossible, but VAT is levied according to the size of the business.

Never do I accept an official engagement on a Sunday and I do not see why I should force others to do so. The country is going backwards in some respects. I used to have milk delivered on the step every morning, but now the dairy has decided that two pints on Saturday will do and that the milkman should get Sunday off. I am all for that.

The Bill would change the character of Sunday fundamentally and irretrievably, and I shall vote against it.

9.33 pm

Mr. Allen McKay (Barnsley, West and Penistone): I have thought deeply about Sunday trading because it affects many people in many ways. It concerns especially the traditional British Sunday that we have had for generations. Conservative Members have said that Sunday has changed, and so it has, but not so greatly that it should be like any other day of the week. Sunday is a special day, for special purposes. That is how it has always been, despite the way in which it has been presented.

There are many anomalies in Sunday trading. I am sure that the Government are not trying to kid the House that the only way that we can get rid of the anomalies is by wiping them out altogether and bringing in not a Sunday trading Bill but a deregulation of trading whereby shops can open seven days a week, 24 hours a day, if they wish. The legislation will bring about a free-for-all.

I have received only two letters in favour of Sunday opening. I have received applications from Asda and from Woolworth, which have said that Sunday trading will be to the benefit of their customers. I do not know how they reach that conclusion. I have received many letters from people objecting to Sunday trading, on religious and other grounds. We must take account of the habits of generations.

What do those Conservative Members who believe that Sunday opening is a good idea think will happen to traditional family life? What will happen to those people who, Sunday after Sunday, have had their mother or father up for dinner or tea? They will say, "We shall get in the car and go shopping." People will no longer sit with their feet up on Sundays.

The hon. Member for Boothferry (Sir P. Bryan) suggested that people now drive to Scarborough, Bridlington or Filey. People forget that families have a car because the wife works six days a week in a shop. Without a shadow of doubt, people will volunteer to work on Sundays. With unemployment of 25 or 30 per cent., of course people will volunteer to work on Sundays. They will work, not because they want to, but because it is necessary. We must not forget that there is only so much money to go around. The wage comes in on Friday, and the women put a certain amount aside for shopping. That is all that they have to spend. If the money is spent on Sunday, it can certainly not be spent during the rest of the week. With seven days a week shopping, prices will be increased because the cost per unit will be increased. Increased heating charges and extra wages will force shops to increase prices.

If shops are open on Sunday, an improved transport system will be needed. The transport system has just been deregulated, putting some services in doubt. Most of the large stores will put on their own bus services to attract customers. People will get into the habit of using those services. Small shopkeepers will find that the number of shoppers is dwindling, and they will have to close.

Mrs. Anna McCurley (Renfrew, West and Inverclyde): Rubbish.

Mr. McKay: It is happening now. More duties will be imposed on the police. It will be necessary to have the same fire cover that is provided from Monday to Saturday. Street cleaners will be needed. We are talking about making Sunday the same as other days and having the same requirements. Sunday will no longer be a normal rest day.

[Mr. McKay]

For 20 years I worked seven days a week, sometimes 12 hours a day. When I arrived home, I wanted my wife at home, not in a shop. I depended on that. If she had not been at home, I would not have worked on Sundays. There is more to the matter than some people realise.

I am not a regular churchgoer, but from talking to people who go to church, I know that the Bill will do them a big disservice. Indeed, it will be an insult to the Church and to churchgoing people if Sunday is made a normal day. At present, those who want to go to church go to church, while those who want to stay away stay away. That is beyond a shadow of doubt. We should not interfere with our Sundays and that way of life. If the Bill is passed, we and the Government will certainly regret it.

9.30 pm

Mr. Nicholas Fairbairn (Perth and Kinross): As the Scottish experience has been much quoted, and as one who has experienced it rather than read about it in figures, I can advise the House about it. The Shops Act 1950 never applied to Scotland, nor has any restriction on trading ever been applied to Scotland. We are natural Calvinists. Indeed, my hon. Friend the Member for Castle Point (Sir B. Braine) should have understood that.

Mr. Michael J. Martin (Glasgow, Springburn): I am not a Calvinist.

Mr. Fairbairn: I am not one either, but perhaps the hon. Gentleman will keep quiet for a moment and assume that we are seen to be natural Calvinists.

My hon. Friend the Member for Castle Point said that the position in Scotland was different because we were such good men. Let me remind him that until the shops opened in Scotland, thanks to trading in England, no Presbyterian church in Scotland ever opened on Good Friday or Christmas Day, and opened for only one hour on Sundays and then shut again. Therefore, let us have no fantasising that trading and religion are related other than as Scotland shows to its benefit.

Some of the biggest hypermarkets in Britain are open in Edinburgh and people go to them as a family. I have heard no complaints. In Kinross, which is a town of about 3,000 people, only one or two shops are open. There is a market for Sunday trading and it would benefit the people there, if they were so inclined.

The new argument about Scotland is that we did not have to be subject to part IV of the 1950 Act because we were in some way such good citizens of God that we did not need the law of man. That was not said at the time, nor was it true. Then it was said of Scotland, "It is all very well for you little squirts to be exempted from part IV but if England is, woe betide Scotland". Why did they say that? I understand that in England the Licensing Act (Scotland) 1976 is something of which English Conservative Members are afraid. But in 1976 the licensing law of Scotland was liberalised completely, and instead of making us a nation of drunks, which we were supposed to be, it has made us a nation of sober people.

The next argument, which I find extraordinary, is that if people are allowed to shop on Sunday, corporate worship will not be possible in England. As a Christian, I believe that God works seven days a week, 24 hours a day, and that one can worship Him at any time. Any time I have been in a church in England there have been fewer people in the pews in corporate worship than hymns on the list. Therefore, I am not impressed by the argument of corporate worship.

Those who oppose the Bill suffer from the postbag fallacy. They imagine that because they receive many letters—[HON. MEMBERS: "Rubbish."] In that case they receive a lot of rubbish.

Mr. Anthony Beaumont-Dark (Birmingham, Selly Oak): Do not be so patronising.

Mr. Fairbairn: I will not be patronising.

Mr. Beaumont-Dark: Well, my hon. and learned Friend sounds it.

Mr. Fairbairn: There is one person in this place whom I would not patronise, and that is my hon. Friend the Member for Birmingham, Selly Oak (Mr. Beaumont-Dark).

As a Scot, the idea that we should keep Sunday special is one that I find offensive. I regard every day of the week as special and every Sunday is different. What is Sunday special for? Is it a day on which to be specially lazy, specially boring, specially relaxed or specially quiet? What is it to be?

Let us consider the traditional Sunday in England, which is what we are supposed to protect. What are the two great traditions of the English Sunday? We know that church is not one for 90 per cent. of the people. One of the great traditions is the Sunday newspaper. If someone read them all, he would be kept out of church. The second great tradition is the Sunday lunch of roast beef and Yorkshire pudding. That would keep anyone out of church who had to cook it.

Those who are against the Bill should be against shopping on Monday. If a bishop expects to be able to buy his newspaper and his roll, visit his parishoners and have electric light on Monday, he is expecting people to work on Sunday, on the great traditional day of rest. Monday is the day that makes people work on Sunday.

It has been said that we should save the sabbath. That means that we shall see Saturday and Monday as different days and Sunday will be all right for trading. Some hon. Members have talked about religion. Let me remind them of what Christ said in Matthew, chapter 12. The passage reads:

> "At that time Jesus went on the sabbath day through the corn; and his disciples were an hungred, and began to pluck the ears of corn, and to eat.
>
> But when the Pharisees saw *it*, they said unto him, Behold, thy disciples do that which is not lawful to do upon the sabbath day.
>
> But he said unto them"—

this is verse five—

> "have ye not read in the law, how that on the sabbath days the priests in the temple profane the sabbath, and are blameless?"

We know that the gospel of St. Mark states:

> "The sabbath was made for man, and not man for the sabbath."

That was an explanation of what was meant.

In Scotland, which is said to be a more religious nation than England or Wales, we have enjoyed the liberty which is proposed for England and Wales. We have enjoyed Sunday as a day of joy, relaxation and fun. As a result, we have worshipped the Lord more. I believe that those who oppose the Bill are the Pharisees of today.

9.49 pm

Mr. Frank Cook (Stockton, North): Anyone who tried to deny that the existing regulations on Sunday trading did not require revision would be accused, rightly, of speaking nonsense. Of course they are crazy and of course they need amending. But the fact that they require amendment is no justification for removing all control on Sunday trading.

I have been surprised by those who have argued that the Bill is justified because the current law is not enforced. It is said that many shops open freely and that no action is taken against the owners. If that logic had been carried to its conclusion some time ago and it had been applied to the murder and mutilation that was perpetrated by Jack the Ripper, the repeal of capital punishment would have occurred about three quarters of a century earlier than it was achieved by sound reason.

Another reason given by a Conservative Member was that right hon. and hon. Members can apparently take the opportunity to break the law by purchasing whatever they like on a Sunday. Therefore, the fact that hon. Members can do that is some form of justification. I suggest that that is another form of twisted and convoluted logic. If that form of rationale were applied, it would mean that we would shortly be legalising prostitution and importuning in public. I cannot accept that that would in any way justify our discussions tonight.

The hon. and learned Member for Perth and Kinross (Mr. Fairbairn) referred to the postbag syndrome with a degree of almost contempt in his voice. I suggest that any hon. Member who has the temerity or audacity to disregard the genuine representations of any of his constituents does so at his or her peril at the next election. It does not cut any ice in my mind to say that the majority of the electorate want to see the removal of all controls. That has been said previously. I do not believe that, nor do I believe that the public believe that. I have had over 160 letters against and six in favour of these proposals.

I have had several petitions against the Bill from many parishes in my constituency. All of those were in the prescribed form of parliamentary prayers and acceptable to the House. I have had one for the proposed change collected by a supermarket, outside my constituency incidentally, containing names which included Roy Rogers and Mickey Mouse residing at addresses in Hollywood and the O K Corral and some slightly nearer my home in the east. That petition was clearly unacceptable in its presented form.

How can we genuinely assess the Home Secretary's assertion that the petition score to date is 1·4 million in favour and 1·2 million against? What yardstick can we use? If we no longer count the number of signatures, perhaps we may be able to get some idea by counting the number of petitions. One hundred and six petitions have been presented to the House in proper parliamentary form. That number reflects only those which were acceptable.

What about those presented for the proposals? I made inquiries at the Journal Office earlier today. I received a written reply from the Clerk, when he had checked the records, in which he said:

"I have checked that there have been no petitions in favour of unlimited Sunday trading which have been in order . . .All petitions presented up to today have been in favour of some kind of regulation of such trading."

They were not in favour of removal.

I suggest that we need some evidence of the Home Secretary's assertion that there were 1·4 million in favour and 1·2 million against. I simply do not believe that, and I challenge the Home Secretary to substantiate that statement here and now or to have the common decency to withdraw it before the vote tonight.

The truth is that the Government are hell-bent on a doctrinaire and dogmatic approach. We have a skilfully negotiated emphasis on Second Reading rather than on a reasoned amendment. I suspect that that is a means of regimenting the reluctant Conservative rookies who might have conscientiously sought refuge in the more sensible approaches counselled by an Opposition more in tune with the genuine concern of an anxious electorate.

I submit that the motion for a two-hour extension of debate until midnight, which we shall be considering in about six minutes, is no more than a cynical ploy to allow the more craven Conservative representatives, who have publicly expressed opposition to these proposals, to present some specious statement of sterile objection before cowering to the pressure of their party's bully boys and whispering their abstention in the Smoking Room as usual. I remind them that there will be no place to hide when the Division lists are published, and the next election is not many Sundays away from tonight.

9.55 pm

Mr. Patrick Cormack (Staffordshire, South): The hon. Member for Stockton, North (Mr. Cook) will probably have to eat many of his words when he sees the Division lists, because many of us look upon a three-line Whip as an invitation to be present, and that is why we are here.

It is regrettable that on the strength of a report compiled by three people the Government have decided to go along this road. My hon. Friend the Member for Broxbourne (Mrs. Roe) talked about garden centres, and others of my hon. Friends have referred to small shops. Many of us believe, with them, that there are anomalies. We are not against garden centres or small shops being open on Sundays, but we are against the high street Sunday. To suggest that the Bill, if passed, will not lead to a radical change in our way of life on Sundays is to fly in the face of the facts and the evidence.

I refer to the eloquent speech of my right hon. Friend the Member for Castle Point (Sir B. Braine). He referred to Good Friday. I well remember my first Good Friday in the west midlands. I had come from Lincolnshire, where that day was properly observed, no shops were open and the churches were reasonably well attended. I drove up the main street of Wolverhampton and was so shocked by the extraordinary activity, with every shop open, that I ran into the car in front of me. That brought home to me in a realistic way the fact that here was something that had been changed beyond recall. The change in Good Friday in the west midlands began in the war when, for understandable reasons, people worked all the hours that God sent. Having once departed from that tradition, they have departed from it for good. Now, throughout the country, in many towns and villages, Good Friday is indistinguishable from any other day, and people do not even know that it is a religious festival.

I am confident that if the Government do not accept a reasoned amendment and do not abandon their policy of total deregulation, within a decade what has happened to Good Friday in many parts of the country will happen to Sundays in most parts of the country. The onus is upon the

[Mr. Patrick Cormack]

Government to find a compromise. There are compromises. We have talked about hours and numbers of people. I say to my right hon. and learned Friend the Paymaster General that other things can be considered, too.

Garden centres could be exempt. Small shops below a certain size could automatically be licensed to trade on Sundays. If, in order to achieve a compromise that would be acceptable to those who are thoroughly opposed to the Bill as it stands, the high street shops were allowed to trade on four Sundays of the year, we would still be preserving what many of us hold dear. It could easily be done on a licensing system. My hon. Friend the Member for Birmingham, Edgbaston (Dame J. Knight) referred to the fact that VAT is levied according to turnover. That has not presented insuperable obstacles to legislators or bureaucrats.

I say to my right hon. Friends on the Front Bench that there are compromises, there are solutions. If the Government truly believe in the character of the British Sunday and that Sunday is a special day—I do not question the sincerity of my right hon. Friends on the Front Bench — it is up to them to look at the realistic alternatives and adopt one or a combination of them. They should realise that if the Bill is passed in its present form many people will suffer. If it is not passed, nobody will suffer. I hope that tonight the House will deliver a warning to the Government and say, "This is something that we are not prepared to put up with. Take it away and think again."

I shall vote for the Bill on one condition. That condition is a total commitment from my right hon. and learned Friend the Paymaster General that the Government will declare their determination to abandon the part of the Bill concerning total deregulation. If they did that, they would get great support. If they do not do that—and I fear that they will not — just as I voted against the Auld committee report in May 1985, I shall vote against the Bill tonight without any qualms, compunctions or consideration for Whips, be they one, two or three-line.

Shops Bill *[Lords]*

9.59 pm

Mr. Peter Pike (Burnley): The speech of the hon. and learned Member for Perth and Kinross (Mr. Fairbairn) did not help the case he was advocating one iota. For him to suggest that Members of Parliament who oppose the Bill——

It being Ten o'clock, the debate stood adjourned.

BUSINESS OF THE HOUSE

Motion made, and Question put,

That, at this day's sitting, the Shops Bill *[Lords]* may be proceeded with, though opposed, until Twelve o'clock.—*[Mr. Neubert.]*

The House proceeded to a Division—

Mr. Robert Boscawen and Mr. Donald Thompson were appointed Tellers for the Ayes, and Mr. Walter Harrison was appointed Teller for the Noes, but no Member being willing to act as a second Teller for the Noes, MR. DEPUTY SPEAKER *declared that the Ayes had it.*

Ordered,

That, at this day's sitting, the Shops Bill *[Lords]* may be proceeded with, though opposed, until Twelve o'clock.

Question again proposed, That the Bill be now read a Second time.

Mr. Pike: The hon. and learned Member for Perth and Kinross, who suggested that those of us who oppose the Bill do so because of weighty mail bags and the post that we have received, considerably insulted the integrity of many hon. Members who hold strong views against the proposals. *[Interruption.]*

Mr. Deputy Speaker (Sir Paul Dean): Order. Will hon. Members please leave the Chamber quietly?

Mr. Pike: I do not believe that Members of Parliament are delegates to the House and that they make up their minds according to the amount of mail—*[Interruption.]*

Mr. Sheerman: On a point of order, Mr. Deputy Speaker. Ministers are leading an organised talking shop to stop Labour Members from being heard.

Mr. Deputy Speaker: The hon. Member for Burnley (Mr. Pike) is entitled to be heard. I appeal for quietness in the Chamber.

Mr. Pike: I do not believe that Members of Parliament make their decisions on these issues according to the weight of mail in their postbags. Of course we have to pay due regard to the mail that we receive, but at the end of the day we must make up our own minds. One of the first issues on which I was lobbied when I came to the House in 1983 was Sunday trading. I was lobbied by a large retail group which supports the Government's proposals. I made it clear then that I opposed deregulation. I spoke against the Auld report and I have consistently opposed deregulation and will continue to do so.

One of the great weaknesses in the Government's case is shown by the fact that they need a three-line Whip to force the Bill through the House today. It is nonsense to say that there will be free voting in Committee and at later stages. It is today that Members have to decide on the principle of the Bill. Committee Chairmen always make it clear that the principle of the Bill has already been established. Members on both sides should have had a free vote today. Opposition Members will now be subject to a three-line Whip against the Bill, but we have been forced into that position by the Government's stance. I totally disagree with the view of my hon. Friend the Member for Great Grimsby (Mr. Mitchell), who said that he would have liked to support the Bill, but I believe that he should have had the opportunity to do so. There was nothing in the Government's election manifesto about 24-hour trading, 365 days of the year, as the Bill proposes, and it is quite wrong for them to put on a three-line Whip today.

It is also wrong for the Government to say that it is up to the opponents of the Bill to put forward alternative proposals. It is for the Government to find a solution acceptable to the House on a free vote, so that it can become the will of Parliament, and ultimately the law of the land. It is entirely wrong to say that because there is no agreement on the type of amendments needed to deal with the present anomalies the only course is to accept the Bill. If it is a bad Bill, it should be rejected today. I accept that there are anomalies in the present legislation and that changes may well be needed, but I do not accept that we have to agree to total deregulation.

As a number of my hon. Friends have said, the Bill will affect not only shop workers. Car park attendants, street cleaners, transport workers and many other people will be compelled to work on Sundays. Moreover, this measure cannot be divorced from the Wages Bill currently going through Parliament, which will considerably reduce protection for those workers, many of whom already receive very low wages and work in very poor conditions. Those people need all the protection that they can get, but the proposals before us today will further erode their working conditions.

Before I came to the House I worked in an industry in which, because of the nature of the process—making glass television tubes—I had to work on Sundays. I had only six Sundays a year at home, so I know how much one's wife and children and family life are affected, as well as the religious aspects that have been mentioned in the debate. We should not compel more people to work on Sundays. There may well be volunteers in the first instance, but there will undoubtedly be some arm twisting. Given the present level of unemployment, I am convinced that job applicants will be asked at interviews whether they are willing to work on Sundays. If they are not, it will not be surprising if they are not given the job.

The Bill will create no extra training. It is thoroughly bad. If it must go through, it is essential to protect the conditions of the employees in the industries affected.

The hon. Member for Staffordshire, South (Mr. Cormack) should think carefully again about what he said. He should have the courage of his convictions and go into the "No" Lobby to vote against the Bill. He should tell the Government to come back with a more acceptable proposal to deal with the present anomalies. When the Government are able to obtain a majority on a free vote, we shall then have an acceptable proposal that will deal with the problem.

Several Hon. Members *rose——*

Mr. Deputy Speaker: Order. The winding-up speeches are expected to begin at 11 o'clock. I again appeal for very brief contributions.

10.11 pm

Mr. David Atkinson (Bournemouth, East): The decision before us tonight is one that the House has run away from for far too long and on too many occasions. Last year the House faced up to it by approving the principle of new legislation based on the Auld recommendation of complete deregulation. The Bill proposes precisely that.

In my view, there is no compromise that will be credible, acceptable, workable or enforceable. As my right hon. Friend the Home Secretary said, none of the compromises suggested so far stands up to that analysis. The only realistic alternative to what the Bill proposes is the strictest possible enforcement of the existing criminal law by local authorities.

Indeed, it must be obvious that the existing law will need to be strengthened to eliminate all the anomalies and loopholes if it is to be workable and enforceable, which at present it clearly is not. Such enforcement may prove to be costly as well as time-consuming for the courts. It will undoubtedly prove to be unpopular.

I also accept that this entire issue involves personal and religious conviction. It is therefore a matter of conscience for many, if not most, hon. Members, including myself. As a regular churchgoer, I have given great thought to the three major private Members' Bills that have been introduced during my time in the House, which I have supported. In particular, I have given great thought to the arguments currently being used by the Keep Sunday Special campaign.

As a Roman Catholic, I fully appreciated what Cardinal Hume said in his letter to *The Times* on 1 March—that Sunday stands for the Creator's seventh day, His day of rest from His work, the day on which Christ rose from the dead, and the day of our re-creation. Those are the reasons why Christians have a personal duty to uphold Sunday as a day of rest for themselves and their families, and in so doing they offer a lead to others who are not so observant.

But I disagree with Cardinal Hume in that I do not believe that it is right to use the criminal law to constrain people's behaviour on a Sunday or to prevent them from doing what they could otherwise do on any other day of the week. I am convinced that a Christian state should not impose Sunday observance by compulsion and that it must be a matter of personal conviction. England's Christian heritage is more likely to survive in a way that is meaningful, rather than by myth alone, only if it is maintained by the freely expressed personal choice of its people rather than by the enforced protection of the state.

I appreciate that the Keep Sunday Special campaigners are not opposing the Bill to make it easier to go to Sunday services by ensuring that there is less temptation to do other things. If they did only that, as the Sabbatarians did in the last century when it certainly did not amuse Queen Victoria, they would only be exposing a failure on the part of many of our churches to inspire and enthuse and attract 90 per cent. of our population who do not go to church at all. Most churches offer services and masses at times which enable most people to go to church and to do other things on Sunday.

Their main argument is about the quality of life, the "traditional character" argument, and it is an argument that has been repeated in many of the letters sent to me and to other hon. Members. It has also been repeated in this debate. It is an argument that advocates the protection of Sunday as a day of rest, relaxation and reflection, during which the entire family can get together, free from the pressures of the rest of the week. That is desirable and Utopian and it is the sort of thing I should like for myself and my family, but I do not presume that it is what everybody wants for himself or for his family.

It is not the role of this House to impose that idea upon those who would otherwise opt for another day of rest, particularly those who do not have families or who live on their own. As Members of Parliament, we should not deny families the opportunity to shop together on Sunday, should shops be open, if that is their choice about how they should spend part of their Sunday. Nor are we here to suggest what goods people should be allowed to buy on Sunday. That is not my idea of Utopia or of a free society. Neither is it my idea of what my party stands for. I do not accept that the proposals in the Bill are contrary to what the majority of people want.

Mr. Christopher Hawkins (High Peak): In the midst of all this freedom of choice, can my hon. Friend tell me what freedom of choice the shop workers will have?

Mr. Atkinson: I shall come to the matter of employee protection a little later and I hope I will be able to answer my hon. Friend. I have received hundreds of letters and as many have been in favour of the Bill as against it. My right hon. Friend the Home Secretary said that he received two petitions and said they were roughly balanced, in favour and against. Opinion polls are similarly divided. There have been many predictions about what would happen following deregulation and they suggest the end of all civilised peace and quiet as we know it on Sunday. Those predictions will prove to be widely exaggerated.

We do not know and cannot accurately forecast what shopkeepers will do about Sunday opening. It will be their own free choice to open on Sunday, or during part of it, or not at all. We do not know whether consumers will choose to shop, if shops are open. One thing is clear, and it is that if all the retailers who have voiced their opposition to deregulation used their new freedom to opt to remain closed on Sunday, very little would change and few people would be required to work on Sunday even if they wanted to, as many do. Under the terms of this Bill, the buck stops with the retailers.

My hon. Friend asked about employee participation. I feel just as strongly about that as any vocal USDAW member. There must be adequate protection in law for employees who choose to put their family and religion first when facing any demand to work on Sunday. I could not support the Bill unless it contained such protection. My right hon. Friend has said that the Bill does contain such protection, including protection against any action short of dismissal. In the course of the debate we have heard it said that such protection will not be adequate. I shall be very worried if that proves to be the case. We must wait and see.

Mr. Sheerman *rose*——

Mr. Atkinson: I may be answering the hon. Gentleman in a second. Few employers will attempt to force any employee to work on a Sunday if he does not want to, and fewer still will risk the glare of national publicity resulting from a test case.

What are trade unions for if they are not there to look after the working conditions of their members? Employee

protection represents the real challenge of the Bill to the trade unions and the churches. They should not seek a criminal law to enforce Sunday observance but ensure that the new law is used to protect their members against unprincipled and heathen employers. I hope that the unions and churches will take on this constructive and positive role once the Bill is law.

10.20 pm

Mr. Michael J. Martin (Glasgow, Springburn): People north of the border are worried that, if companies are allowed Sunday opening on a nationwide basis, many London-based companies will open in Scotland. Therefore, it is nonsense to say that, because Sunday trading is allowed and retailers in Scotland behave themselves now, that state of affairs will continue if the Bill is passed.

Glasgow and Edinburgh have more tenements than any other cities in Europe. My constituency, which represents one tenth of Glasgow, has three main shopping areas—Duke street, Saracen street and Springburn road — in which almost every shop has at least eight families living above it. The only day that such people get peace and quiet is Sunday.

After Saturday trading, housewives have to clean up the dirt and filth in the mouth of the tenement, and they are ashamed to allow their friends to visit them. The dirt and filth that traders and sometimes customers can create is deplorable. We have Sunday openings for pubs as well, and that causes a great many problems where there is a concentration of families. It is ridiculous to suggest that people who live in the city centre should not at least have a chance of peace and quiet. The do-it-yourself stores, such as B and Q, are usually on industrial estates and do not cause any harm or create a nuisance.

It is shameful for hon. Members to deride those who write to Members of Parliament on this or any other issue. My constituency is 400 miles away from the House. The only opportunity that people have to make their views known to the House is through me. Therefore, they are entitled to write to me and to present petitions. If we deride those people, we are telling them that writing to Members of Parliament and making their views known is not good enough, but we should be encouraging such action not only on this but on every issue.

In the east end of Glasgow there is an institution known as the Barrows, which has been in existence for 60 years. People can set up stores and sell their goods on a Saturday or a Sunday. People from every part of Glasgow go there to buy produce. It is an exciting place to be because, even if one does not want to buy anything, one can listen to the patter of people selling their goods. Anything from cottons to a car can be bought. If the Government insist on high street Sunday trading, the people of Glasgow who will suffer will be the traders at the Barrows. The people whom the Government and Conservative Members support—the tradesman, the business man and woman; those who are conducting an honest, decent trade—will suffer.

I know from working in engineering that wherever men worked two nights and a Sunday it could be proved conclusively that absenteeism for the rest of the week was higher than in companies where the men did not work on a Sunday. If people are working seven days a week, something has to give. More often than not people will take a day off during the week, because they get double time on Sunday. Even if they do not intend to take time off, sometimes their body tells them that they must take some rest. It was said earlier that people will be put under pressure. If someone who objects to working on a Sunday is asked to work in place of someone who is ill, he or she will feel, if they refuse, they are letting down their employers as well as their fellow workers. There is no doubt that there will be pressure on people.

As a Scottish Member, I believe that the effect of the Bill north of the border will be just as profound as south of the border. I am against the legislation.

10.26 pm

Sir Fergus Montgomery (Altrincham and Sale): The hon. Member for Great Grimsby (Mr. Mitchell), who is not present, has been one of the strongest proponents of Sunday trading. He began his speech by saying that he believed in it, but at the end he said that he would vote against Second Reading. One begins to wonder just how much principle there is there.

The hon. Member for Carrick, Cumnock and Doon Valley (Mr. Foulkes) was strongly against the Bill. He lives in Scotland and represents a Scottish constituency. Every shop in his constituency is permitted to open on a Sunday if it wishes. Why should his constituency be allowed that right when we in England do not have such a right?

I am amazed that all these born again Christians should have suddenly discovered that there is something called Sunday and that there is something special about it. The Labour party holds political meetings and goes canvassing on Sundays, yet it talks about Sunday shopping being an affront to the Church. I have never heard such nonsense in all of my life.

The law as it stands is absurd and full of anomalies. My hon. Friend the Member for Hazel Grove (Mr. Arnold) enunciated a long list of those stupid anomalies. Why can some items be sold and others not? A few years ago in Sale an owner of a do-it-yourself shop kept opening on Sunday. He was reported, taken to court and fined. Many local people felt so sorry for him that they got together an enormous petition and gave it to me. If I have made a mistake, I shall apologise, but the right hon. Member for Salford, East (Mr. Orme), who lives near that do-it-yourself shop, was one of those who signed the petition. I have no doubt at all that many of the people who are opposed to the Bill signed that petition. All I can say is that if the Bill is not given a Second Reading tonight and if the law is enforced, many people will feel sorry for small shopkeepers who are then taken to court and fined for breaking the law.

Opponents of reform have kept changing their tactics. There have been various private Members' Bills over the years. Some just wanted to tidy up the list of exemptions. Others wanted to give responsibilities to the various local authorities. Some wanted total repeal, as the Bill envisages. The opponents of Sunday trading have kept changing their arguments. In the beginning they said that there was no need for reform. Then they said that partial reform was wrong for one reason or another. When my hon. Friend the Member for Wycombe (Mr. Whitney) introduced his Bill, it was said that a committee of inquiry was needed. The result was the Auld committee, which was set up in July 1983 and reported in November 1984. A total of 300 organisations and 7,000 individuals submitted written evidence. Many organisations gave oral evidence. Yet we are told by the Bill's opponents that the

[Sir Fergus Montgomery]

measure has not been sufficiently thought through and that there has not been sufficient consultation. How much consultation is necessary to please the opponents of the legislation?

The Auld committee examined all the alternatives and concluded that the removal of restrictions on trading hours offered the best and only way. It said that if the Bill became law, it would not force any shop to open or compel people to work on a Sunday against their will.

Retail workers under the Bill would be offered a protection not offered to workers who now work on a Sunday such as those in the licensed trade, cinemas and restaurants. I cannot understand why a scheme which has worked satisfactorily for 40 years in Scotland should be denied to the people of England and Wales.

I cannot for the life of me understand how hon. Members representing Scottish constituencies can vote with ease against such a measure. If the law in Scotland is satisfactory, why should we not have the same facilities? The Scottish experience has not resulted in higher prices or increased costs for ratepayers, and it has not forced small shops out of business.

In New York city, shopkeepers have the freedom to open if they wish. The result is that, of the big department stores, Alexander's opens but the other three stay closed on Sunday. The experience in New York city is similar to that in Scotland. Some shops choose to open, but the majority do not.

Some may say that if that is so, why bother to change? Sunday in Scotland is not much different from Sunday in England and Wales. The reason for changing is that the criminal law can be used against shopkeepers in England and Wales who open on a Sunday and sell items on the restricted list.

The opponents of the Bill should carry their arguments to their logical conclusion. Will petrol stations, pubs, restaurants or cinemas stay open? Shall we have newspapers on a Sunday because they are delivered on a Sunday? Shall we have newspapers on a Monday because they are printed on Sunday? If we are to have them at all, why differentiate between shopkeepers who want to open and provide a service and other activities?

No shop will be forced to open on a Sunday. No one will be forced to shop. If people do not want Sunday trading, shops will not open. No shopkeeper will stand behind his counter all day Sunday to take nothing. If the demand is not there, the shops will not open.

I ask the Bill's opponents how many churches now break the law? On Sunday 6 April, at Coventry cathedral, imitation pearl necklaces, Mickey Mouse woven bookmarks, Winnie the Pooh jigsaw puzzles, a tea towel about wine, a Holy Bible with illustrated cover, a book called "100 Classic Pubs in the Heart of England", a pencil sharpener in the form of a toy vintage car, a miniature plastic sewing case, a Kermit the Frog key ring and a mounted thermometer marked "Coventry-Lady Godiva", were available for sale. None of those items may be sold legally on a Sunday.

I have received letters from various people saying that if I dare to vote for the Bill, they will not vote for me at the next election. That is a matter for their conscience. It is very sad that they apparently think that it is all right for them to have a conscience that I respect, but that I may not have a conscience that they respect. All of us are entitled to our views on this issue. [*Interruption.*] Hon. Members opposite are trying to interrupt. Why should one of their strongest supporters of Sunday trading — the hon. Member for Great Grimsby — now turn turtle and vote against it? Perhaps the hon. Member for Battersea (Mr. Dubs) will answer that point in winding up the debate.

Mr. Sheerman: The hon. Gentleman has not read the Bill.

Sir Fergus Montgomery: I have read it. I hope that those who do not share my views on the Bill will at least respect my conscience when I vote for Second Reading this evening.

10.36 pm

Mr. Humfrey Malins (Croydon, North-West): The law on Sunday trading is full of anomalies, eccentricities and inconsistencies, but I do not see that that alone is a compelling argument for changing it. If we were to change every law that was inconsistent, we would spend our whole time changing laws—there is far too much of it. If I had been in charge of the Government—which I am not, yet — I would have left this whole matter completely alone, because I believe we have brought on ourselves anguish and unpleasantness that we could have avoided by leaving it alone and concentrating on other matters.

If it is really necessary to change the law, deregulation is completely wrong. Deregulation is totally out of character for a Conservative Government and party. I have a feeling that if the Labour Government had introduced a Bill to deregulate Sunday trading the Conservatives to a man would have fought it. We would have been out in the country trying to protect the traditional English Sunday, and we would have got a great deal of support and votes as a result.

Like many of my hon. Friends, I have received hundreds of letters on this matter. They are not typical photocopied word-processed letters; they are not from professional lobbyists. These letters are from individuals. They are handwritten and carefully thought out by people who are concerned, who are working in this society and who are genuinely worried about the effects of total deregulation. One lady writes from Croydon:

> "However, I think that in modern day society the family as such has taken a lot of devaluation, and traditional togetherness and companionship of families on a Sunday (the quiet, free day of the week) seems to be growing less. We really need to preserve this set of values to give children growing up a sense of security and everything that families can give each other to enable the whole community to live in peace together."

These people are writing to me and saying not that they do not want any trading on Sundays, but that total deregulation is a mistake and we must adopt some compromise that will protect the essential character of Sunday.

I hope it does not sound pompous and trite if I say that the Government are the trustees of the British heritage and traditions. A Conservative Government bear a special responsibility in this respect. We have a traditional Sunday at present. The Auld committee has said that there is no doubt that the widespread opening of shops on Sunday would affect the traditional character of the day. Do we therefore want our traditional Sunday to be so greatly changed? At present, it is a day given over to worship, family reunion, contemplation, peace, and a little quiet

—a day different from the rest. Do we want to continue to have a day different from the rest? How often have my hon. Friends heard people say, "It has been a terrible week. Thank God, Sunday is coming up."? If we have the total deregulation proposed, we shall end up in 20 years with it being impossible to make such a comment. I am the son and grandson of clergymen. Unfortunately, my father takes a view about this matter different from mine, so I cannot cite him in support of what I say. However, I am a great believer in the importance of family life.

Earlier, we were told about the absence of pressure in country areas, but in Croydon life is pretty rough Monday to Saturday. It is fairly hard going living near the A23. If Sunday trading is totally deregulated, the whole atmosphere of Sunday will be changed. Life will become difficult and miserable for some people. The strain of modern life is getting worse, and families are being divided. Youngsters today have an awful time compared with the situation when I was young. The pressures today are much greater. I sincerely believe that this Bill in its present form is an attack on family life and that it can only create long-term problems and cause damage to the British family. The present Bill would begin to destroy the English Sunday, and I would greatly regret that.

10.39 pm

Mr. George Park (Coventry, North-East): As we have heard, it is all too easy to draw attention to the many anomalies in the law on Sunday trading, but to go to the other extreme and remove all restrictions is to compound the nonsenses. We are told that it would be too difficult to frame legislation to iron out the anomalies, but I think that that is merely an expression of the Government's feeling that the Bill is somehow another step along the road to the Tory concept of freedom.

It is extremely unfortunate that the Government have felt it necessary to apply a three-line Whip, not least because of the unhappy precedent that it will create for the handling of future issues of conscience. Sunday trading has always been treated as an issue of conscience. As recently as 1983 the Minister of State, Home Office said that the decision on Sunday trading must be left to the consciences of individual hon. Members. Values underpin many of the institutions on which our national life is built. They are under threat as it is, and removing all restrictions on Sunday trading will cut further into the roots that hold society together. From a social point of view, those concerns should be combined with the belief that one day of peace and quiet is a prerequisite to sane living in a modern society.

From the shop workers' point of view, complete derestriction will mean that their jobs will become even more part time. As for the assurance about the protection of jobs, shop workers who feel that they cannot work on Sunday will soon find that their services are dispensed with. There is no clear benefit to be derived from Sunday trading in terms of prices, jobs or economic growth, but there are deeply held convictions concerning the nation's values, and we should reject the Bill.

10.41 pm

Mr. James Couchman (Gillingham): Yesterday almost encapsulated Sundays for me and my family. In the morning, together with the young French girl who is staying with us, we went to Canterbury cathedral. Unfortunately, because the bishops had found themselves in a somewhat ambivalent position when the Bill was in the other place, the bookshop and stalls in the cathedral had been closed, so we were unable to offer our young guest a guide book in French so that she could understand what she was seeing. That seems somewhat silly.

In the afternoon we went on to a nearby wildlife park, where we saw a number of people working hard, and apparently enthusiastically, to ensure that the visiting public had an enjoyable afternoon indulging in the type of family activity that undoubtedly make Sunday special. Last evening, once again I became one of the 4 million people who regularly work on Sunday, for Sunday is an important day in my business routine.

I am delighted to have caught your eye, Mr. Deputy Speaker, because unusually, although not uniquely among hon. Members, I still run a retail business which trades seven days a week—quite legally, I hasten to add—as I am a licensee of five London pubs, which open for 364½ days a year. For four years I was a manager of one of the pubs, and worked every Sunday except when I was on annual leave.

I still visit my various business premises regularly on a Sunday, as I did last evening, to talk to my managers, staff and customers. That experience is not shared by many of my hon. Friends, who have sought to dissociate themselves from the Government's attempt to deregulate Sunday trading. I must tell my hon. Friends that my experience leads me to support the Bill, with almost no reservations.

Sunday is one of the pleasantest days on which to work in the pub trade. Customers are at their most affable and amiable. Staff do not shy away from a Sunday duty. Furthermore, many of my managers and staff have been and are Irish Roman Catholics, who have no difficulty attending mass on Sundays, which we, as responsible employers, encourage and co-operate with.

On 14 February I met with the church folk in my constituency. It was a good-natured meeting, chaired by the archbishop, and, despite our substantial differences in attitude, each side listened to the other. I started by asking a series of questions. I asked how many of those present read Sunday newspapers and bought sweets, cigarettes, petrol and all the other goods available for sale on Sundays. I asked how many watched television, and had had recourse to emergency services on Sundays. Not unsurprisingly, I found that every hand in the hall was raised during my market research. That was not surprising, because we are all prepared to see others work on Sunday if it is for our convenience.

We talked about the ridiculous anomalies and some of the myths which have developed during the campaign, including the idea that there will be many lorries on our roads if Sunday opening becomes the law. In my trade we rarely see Saturday deliveries and, in 15 years of running a seven-day a week business, I have never had a Sunday delivery. Shops rarely receive and send out deliveries on Saturday—how many fewer will they receive or send out on Sunday?

We recognised between us that the law was in disrepute and that, although that was not a completely sound reason for deregulation—after all, we would hardly legalise murder or rape if they became commonplace—the present inability or unwillingness to enforce the law suggested the need for reform. We talked of people's undoubted enthusiasm to buy items on Sundays. I instanced the number of antique fairs held on Sunday and

[Mr. James Couchman]

the enormous Sunday market close to the borders of the constituency of my hon. Friend the Member for Orpington (Mr. Stanbrook), which is attended by thousands of people each week. Those people do not attend on an involuntary or compulsory basis—they go there because they want to be there.

I think that we agreed at that meeting that there was no purpose in substituting one set of anomalies for another, or in substituting one unenforceable situation for another. Clearly, we should try to deregulate completely or return to the austere constraints of strict Sabbatarianism.

We had a good discussion, and I found myself persuaded that the Government must include in their Bill adequate safeguards for shop workers who do not wish to work on Sundays. Several of my inquisitors conceded that I had presented a rational, logical and convincing case, but went on to puncture my ego by saying, "Of course, it is only human nature that we do some things that are irrational, such as preserving the status quo for Sundays."

I am persuaded that Sunday is and will remain special, irrespective of the proposed deregulation. For many people who find little to do on Sunday, Sunday may become a little more special. Overwhelmingly, Sunday will remain a family day, because offices will not open, representatives will not represent, industry will not operate, schools will not open and the local government services will be confined to those that now operate. Those are the reasons why I shall support the Government with no heavy heart when they seek a Second Reading.

10.48 pm

Mr. Donald Anderson (Swansea, East): I believe that the deep instinct of our people is to be against total deregulation of Sunday and the total free-for-all which is suggested by the Government. Wiser and more prudent Conservative Members recognise that and reflect the anxieties of those people whom they meet in their constituencies. Many of those people are traditional Conservative supporters who believe not in tidiness and rationality but in those traditions that the Conservative party claimed in its 1983 manifesto it would do its best to preserve. They recognise that there are anomalies in the present law but that the choice is not, as has been suggested, between the absolutes of total sabbatarianism and a free-for-all.

Obviously, we recognise that because of history, tradition and our way of life, when it comes to such things as newspapers, sweets and cigarettes some people work and should continue to work on Sundays. The question is whether, as a result of the Government making a bonfire of controls, we should move from that position to one where many more will be forced effectively to work against their will on Sunday. That would drastically increase the rhythm of life on Sunday. Ultimately, Sunday would be just like any other day.

It is naive in the extreme to think that the individual shop worker or small trader will be able to stand against the tide. The market forces which will be generated will ensure that, by and large, through this irreversible and inevitable process, Sunday will be just like any other shopping day. Our people do not want that. They recognise the effect on shop workers and their families. On any analysis, there will be greater pressures on family life as a result of the measure. Many Conservative Members realise that the disintegration of family life today is a major cause of the increase in crime.

There need not be the absolute of extreme Sabbatarianism, which no one could seriously suggest. There are enormous anomalies in the law, but there must be a middle way. It is shown by virtually all our continental competitors. They all have laws which, in different ways, add certain reasonable restrictions to Sunday trading. For example in certain holiday areas restrictions are lifted. As a patron of the Keep Sunday Special Campaign, with the right hon. Member for Castle Point (Sir B. Braine), who has played a distinguished part in it, I believe that the law can be tidied up, for example by extending the list of permitted goods, to ensure that some of the more obvious anomalies are done away with. If the Government persist in this absolute free-for-all, they will do so at their peril because they will override the deep instincts of many of our people.

This is a bad Bill. I suspect that the Government's movement today on the free vote and the absence of a guillotine has been enough to lure the hon. Member for Staffordshire, South (Mr. Cormack) into the trap. The Government may now be seeking a way out, and may have begun to realise the forces that they have unleashed. This is not the way to proceed on a matter of such importance, which affects our people as it does. The Government should have sought a middle way. Such a way can be found. They ignore that possibility at their peril. This is a bad Bill in principle and should be stopped at this stage.

10.53 pm

Mr. Charles Irving (Cheltenham): I have sat through all five hours of the debate and it is sometimes sad that one must reduce one's speech, which has taken a good deal of work, to a minute or two. One appreciates that most points have been made, but one thing comes from the patient listening and that is that there is no simple solution to this problem.

The Bill brings to the fore deeply held views of liberty, freedom, religion and conscience. Many hon. Members, including me, hold strong conflicting views. I regret having to say to my right hon. and learned Friend the Paymaster General that I think that considerable offence was caused by placing a three-line Whip on Second Reading. That offence was caused to millions outside the House who thought we—sensible people on matters of conscience at least it is to be hoped—should have been accorded at least the privilege of having a conscience vote and a free vote.

Everyone to whom I have spoken shares the view that the current hotch-potch of legislation governing Sunday trading is a total and complete mess and entirely inappropriate to modern-day life. However, over the years we have noticed a gradual growth in Sunday trading and the commercialisation of Sunday. By and large, this is happening outside the law and without the common consent of the people. Would it not be logical if this unhappy Bill went to Third Reading without any changes and that many groups, apart from those to which we have referred already, had to work on Sunday? Many groups have a responsibility for supervision — for example, county and borough council officers, environmental health officers and environmental health departments. There would have to be a considerable increase in policing.

Mr. Denis Howell (Birmingham, Small Heath): What about the House of Commons Refreshment Department?

Mr. Irving: Indeed, if the Bill is enacted, perhaps the House should sit on Sunday. After all, we accord to ourselves privileges and special facilities that are illegal outside the House. Why should we treat ourselves differently from anyone else?

I can enjoy the crowds and the bustle of town-centre shopping during the many opportunities that there are for late evening shopping, or on Saturday, and equally I enjoy the peace and quiet of Sunday, like millions of others. I shall be sad indeed if that day disappears. If that happens, our Sunday will be transformed into a Saturday.

Sunday is very special for religious reasons and many others. Whatever days or hours are freely available to the public to shop—I should explain that I have been in the licensed trade and the hotel trade all my life—we can be certain that there is only the same amount of money in most people's pockets which they can spend. The cost of Sunday opening with total deregulation would be high and someone would have to pay. The cost would fall on customers and unfortunately some of them do not seem to realise that at present.

I do not find it offensive that one or two of the supermarkets open on Sunday in the town where I live, and I do not think others do. We do not find it offensive that the local corner shop is open. The fact that it is open is a good thing, for it provides great help and service.

Some supporters of the Bill seem to draw conclusions that are rather ridiculous. What worries me and many others is that there will be enormous pressure on small business men, shops and those who work in them. When I read the Bill I was interested to see that there would be protection for those asked to work on Sunday. I do not think that that protection has been adequately displayed. Only one person in 25 under the present system of industrial tribunals has been enabled to regain his job after being unfairly dismissed, even though he has won his case. If that is the sort of protection that the Bill will give to those who will be forced to work on Sunday, that is not good enough. Let it be realised that if someone is asked, prior to commencing employment, to work on Sunday under the terms of his contract and he says no, he will not get the job, and that is that.

I have strong feelings about the effect of this proposed legislation on small shopkeepers. They form a section of the community which has been under pressure from the large hypermarkets and supermarkets for over 20 years. Sadly, many of the small personal shopkeepers have been forced out of business. I fear that such legislation will accelerate the decline. They already work extremely long hours. They cannot do more. They are already unpaid tax collectors and now we will impose yet further burdens upon them. I thought that the party I belong to was in favour of supporting small businesses and the small shopkeeper.

My concern is deep. I recognise that the small shopkeeper provides a range of services for our community far beyond that of providing just emergency top-up shopping. As a former chairman of social services I know the extraordinary things that happen in small communities. The small shopkeeper is a focal point in our lives. He provides a unique service to the old, infirm and disabled. He is often the first to express concern about the well-being of his customers and initiates action to bring support to the ill and disadvantaged. Ask any doctor, health worker or social worker about the value of that role. The possible decline of the small shopkeeper would be an incalculable loss to the country and perhaps sufficient reason to oppose the Bill as it now stands.

There is a strong feeling that the law should be amended to eliminate most of the anomolies to take into account the genuine needs of a modern consumer society. However, such revisions deemed necessary should take into account the religious and social conditions as well as the economic considerations of workers and consumers alike.

I would support, and I think that there is some feeling on this in the country, the licensing committees in local communities deciding matters for their own communities. The machinery is there. It would be easy for them to do that. Even although there is a three-line Whip, I shall be voting against the Bill.

11.2 pm

Mr. Alfred Dubs (Battersea): I beg to move, to leave out from "That" to the end of the Question and to add instead thereof:

"this House declines to give a Second Reading to a Bill which fails to have regard to the principles and conscience of those who wish to preserve the special character of Sunday, and which fails to protect adequately the interests of those workers who will be detrimentally affected by it."

It has been a good debate, with differences of opinion on both sides of the House. Before I turn to the main issues to which the Bill gives rise I should like to speak about the Government's approach to the Bill

The way in which the Government have handled the matter is, at the very least, novel, and, at the most, in one or two respects, breaking parliamentary precedents. The Home Secretary developed a new doctrine of what the Second Reading of a Bill is about. He said that the purpose of Second Reading is just to clear away the old legislation, that in effect we are not really voting on anything at all except to clear the ground, and then the Committee can get down to the work.

I know that the Home Secretary has been here much longer than I have, but I question whether he has the doctrine right. "Erskine May" says on page 528:

"The second reading is the most important stage through which the Bill is required to pass; for its whole principle is then at issue".

The "whole principle" of total deregulation is before us today. I do not think that any fudge by the Home Secretary as to what Second Reading has traditionally been about will convince many hon. Members—in fact, I doubt whether it will convince any—that we should somehow ignore the fact that we are debating and voting on the key point of principle.

The second rather original approach is that there is to be a three-line Whip for Conservative Members, followed by a free vote on the later stages, up to, but probably not including, the Third Reading debate. As far as I can discover, there are no precedents for that approach. Of course, a great deal depends upon the composition of the Committee. We all know that if the Committee is to reflect fairly the speeches that have been made tonight it will be balanced evenly, or perhaps slightly against the Bill. Therefore, it depends very much on how Conservative Members decide to vote. If tonight's votes are a reflection of the speeches, we shall genuinely have a Committee that will be able to act independently of the Government.

[Mr. Alfred Dubs]

The third interesting and somewhat novel point is that the Home Secretary gave the House an absolute assurance that there would be no guillotine on the Bill. I welcome that, but I do not know whether there are any precedents for a Minister announcing at the beginning of a Second Reading debate that there will be no guillotine later. We certainly welcome that, and we look forward to free and full debate at all stages.

Mr. Stanbrook: Has the hon. Gentleman seen the statement on the tapes this evening that the Government have explained their position by saying that they will not introduce a guillotine, but, that they will not stop any Government Member from introducing it?

Mr. Dubs: I thank the hon. Gentleman. I had not seen the tapes. However, I doubt whether many hon. Members on either side of the House will let the Government get away with that. It seemed to me that we were given a clear commitment, and if that commitment means anything, the Government will have to stick by the words that they expressed.

Mr. Kevin McNamara (Kingston upon Hull, North): It was said explicitly on the BBC news this evening that, although the Home Secretary had given that undertaking, it did not prevent Government Whips from moving the closure.

Mr. Dubs: Perhaps the Home Secretary would care to clarify that—

Hon. Members: Come on.

Mr. Sheerman: The right hon. Gentleman made the promise.

Mr. Dubs: It seems that we are not to be told, at least not for some time yet. All I say is that it comes ill, at the end of a debate when there have been many speeches about deeply felt moral principles, that we should have such a statement on the tapes. I hope that the Paymaster General will deny what is said on the tapes and stick by the words of the Home Secretary.

The next point of curiosity is that we are offered the Special Standing Committee procedure. I welcome that, because hitherto we have asked for that procedure on other Bills and been told that it does not apply to matters of controversy. Nevertheless, that is welcome, although it has come in a curious way.

Another novel point is that many Ministers are against the Bill. Some are saying publicly that they will have to vote for the Bill, although privately and personally they are against it. The Home Secretary himself—it is no secret—is not at all enthusiastic about the Bill, as his speech made clear, and as we have all suspected for a long time.

The Bill has in it the seeds of fairly long debates in Committee, so it is surprising that the Government are proceeding fairly slowly so late in the parliamentary Session. I wonder whether the Government really want to get the Bill through at all, but no doubt they will deny that.

Who wants the Bill anyway? That is the main question that we should ask. There has been no outburst of feeling in favour of the Bill, and there is enormous strength of opinion up and down the country against what the Bill is about. I know that one of the Ministers talked about some petitions. I have not seen the evidence of those petitions, but I am pretty satisfied, and I think every hon. Member who reads his mail will be, that the overwhelming majority of the people who have a strong opinion are saying, "We do not want the Bill at all." That is the message that is coming through clearly to every one of us. If anybody has been to public meetings in his constituency, he will know the strength of feeling that there is against the measure.

We also know that most retailers—not all—do not want the Bill. Virtually all shop workers do not. The Churches do not. The trade unions do not. Of course we do not want to leave things as they are and we agree that there are anomalies in the legislation as it is stands at present, but that does not mean that we must have total deregulation. Indeed, not one hon. Member has tonight said that there must not be no changes. Those hon. Members who are most passionately opposed to deregulation have said that there will have to be reform of the existing legislation, but the Bill is not the way to go about that.

I should now like to consider the question of the free vote. It is clear that a majority of people in the country and, I am satisfied, a majority of hon. Members in the House, would have liked there to be a free vote. I should like to repeat the Labour party's attitude to this. We have said all along that if the Government Whips give their Members a free vote, we will give ours a free vote. It is too much to expect the Government to have a three-line Whip and for the Labour party to have a free vote. [HON. MEMBERS: "Why?"] If the Government, who are introducing the Bill, insist on Whipping their Members on a three-liner, it is unreasonable to ask that we should not be Whipped in the same way.

I should now like to consider the substance of the arguments agaist the Bill. The first argument, which was mentioned by many people, is the belief that we do not want to turn our backs on a traditional Sunday—a Sunday that is not a wholly commercial day. For some it is a matter of individual and deeply felt religious views. Some people respect the religious views of others. Others do not want a Sunday that has been totally commercialised in the way that many hon. Members described Good Friday as having being commercialised in recent years.

Some hon. Members referred to the position in Scotland, and the Auld report mentioned the position there. In paragraph 243 it stated:

"The most frequently cited example is Scotland. . . . But the pattern of Sunday opening in England and Wales under deregulation would not necessarily be the same. Scotland is a predominantly rural country, with few large shopping centres outside Edinburgh and Glasgow——"

[Interruption.] I am quoting from the Auld report. I do not know on what basis the Auld report came to its conclusions, but I was simply quoting what the report said about Scotland. The report said:

"Scotland is predominantly a rural country with few large shopping centres outside Edinburgh and Glasgow, and with more strongly rooted religious traditions of Sunday observance. Moreover, many of its larger shops are operated by companies whose headquarters are in England. Some may have remained shut on Sunday because their English based managements have geared all their retailing to their trading patterns south of the border. Hitherto a combination of these factors may have limited the degree of Sunday opening in Scotland. Deregulation of opening hours in England and Wales might prompt a new look at Sunday trading there as well."

In traditional parlance, the continental Sunday is a bit of a myth, because many European countries have regulations about Sunday shopping. In France, Sunday

opening is effectively restricted. In Belgium, traders must close one day a week. There are restrictions on Sunday trading in the Netherlands, and in West Germany trading is restricted except for certain goods, and shops are closed on Saturday afternoons as well. In Italy, Sunday trading is strictly prohibited. In Luxembourg, shops may stay open until 1 pm on Sundays, and in Austria, non-food shops are closed for the weekend. There are restrictions on Sunday shopping in Australia, Denmark, Switzerland and New Zealand. It is true that there is deregulation in Sweden, but even in that country six members of a monitoring committee of 10 have recommended the reintroduction of legal restrictions on Sunday trading. There is no strong sign from any of those countries of serious difficulties in enforcing the law. So much for those who say that it would be impossible to enforce regulations on Sunday trading in Britain.

Some hon. Members have said, "What are you fussing about? It is entirely voluntary. The shops can decide and the shoppers can decide." But, as the hon. Member for Birmingham, Edgbaston (Dame J. Knight) said, one person's freedom is a denial of another person's freedom. No matter how much we say that this will be voluntary, many hon. Members know that it will in practice not be voluntary for shop workers and their families. Those who start working in shops after the Bill becomes law—if it gets that far—will be obliged to work on Sundays. They are a weak and vulnerable group of people whose freedom is threatened by the legislation. Furthermore, we must consider the freedom of those who live near to many shops. Shop workers are vulnerable and badly paid. The vast majority of them are women, and many of them work part time.

Some hon. Members have referred to the Auld report's comments on wages councils. Paragraph 296 states:

> "We strongly urge the retention for retail workers of the machinery of the Wages Councils for the fixing and proper enforcement of satisfactory wages and premium rates."

The Auld report said, "Let us keep the wages councils as protection for shop workers as a condition of deregulation." The majority of retail workers — two thirds of them—are women, and 60 per cent. of them work part time. Many children of school age work part time in shops. In 1984 the Wages Council Inspectorate visited shops and in 40 per cent. of the retail premises visited it discovered the illegal underpayment of one or more workers. A somewhat depleted wages inspectorate discovered that, and more of the protection that it provides will be removed by the Government. Shop workers are badly paid. According to the earnings survey of 1985, 42 per cent. of male full-time workers earned less than £100 a week, while 82 per cent. of women earned less than £100 a week. They were earning about half the average wage of about £171 a week.

What about the effect on the family? Many of the women working in shops are mothers of children under the age of 16. Their Sundays and their family lives will be affected. It is not just a matter of Sundays. Deregulation will mean that there will be no restrictions on shopping hours on other days of the week. That will be a heavy burden on shop workers, and it will affect the environment.

On the economic effects of total deregulation, the Auld report carries a research study which suggests a loss of 20,000 full-time jobs as a result of deregulation because of the shift from weekdays to Sundays. We shall need more shop workers on Sundays, but there will be a loss of shop workers on weekdays. It is most unlikely that the amount of goods sold will increase. It is hard to believe that people wish to spend some of their money shopping and do not have the time or the opportunity to do so. The alternative is that the people spend their money on other things and would switch to spending money in the shops. Again, that is most unlikely. Any sensible economic analysis would suggest little, if any, change in the total amount spent in shops, but there are likely to be higher retailing costs because the costs of running shops will have to be spread over seven days instead of over five and a half or six days as at present.

It is argued that this is voluntary for retailers. Every hon. Member has been told that retailers do not want total deregulation, but that they will feel obliged to keep their shops open because of competitive pressures if this measure goes through. We have seen what happened on Good Fridays, and we know that it will happen on Sundays.

Over the years there has been an enormous decline in the number of small shops. On every street corner shops have disappeared in recent years. Let me quote some figures from the Auld report. We do not have precise figures according to shop size, but between 1950 and 1982 the number of independent retailers decreased from 500,000 to 260,000. We can assume that the majority were small shops. The number of people employed in retailing as a whole during that period declined by about 200,000. The number of people employed in independent shops during that period fell from 1,800,000 to 1,100,000. We all know what will happen if we have deregulation—the multiples will open on Sundays, and more small, independent shops will go to the wall and be driven out of business.

Some people will say, "That is all very well. We can all use the multiples. What does it matter?" Many people do not have motor cars and cannot get to the large multiples and the supermarkets with their car parks. What about the elderly who are dependent on the short walk to the small corner shop? Many of them have already told us that the closure of independent shops has made their lives more difficult. How much more difficult will their lives be made by this legislation? We would also argue that the elderly should be free to do their shopping in their own localities, without the need to be dependent on someone with a motor car to help them with their shopping activities.

Mr. Bill Walker (Tayside, North): Is the hon. Gentleman aware that even though supermarkets and other large shops open in Scotland on Sundays, there are still many small shops in existence which carry out their traditional function of providing service where the public want it?

Mr. Dubs: That view flies in the face of all the economic analyses of shopping in England and Wales. We all know that the threat to the existence of the small, independent shopkeeper will be aggravated if the Bill goes through, and those of us who care about our local communities and the elderly who live there are fearful of the consequences.

What about the rights of people who live in shopping areas? What about the rights of those who are used to a bit of peace and quiet on a Sunday and in the evenings?

[Mr. Dubs]

If this measure goes through, shops that were given planning permission years ago will be allowed to cause disturbance and mayhem to local people who have the misfortune to live nearby. We should not turn our backs on the rights and freedom of such people.

What about the problems of car parking in shopping areas, the noise of traffic and congestion? What about the burdens on the police and parking meter attendants? What about the burdens on local authorities which clear the refuse?

Mr. Gerald Howarth (Cannock and Burntwood): Will the hon. Gentleman give way?

Mr. Dubs: No, I will not. Will we say that such burdens do not matter, that we do not care about them and that if people have the misfortune to live near a shopping centre, bad luck? Their lives will be disturbed, their Sundays will not be peaceful and they will have no choice at all.

Some years ago, some shops received planning permission from local authorities. Had the local authorities and local people known that this measure would go through, not all of those stores would have been given planning permission. The Government are saying, "Never mind about the care taken by local authorities. Forget it. Forget the care that they tried to show for people. It does not matter at all." The Bill will upset many people. It will upset people who have deeply held principles about Sunday, whether those principles are based on religion or simply on a widely held feeling that one day ought to be a quieter, more tranquil, more relaxed day than the rest.

Of course we can say, "Let us shop 24 hours a day, seven days a week," but if we go down that path this country will be the poorer. The quality of life in many of our communities will be poorer and many people will feel that we have let them down. Those people have the right to live the way that they have lived for many years. They did not ask for their lives to be disrupted, nor did they ask for their environment to be disturbed.

There are about 2 million people working in our retail trades, but few of them work on Sundays. As I have said, they are lowly paid and not strongly organised into trade unions, because it is clearly difficult for them to be so organised when they work in such a variety of small establishments. They are people upon whom we depend for six days of the week. We know that whatever safeguards the Government say there are in the Bill for people who are currently employed, they will be vulnerable to pressure if the shops in which they work decide to open seven days a week. They may well turn to the legislation and say that they are not obliged to work, but they will be in a weak position and will feel pressurised and coerced.

We know that a large number of people work part time and that there is a high turnover of workers in the retail trade. New people coming in will not have rights. when they look for jobs they will be told, "It is Sunday working, or else, for you. Never mind what Parliament said, and never mind about your rights of conscience. You will have to work on Sundays." I know that some people already work on Sundays, but is that a reason for saying that more people should be compelled to work on Sundays? Surely we do not want to go that far. Surely we do not believe that the rights of those people do not matter.

We in the Labour party are against the Bill for two main reasons. The first is the character of the traditional Sunday, our opposition to its total commercialisation and our belief that the view of minorities, who may be religious minorities, should be respected. Secondly, the rights of shop workers should be respected. They have rights and we should pay attention to them. I am certain that if the House were to have a free vote the majority of hon. Members would oppose the Bill. That has come out clearly tonight and in the period preceding this debate. I am disappointed that the Government, knowing that they are landed with something that they are unhappy about, did not say, "Let us have a free vote." By saying that they would get themselves off the hook and show respect for the views and principles of many of their hon. Friends. The people of this country know and are sorry about what the Government have done. They are telling the House that hon. Members should vote according to their beliefs and forget the Whip.

11.29 pm

The Paymaster General and Minister for Employment (Mr. Kenneth Clarke): The hon. Member for Battersea (Mr. Dubs) gave a clear account of why he is against the Bill, and why he will vote against it, but at no stage did he, any more than the right hon. Member for Manchester, Gorton (Mr. Kaufman) state what he was in favour of. I suspect that he is not in favour of the Shops Act 1950. That is a relevant point because we have to look at the consequences of the vote that the House will be asked to make at midnight.

Mr. James Callaghan (Cardiff, South and Penarth): I apologise to the Minister. However, before he gets into his stride, I wish to ask him a question. The House was astonished to hear the comment by the hon. Member for Orpington (Mr. Stanbrook) to the effect that, although the Home Secretary had given the House a voluntary undertaking that there would be no guillotine, the Government propose to treat the House with contempt by getting someone else to move a motion that the Government would accept.

Mrs. Kellett-Bowman: That cannot be true.

Mr. Callaghan: I cannot believe that the Leader of the House, who has a good reputation, would allow such a gross contempt to take place. I hope that the Minister will give us a clear assurance that this allegation is not true.

Mr. Clarke: The right hon. Gentleman will not rely for his information on the tapes. He will know that it is not possible for anyone to move a guillotine on a Bill other than a Minister of the Crown. I hope that he will allow me to deal with the rather important matter of how the Bill is to be handled.

The Opposition have their members under a three-line Whip as well. The hon. Member for Great Grimsby (Mr. Mitchell) made a speech in favour of the Bill, and then, with some difficulty, found reasons why he would be voting against it, which showed that both sides are under a three-line Whip.

It is appropriate to consider how we shall handle the Bill.

Mr. Kaufman: Answer the question.

Mr. Clarke: Of course I shall answer the point made by the right hon. Member for Cardiff, South and Penarth (Mr. Callaghan), but I must be allowed to make my speech.

Mr. Kaufman: On a point of order, Mr. Speaker. It is impossible for the House to come to a view on the Bill without a clear statement from the Paymaster General that the promise of the Home Secretary that there will be no guillotine on the Bill will be kept. If that promise is to be kept, the Paymaster General can solve the problem by saying so.

Mrs. Kellett-Bowman: Further to that point of order, Mr. Speaker. I have sat through every minute of this long debate, which has been based on the premise that my right hon. Friend the Home Secretary will keep his promise. It will be an outrage to the House if he does not intend to do so.

Mr. Speaker: Order. The Paymaster General has been speaking for less than five minutes and must be allowed to make his own speech.

Mr. Clarke: I shall not go back on what my right hon. Friend the Home Secretary said. However, if the House allows me, I shall explain carefully how the Government propose to handle the Bill, which deals with a serious matter. The right hon. Member for Gorton has just returned to the Chamber after hours of absence.

Mr. Kaufman *rose*——

Mr. Clarke: No——

Mr. Speaker: Order. Only one hon. Member at a time.

Mr. Kaufman *rose*——

Mr. Clarke *rose*——

Mr. Speaker: Order. The Paymaster General.

Mr. Clarke: Neither side of the House will be helped if I am not allowed to explain how the Bill will be handled. I have already made it clear that I shall not go back on what my right hon. Friend the Home Secretary said and he has no intention of doing so. This is an absurd way in which to start—based on information on the tapes.

This is not an unusual situation. I have had three jobs in the present Government and it has been my fate that during that time I have had to handle legislation on the compulsory wearing of seat belts and on the addition of fluoride to the drinking water supply in Britain. Now I find myself with the privilege of dealing with the reform of Sunday trading. I am not regretting my fate, because they are all particularly interesting Bills, especially in the way in which the House of Commons approaches them.

The compulsory wearing of seat belts was taken on a Transport Bill backed by a three-line Whip by the Government on Second and Third Reading. The question whether we should have compulsory wearing of seat belts was handled on a free vote in which everybody on both sides of the House, including Ministers of the Crown, voted in both directions.

The Water (Fluoridation) Bill was carried on a free vote on Second Reading, and, as I well recall, the result of that was to empty the Chamber for many happy hours and some of us then carried it through thereafter. The Bill was carried on a free vote but with members of the Government accepting the advice of my right hon. Friend the Patronage Secretary.

On this occasion the Government are applying a three-line Whip on Second Reading for reasons which I shall go on to describe in a moment, just as the major Opposition party is applying a three-line Whip. Then we shall adopt the Special Standing Committee procedure, which, as the hon. Member for Battersea conceded, is the first time that that has been done for a Bill of this controversial nature. We have given the clearest undertaking that amendments in Committee will be subject to a free vote and by that I mean a free vote for all Members of the House, including members of the Government. *[Interruption.]*

I am asked why we impose a three-line Whip at this stage and to ensure that it is necessary to remind the House how we got here. First, the Government began with the proposition—*[Interruption.]*—that the present law was unenforceable. The absurd nature of the law has not been defended by any hon. Member on either side throughout the day. It is the state of the law that has led me while I have been in the House to take the opportunity from time to time to vote for repeal of the Shops Act.

I do not need to tell hon. Members on either side about the present state of the law under the Shops Act 1950 and I shall not spend my time, certainly given the number of interruptions I am getting, reminding people of the fact that fish and chip shops can sell any food but fish and chips; they can be brought only from a railway station. —*[Interruption.]* I take it from that that there are no defenders of the present law, but, as we know, because of changing social practice, a growing number of shops has been opening illegally — small shops, corner shops, Asian shops, garden centres, do-it-yourself shops. I would expect—I hazard a guess, I have no research—that the vast majority of hon. Members have at some time or another shopped in a shop that was trading illegally under the Shops Act.

Mr. Roger Gale (Thanet, North) *rose*——

Mr. Clarke: I apologise to my hon. Friend. I shall not give way because time was taken by bizarre knockabout stuff at the start.

The Government set up the Auld committee, which made recommendations to deal with deregulation. We have taken the Bill through another place, which amended it somewhat. The Bill went through the House of Lords where the Government do not have an automatic majority — certainly not against the combined forces of the Opposition and the Cross Benches.

After years of preparation and consideration we believe that we are entitled to ask the House to give the Bill a Second Reading to enable it to proceed. All kinds of compromises can be considered. Some of those compromises are pressed upon us by my right hon. and hon. Friends, as well as by Opposition Members. We have examined them, but we cannot see a compromise which is workable, or which we are sure will command a majority in any sector, including the House. For that reason we ask the House, with the usual Whip that Governments apply to such a measure, to give the Bill a Second Reading, to go into the unique Special Standing Committee procedure and to follow that by free votes on the principle of the amendments.

Mr. Gale: I have listened to the debate for eight hours. I am as convinced now as when the debate started that the principle of the Bill is abhorrent to me and to many of my

[Mr. Gale]

hon. Friends. Can my right hon. and learned Friend tell me—yes or no—whether the Front Bench is committed to complete deregulation?

Mr. Clarke: We are presenting a Bill which represents a measure of deregulation which has so far — [HON. MEMBERS: "Answer."] So far we are satisfied, as was the Auld committee when it considered all the alternatives, that no one has suggested a practical alternative.

We propose that the Standing Committee should begin by taking evidence, under the special Standing Committee procedure, from each and every interest group and then, on a free vote, decide—as the House will on Report—the conclusion to which it wishes to come.

My hon. Friend the Member for Thanet, North (Mr. Gale) may think that that is not satisfactory for resolving this difficult matter, but I have not heard a better procedure urged upon the Government today. The effect of rejecting the Second Reading will be to go back to the 1950 Act, which has no friends and will not be enforced.

I never thought that a Government would introduce a Bill on Sunday trading, because the usual procedure is for an hon. Member to deal with such matters. If this Second Reading is rejected we shall be stuck with the unenforceable 1950 Act, with a steady increase in Sunday trading throughout the country. It will be many a long year before we have this chance again.

How are we to handle the timetabling of the Bill? Unless we have some structure and order in our debates it is possible for a handful of hon. Members to protract any legislation—*[Interruption.]* A Bill in favour of muddle could be talked out by an hon. Member who was determined enough if there were no rules of procedure or conduct. The Government's undertaking is that they will allow a free vote for their supporters — members of Government and Back Benchers. Of course the Opposition will also allow a free vote. However, that freedom has never extended to procedural motions — [HON. MEMBERS: "Oh."] It has never extended to procedural motions such as closures.—*[Interruption.]* I apologise to the Opposition for the fact that they have been labouring under a misapprehension. I could tell when the hon. Member for Ogmore (Mr. Powell) was speaking that he expected an extremely protracted Committee stage. I am not saying anything now that all hon. Members do not already know.

Mrs. Kellett-Bowman: Did the Home Secretary know?

Mr. Clarke: My right hon. Friend the Home Secretary made no reference whatever to a closure.

Several Hon. Members *rose*——

Mr. Speaker: Order! Not three at a time.

Mr. Clarke: Those hon. Members who wish to get indignant about the matter should reflect that, if it were not possible for the Government to ask its supporters to carry even procedural motions, my right hon. Friend the Member for Castle Point (Sir B. Braine) could talk out the Bill singlehandedly, as I know from experience. Not only tactics have led to the conclusion I have reached. It is plainly impossible for the Government ever to say that on a Government Bill there will never be any whipping on closures, naming of Members, and so on.

I ask hon. Members to consider all those people outside the House who feel strongly about this Bill. The House owes the public and itself a duty to have a sensible, structured debate. I do not believe that any person outside who feels strongly about measures before us is very impressed by the kind of debate in which one hon. Member keeps things going for hours by repetition. There will be whipping from the Government on procedural motions, and I do not believe that any Labour hon. Member could seriously expect anything else.

Mr. Kaufman: Whether the right hon. and learned Gentleman and his colleagues keep their promise of a free vote to their own hon. Friends is a matter between them and their hon. Friends. In fact, the Paymaster General is saying that they intend to break that promise. However, the promise made by the Home Secretary to this House, that throughout the debate on this Bill there would be no guillotine, is a promise to the whole House. Let us therefore have no ifs and buts. Will the Paymaster General now assure us clearly and categorically that throughout the passage of the Bill no guillotine will be imposed on the proceedings?

Mr. Clarke: Yes, of course. I have already done so three times.

Several Hon. Members *rose*——

Mr. Clarke: It is no good hon. Members getting up because they do not like the answer. As my right hon. Friend the Home Secretary said earlier today, the Government have no plan to introduce a guillotine motion. The right hon. Member for Gorton knows the procedures of this House as well as most hon. Members. He knows what a guillotine means. A guillotine means a timetable motion, laying down a timetable at which each stage is taken. It is a well-honoured procedure which was introduced to beat Irish obstruction, and it has been used by successive Governments since. We have no plans to do that. We are proposing to follow the course that has been described—to invite the House to give the Bill a Second Reading and to submit it to the Special Standing Committee procedure, allowing a free vote on amendments of principle and on Report. If the House responds to the evident public need to resolve the problems of the inherent ridiculousness of our Sunday trading laws, we should be able to have a reasoned and measured debate which reaches a conclusion.

Of course the Government must reserve the right, if individual hon. Members do not like the way in which the Bill is going at any stage — they might be absolute deregulators who do not like the compromises or absolute Sabbatarians who will not accept any change—and try to hold it up, to have closures to enable the House to reach a proper conclusion.

Mr. Walter Harrison (Wakefield): Will the right hon. and learned Gentleman give way?

Mr. Clarke: No. The Government believe that that is a process which will enable the House to reach a considered judgment on the future nature of Sunday trading law. We do not propose a timetable motion to guide the House. Should a small group of individuals, who could be hard-core deregulators or hard-core Sabbatarians filibuster and seek to prevent the House from reaching any conclusion in the exercise of its free judgment, and the House was near some form of consensus of conclusion, the

House would start to say that a handful of individuals should not be allowed to prevent the House from coming to a conclusion.

Mr. Kaufman: There are two things about which we must be clear. The right hon. and learned Gentleman says that a timetable lays down stages by which a Bill should proceed. A timetable, a guillotine—

Mr. Clarke: A timetable motion.

Mr. Kaufman: A timetable motion. The right hon. and learned Gentleman should study Standing Orders. A guillotine is a timetable. A timetable motion — a guillotine—also sets a terminal date. Is the right hon. and learned Gentleman giving the House a categorical assurance that no guillotine motion setting a terminal date for completion of the Bill will be moved?

Mr. Clarke: The Government have no plans to introduce such a guillotine motion. If the right hon. Gentleman was as familiar with Standing Orders as he claims, he would know the difference between a guillotine and a closure, and we would not have spent so much time on this filibustering nonsense.

Mr. James Callaghan: I am obliged to the right hon. and learned Gentleman for giving way. I do not think that any of us have to be here very long before we know the difference between a closure and a guillotine. I speak for myself, but I cannot conceive of a Government proceeding without moving a closure at certain intervals. That is not the point that I put to the right hon. and learned Gentleman at the beginning. He could have disposed of the matter straight away and saved himself a lot of trouble and publicity.

I understand that I speak with the agreement of the hon. Member for Orpington (Mr. Stanbrook). The Government will not move a guillotine, but they will not perhaps resist a movement by hon. Members from any part of the House to put down a motion calling on the Government to introduce a guillotine. Will the right hon. and learned Gentleman give me a clear undertaking? It would be twisting the House, in view of what the Home Secretary said—and I do not believe that the Leader of the House would do it—if, having given the House a pledge, the Government failed to resist any attempt to move a motion that called on them to introduce a guillotine.

Mr. Clarke: I have already given the undertaking that the Government have no plans to introduce the guillotine. That is the position from which we started. We obviously trust that the guillotine will not be required. [HON. MEMBERS: "Oh."] No one except a Minister of the Crown can move a guillotine motion, and no Minister of the Crown intends to introduce such a motion.

As the right hon. Member for Cardiff, South and Penarth, who is slightly nearer to the real point than to the synthetic ones, will appreciate, the House may reach the stage where it wishes to come to a conclusion. The right hon. Gentleman wants me to say that the Government will guarantee that, even if the House as a whole wishes to bring proceedings to a conclusion, we will not agree. He is giving any individual hon. Member the right, in effect, to obstruct the Bill.

We are glad that the Ulster Unionist Members are back in their place. Let me postulate one theory. The House could be agreed that a measure that had passed through Committee and Report stages was a desirable improvement on the present law in England and Wales. If I gave the right hon. Member for Cardiff, South and Penarth the guarantee he seeks, it would be open to the Ulster Unionist Members to talk out the legislation—although I am sure that they would not — relying on the Government's guarantee that we would never, in response to any pressure, introduce a timetable motion. Speeches about the General Belgrano, let alone other matters, could keep us here until Christmas, if I gave such a guarantee.

Mr. James Callaghan *rose*——

Mr. Clarke: We have given the most reasonable arrangement I can recall a Government proposing to help us make progress over an aspect of law which the vast majority of hon. Members have known for years to be nonsense, and we now have the chance to consider it carefully in Committee.

Mr. Callaghan: As someone who has been a Member for 41 years—[HON. MEMBERS: "Too long."] Perhaps. I want to say that if the Government accept such a motion, it will be the shabbiest trick I have ever seen.

Mr. Clarke: The right hon. Gentleman is sitting behind a Front Bench whose only proposal for making progress in this matter is that we should have a conference. Apart from that, the right hon. Member for Gorton had no proposition. He did not say what the Labour party would say to that conference. It is obvious that the Opposition's position is opportunist, just as it is obvious that the Government's position gives the House the best chance it has ever had of reforming Sunday trading laws so that we have laws that are respected and enforceable and so that we can come to a reasonable conclusion.

I think that the right hon. Member for Cardiff, South and Penarth, a former Prime Minister, had prepared his conclusion before he tried his first intervention. I always find it difficult to attack him, because his fiddling of the Boundary Commission's proposals brought me into Parliament. He would have abolished my seat if he had not delayed, and I was elected in 1970. Therefore, I shall wait a long time to hear him accuse me of shabby tricks. He seeks to denigrate the most sensible proposal that we have to make progress on this important matter. If it is rejected now, we shall live with the Shops Act 1950 for a further 20 years, and then return to another muddle of this sort.

Question put, That the amendment be made:-

The House divided: Ayes 227, Noes 279

Division No. 140] **[12 midnight**

AYES

Abse, Leo	Bermingham, Gerald
Adams, Allen *(Paisley N)*	Bidwell, Sydney
Alton, David	Blair, Anthony
Anderson, Donald	Boothroyd, Miss Betty
Archer, Rt Hon Peter	Boyes, Roland
Ashdown, Paddy	Bray, Dr Jeremy
Ashley, Rt Hon Jack	Brown, Gordon *(D'f'mline E)*
Ashton, Joe	Brown, Hugh D. *(Provan)*
Atkinson, N. *(Tottenham)*	Brown, N. *(N'c'tle-u-Tyne E)*
Bagier, Gordon A. T.	Brown, R. *(N'c'tle-u-Tyne N)*
Banks, Tony *(Newham NW)*	Brown, Ron *(E'burgh, Leith)*
Barnett, Guy	Buchan, Norman
Barron, Kevin	Caborn, Richard
Beckett, Mrs Margaret	Callaghan, Rt Hon J.
Beggs, Roy	Callaghan, Jim *(Heyw'd & M)*
Beith, A. J.	Campbell, Ian
Bell, Stuart	Campbell-Savours, Dale
Benn, Rt Hon Tony	Canavan, Dennis
Bennett, A. *(Dent'n & Red'sh)*	Carlile, Alexander *(Montg'y)*

Cartwright, John
Clark, Dr David *(S Shields)*
Clarke, Thomas
Clay, Robert
Clelland, David Gordon
Clwyd, Mrs Ann
Cohen, Harry
Coleman, Donald
Conlan, Bernard
Cook, Frank *(Stockton North)*
Cook, Robin F. *(Livingston)*
Corbett, Robin
Corbyn, Jeremy
Craigen, J. M.
Crowther, Stan
Cunliffe, Lawrence
Cunningham, Dr John
Dalyell, Tam
Davies, Rt Hon Denzil *(L'lli)*
Davis, Terry *(B'ham, H'ge H'l)*
Deakins, Eric
Dewar, Donald
Dixon, Donald
Dobson, Frank
Dormand, Jack
Douglas, Dick
Dubs, Alfred
Duffy, A. E. P.
Dunwoody, Hon Mrs G.
Eadie, Alex
Eastham, Ken
Edwards, Bob *(W'h'mpt'n SE)*
Ellis, Raymond
Evans, John *(St. Helens N)*
Ewing, Harry
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Foot, Rt Hon Michael
Forrester, John
Forsythe, Clifford *(Antrim S)*
Foster, Derek
Foulkes, George
Fraser, J. *(Norwood)*
Freeson, Rt Hon Reginald
Freud, Clement
Garrett, W. E.
George, Bruce
Godman, Dr Norman
Golding, John
Gould, Bryan
Gourlay, Harry
Hamilton, James *(M'well N)*
Hamilton, W. W. *(Fife Central)*
Hancock, Michael
Hardy, Peter
Harman, Ms Harriet
Harrison, Rt Hon Walter
Hart, Rt Hon Dame Judith
Hattersley, Rt Hon Roy
Haynes, Frank
Healey, Rt Hon Denis
Heffer, Eric S.
Hogg, N. *(C'nauld & Kilsyth)*
Holland, Stuart *(Vauxhall)*
Home Robertson, John
Howell, Rt Hon D. *(S'heath)*
Howells, Geraint
Hoyle, Douglas
Hughes, Dr Mark *(Durham)*
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
Hughes, Sean *(Knowsley S)*
Hughes, Simon *(Southwark)*
Janner, Hon Greville
Jenkins, Rt Hon Roy *(Hillh'd)*
Johnston, Sir Russell
Jones, Barry *(Alyn & Deeside)*
Kaufman, Rt Hon Gerald
Kennedy, Charles
Kilfedder, James A.
Kinnock, Rt Hon Neil
Lambie, David
Lamond, James
Leadbitter, Ted
Leighton, Ronald
Lewis, Terence *(Worsley)*
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
Lofthouse, Geoffrey
Loyden, Edward
McCrea, Rev William
McCusker, Harold
McDonald, Dr Oonagh
McGuire, Michael
McKay, Allen *(Penistone)*
McKelvey, William
MacKenzie, Rt Hon Gregor
Maclennan, Robert
McNamara, Kevin
McTaggart, Robert
McWilliam, John
Madden, Max
Maginnis, Ken
Marek, Dr John
Marshall, David *(Shettleston)*
Martin, Michael
Mason, Rt Hon Roy
Maxton, John
Maynard, Miss Joan
Meacher, Michael
Meadowcroft, Michael
Michie, William
Mikardo, Ian
Miller, Dr M. S. *(E Kilbride)*
Mitchell, Austin *(G't Grimsby)*
Molyneaux, Rt Hon James
Morris, Rt Hon J. *(Aberavon)*
Mudd, David
Nellist, David
Oakes, Rt Hon Gordon
O'Brien, William
O'Neill, Martin
Orme, Rt Hon Stanley
Owen, Rt Hon Dr David
Paisley, Rev Ian
Park, George
Patchett, Terry
Pavitt, Laurie
Pendry, Tom
Penhaligon, David
Pike, Peter
Powell, Rt Hon J. E.
Prescott, John
Randall, Stuart
Raynsford, Nick
Redmond, Martin
Richardson, Ms Jo
Roberts, Allan *(Bootle)*
Robertson, George
Robinson, G. *(Coventry NW)*
Robinson, P. *(Belfast E)*
Rogers, Allan
Rooker, J. W.
Ross, Ernest *(Dundee W)*
Ross, Wm. *(Londonderry E)*
Rowlands, Ted
Ryman, John
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon R.
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Silkin, Rt Hon J.
Skinner, Dennis
Smith, C. *(Isl'ton S & F'bury)*
Smith, Cyril *(Rochdale)*
Smith, Rt Hon J. *(M'ds E)*
Smyth, Rev W. M. *(Belfast S)*
Soley, Clive
Steel, Rt Hon David
Stewart, Rt Hon D. *(W Isles)*
Stott, Roger
Strang, Gavin
Straw, Jack
Taylor, Rt Hon John David
Thomas, Dafydd *(Merioneth)*
Thomas, Dr R. *(Carmarthen)*
Thompson, J. *(Wansbeck)*
Thorne, Stan *(Preston)*
Tinn, James
Torney, Tom
Wainwright, R.
Walker, Cecil *(Belfast N)*
Wallace, James
Wardell, Gareth *(Gower)*
Wareing, Robert
Weetch, Ken
White, James
Wigley, Dafydd
Williams, Rt Hon A.
Wilson, Gordon
Winnick, David
Woodall, Alec
Young, David *(Bolton SE)*

Tellers for the Ayes
Mr. Ron Davies and
Mr. Ray Powell.

NOES

Adley, Robert
Aitken, Jonathan
Alexander, Richard
Alison, Rt Hon Michael
Amery, Rt Hon Julian
Ancram, Michael
Arnold, Tom
Ashby, David
Atkins, Rt Hon Sir H.
Atkins, Robert *(South Ribble)*
Atkinson, David *(B'm'th E)*
Baker, Rt Hon K. *(Mole Vall'y)*
Baker, Nicholas *(Dorset N)*
Baldry, Tony
Banks, Robert *(Harrogate)*
Batiste, Spencer
Bennett, Rt Hon Sir Frederic
Best, Keith
Biffen, Rt Hon John
Blaker, Rt Hon Sir Peter
Bonsor, Sir Nicholas
Bottomley, Peter
Bottomley, Mrs Virginia
Boyson, Dr Rhodes
Brandon-Bravo, Martin
Bright, Graham
Brinton, Tim
Brittan, Rt Hon Leon
Brooke, Hon Peter
Brown, M. *(Brigg & Cl'thpes)*
Browne, John
Bryan, Sir Paul
Buchanan-Smith, Rt Hon A.
Buck, Sir Antony
Budgen, Nick
Butcher, John
Carlisle, Kenneth *(Lincoln)*
Carlisle, Rt Hon M. *(W'ton S)*
Carttiss, Michael
Cash, William
Chalker, Mrs Lynda
Channon, Rt Hon Paul
Chope, Christopher
Churchill, W. S.
Clark, Hon A. *(Plym'th S'n)*
Clark, Sir W. *(Croydon S)*
Clarke, Rt Hon K. *(Rushcliffe)*
Clegg, Sir Walter
Cockeram, Eric
Colvin, Michael
Conway, Derek
Coombs, Simon
Cope, John
Corrie, John
Couchman, James
Cranborne, Viscount
Critchley, Julian
Crouch, David
Currie, Mrs Edwina
Dickens, Geoffrey
Dorrell, Stephen
Douglas-Hamilton, Lord J.
du Cann, Rt Hon Sir Edward
Dunn, Robert
Durant, Tony
Dykes, Hugh
Eggar, Tim
Emery, Sir Peter
Eyre, Sir Reginald
Fairbairn, Nicholas
Fallon, Michael
Farr, Sir John
Favell, Anthony
Fenner, Mrs Peggy
Finsberg, Sir Geoffrey
Fletcher, Alexander
Fookes, Miss Janet
Forman, Nigel
Forsyth, Michael *(Stirling)*
Forth, Eric
Fowler, Rt Hon Norman
Fox, Marcus
Franks, Cecil
Fraser, Peter *(Angus East)*
Freeman, Roger
Galley, Roy
Gardiner, George *(Reigate)*
Gardner, Sir Edward *(Fylde)*
Garel-Jones, Tristan
Gilmour, Rt Hon Sir Ian
Glyn, Dr Alan
Goodlad, Alastair
Gorst, John
Gow, Ian
Grist, Ian
Ground, Patrick
Grylls, Michael
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Haselhurst, Alan
Havers, Rt Hon Sir Michael
Hawkins, Sir Paul *(N'folk SW)*
Hawksley, Warren
Hayes, J.
Hayhoe, Rt Hon Barney
Hayward, Robert
Heath, Rt Hon Edward
Heathcoat-Amory, David
Henderson, Barry
Heseltine, Rt Hon Michael
Hickmet, Richard
Hicks, Robert
Hill, James
Holland, Sir Philip *(Gedling)*
Hordern, Sir Peter
Howard, Michael
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Howe, Rt Hon Sir Geoffrey
Hubbard-Miles, Peter

Hunt, David *(Wirral W)*
Hunt, John *(Ravensbourne)*
Hurd, Rt Hon Douglas
Jackson, Robert
Jenkin, Rt Hon Patrick
Johnson Smith, Sir Geoffrey
Jones, Robert *(Herts W)*
Joseph, Rt Hon Sir Keith
King, Roger *(B'ham N'field)*
King, Rt Hon Tom
Knight, Greg *(Derby N)*
Knowles, Michael
Knox, David
Lamont, Norman
Lang, Ian
Lawler, Geoffrey
Lawson, Rt Hon Nigel
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lightbown, David
Lilley, Peter
Lloyd, Peter *(Fareham)*
Luce, Rt Hon Richard
Lyell, Nicholas
McCrindle, Robert
McCurley, Mrs Anna
MacGregor, Rt Hon John
MacKay, Andrew *(Berkshire)*
MacKay, John *(Argyll & Bute)*
Maclean, David John
McNair-Wilson, P. *(New F'st)*
McQuarrie, Albert
Madel, David
Major, John
Malone, Gerald
Maples, John
Marland, Paul
Marlow, Antony
Maude, Hon Francis
Mayhew, Sir Patrick
Mellor, David
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Miscampbell, Norman
Mitchell, David *(Hants NW)*
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morrison, Hon C. *(Devizes)*
Morrison, Hon P. *(Chester)*
Moynihan, Hon C.
Neale, Gerrard
Needham, Richard
Nelson, Anthony
Neubert, Michael
Newton, Tony
Nicholls, Patrick
Normanton, Tom
Norris, Steven
Onslow, Cranley
Oppenheim, Phillip
Oppenheim, Rt Hon Mrs S.
Osborn, Sir John
Ottaway, Richard
Page, Richard *(Herts SW)*
Parkinson, Rt Hon Cecil
Parris, Matthew
Patten, Christopher *(Bath)*
Patten, J. *(Oxf W & Abgdn)*
Pattie, Geoffrey
Percival, Rt Hon Sir Ian
Pollock, Alexander
Portillo, Michael
Powell, William *(Corby)*
Prentice, Rt Hon Reg
Price, Sir David
Prior, Rt Hon James
Proctor, K. Harvey
Raffan, Keith
Raison, Rt Hon Timothy
Rathbone, Tim
Rees, Rt Hon Peter *(Dover)*
Renton, Tim
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Rifkind, Rt Hon Malcolm
Roberts, Wyn *(Conwy)*
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rossi, Sir Hugh
Rost, Peter
Rowe, Andrew
Rumbold, Mrs Angela
Ryder, Richard
Sainsbury, Hon Timothy
St. John-Stevas, Rt Hon N.
Scott, Nicholas
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Smith, Tim *(Beaconsfield)*
Soames, Hon Nicholas
Speed, Keith
Speller, Tony
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Squire, Robin
Stanley, Rt Hon John
Steen, Anthony
Stern, Michael
Stewart, Allan *(Eastwood)*
Stewart, Ian *(Hertf'dshire N)*
Stradling Thomas, Sir John
Sumberg, David
Tebbit, Rt Hon Norman
Temple-Morris, Peter
Thatcher, Rt Hon Mrs M.
Thompson, Donald *(Calder V)*
Thurnham, Peter
Townend, John *(Bridlington)*
Townsend, Cyril D. *(B'heath)*
Tracey, Richard
Trippier, David
Trotter, Neville
Twinn, Dr Ian
Waddington, David
Wakeham, Rt Hon John
Waldegrave, Hon William
Walden, George
Walker, Bill *(T'side N)*
Walker, Rt Hon P. *(W'cester)*
Waller, Gary
Walters, Dennis
Ward, John
Wardle, C. *(Bexhill)*
Warren, Kenneth
Watson, John
Watts, John
Wells, Sir John *(Maidstone)*
Wheeler, John
Whitney, Raymond
Wiggin, Jerry
Wolfson, Mark
Wood, Timothy
Woodcock, Michael
Wrigglesworth, Ian
Yeo, Tim
Young, Sir George *(Acton)*
Younger, Rt Hon George

Mr. Carol Mather and
Mr. Robert Boscawen.

Tellers for the Noes:

Question accordingly negatived.

Main Question put forthwith pursuant to Standing Order No. 41 (Amendment on Second or Third Reading):

The House divided: Ayes 282, Noes 296.

Division No. 141] **[12.15**

AYES

Adley, Robert
Aitken, Jonathan
Alexander, Richard
Alison, Rt Hon Michael
Amery, Rt Hon Julian
Ancram, Michael
Arnold, Tom
Ashby, David
Atkins, Rt Hon Sir H.
Atkins, Robert *(South Ribble)*
Atkinson, David *(B'm'th E)*
Baker, Rt Hon K. *(Mole Vall'y)*
Baker, Nicholas *(Dorset N)*
Baldry, Tony
Banks, Robert *(Harrogate)*
Batiste, Spencer
Bennett, Rt Hon Sir Frederic
Best, Keith
Biffen, Rt Hon John
Blaker, Rt Hon Sir Peter
Bonsor, Sir Nicholas
Bottomley, Peter
Bottomley, Mrs Virginia
Boyson, Dr Rhodes
Brandon-Bravo, Martin
Bright, Graham
Brinton, Tim
Brittan, Rt Hon Leon
Brooke, Hon Peter
Brown, M. *(Brigg & Cl'thpes)*
Browne, John
Bryan, Sir Paul
Buchanan-Smith, Rt Hon A.
Buck, Sir Antony
Budgen, Nick
Butcher, John
Carlisle, Kenneth *(Lincoln)*
Carlisle, Rt Hon M. *(W'ton S)*
Carttiss, Michael
Cash, William
Chalker, Mrs Lynda
Channon, Rt Hon Paul
Chope, Christopher
Churchill, W. S.
Clark, Hon A. *(Plym'th S'n)*
Clark, Sir W. *(Croydon S)*
Clarke, Rt Hon K. *(Rushcliffe)*
Clegg, Sir Walter
Cockeram, Eric
Colvin, Michael
Conway, Derek
Coombs, Simon
Cope, John
Corrie, John
Couchman, James
Cranborne, Viscount
Critchley, Julian
Crouch, David
Currie, Mrs Edwina
Dickens, Geoffrey
Dorrell, Stephen
Douglas-Hamilton, Lord J.
du Cann, Rt Hon Sir Edward
Dunn, Robert
Durant, Tony
Dykes, Hugh
Eggar, Tim
Emery, Sir Peter
Eyre, Sir Reginald
Fairbairn, Nicholas
Fallon, Michael
Farr, Sir John
Favell, Anthony
Fenner, Mrs Peggy
Finsberg, Sir Geoffrey
Fletcher, Alexander
Fookes, Miss Janet
Forman, Nigel
Forsyth, Michael *(Stirling)*
Forth, Eric
Fowler, Rt Hon Norman
Fox, Marcus
Franks, Cecil
Fraser, Peter *(Angus East)*
Freeman, Roger
Freud, Clement
Galley, Roy
Gardiner, George *(Reigate)*
Gardner, Sir Edward *(Fylde)*
Garel-Jones, Tristan
Gilmour, Rt Hon Sir Ian
Glyn, Dr Alan
Goodlad, Alastair
Gorst, John
Gow, Ian
Grist, Ian
Ground, Patrick
Grylls, Michael
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Jeremy
Haselhurst, Alan
Havers, Rt Hon Sir Michael
Hawkins, Sir Paul *(N'folk SW)*
Hawksley, Warren
Hayes, J.
Hayhoe, Rt Hon Barney
Hayward, Robert
Heath, Rt Hon Edward
Heathcoat-Amory, David
Henderson, Barry
Heseltine, Rt Hon Michael
Hickmet, Richard
Hicks, Robert
Hill, James
Holland, Sir Philip *(Gedling)*
Hordern, Sir Peter
Howard, Michael
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Howe, Rt Hon Sir Geoffrey
Hubbard-Miles, Peter
Hunt, David *(Wirral W)*
Hunt, John *(Ravensbourne)*
Hurd, Rt Hon Douglas
Jackson, Robert
Jenkin, Rt Hon Patrick
Johnson Smith, Sir Geoffrey
Jones, Robert *(Herts W)*
Jopling, Rt Hon Michael
Joseph, Rt Hon Sir Keith
King, Roger *(B'ham N'field)*
King, Rt Hon Tom
Kirkwood, Archy

Knight, Greg *(Derby N)*
Knowles, Michael
Knox, David
Lamont, Norman
Lang, Ian
Lawler, Geoffrey
Lawson, Rt Hon Nigel
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lightbown, David
Lilley, Peter
Lloyd, Peter *(Fareham)*
Luce, Rt Hon Richard
Lyell, Nicholas
McCrindle, Robert
McCurley, Mrs Anna
MacGregor, Rt Hon John
MacKay, Andrew *(Berkshire)*
MacKay, John *(Argyll & Bute)*
Maclean, David John
McNair-Wilson, P. *(New F'st)*
McQuarrie, Albert
Madel, David
Major, John
Malone, Gerald
Maples, John
Marland, Paul
Marlow, Antony
Maude, Hon Francis
Mayhew, Sir Patrick
Mellor, David
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Miscampbell, Norman
Mitchell, David *(Hants NW)*
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morrison, Hon C. *(Devizes)*
Morrison, Hon P. *(Chester)*
Moynihan, Hon C.
Neale, Gerrard
Needham, Richard
Nelson, Anthony
Neubert, Michael
Newton, Tony
Nicholls, Patrick
Normanton, Tom
Norris, Steven
Onslow, Cranley
Oppenheim, Phillip
Oppenheim, Rt Hon Mrs S.
Osborn, Sir John
Ottaway, Richard
Page, Richard *(Herts SW)*
Parkinson, Rt Hon Cecil
Parris, Matthew
Patten, Christopher *(Bath)*
Patten, J. *(Oxf W & Abgdn)*
Pattie, Geoffrey
Percival, Rt Hon Sir Ian
Pollock, Alexander
Portillo, Michael
Powell, William *(Corby)*
Prentice, Rt Hon Reg
Price, Sir David
Prior, Rt Hon James
Proctor, K. Harvey
Raffan, Keith
Raison, Rt Hon Timothy
Rathbone, Tim
Rees, Rt Hon Peter *(Dover)*
Renton, Tim
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Rifkind, Rt Hon Malcolm
Roberts, Wyn *(Conwy)*
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rossi, Sir Hugh
Rost, Peter
Rowe, Andrew
Rumbold, Mrs Angela
Ryder, Richard
Sainsbury, Hon Timothy
St. John-Stevas, Rt Hon N.
Scott, Nicholas
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shepherd, Colin *(Hereford)*
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Smith, Tim *(Beaconsfield)*
Soames, Hon Nicholas
Speed, Keith
Speller, Tony
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Squire, Robin
Stanley, Rt Hon John
Steen, Anthony
Stern, Michael
Stewart, Allan *(Eastwood)*
Stewart, Ian *(Hertf'dshire N)*
Stradling Thomas, Sir John
Sumberg, David
Tebbit, Rt Hon Norman
Temple-Morris, Peter
Thatcher, Rt Hon Mrs M.
Thompson, Donald *(Calder V)*
Thurnham, Peter
Townend, John *(Bridlington)*
Townsend, Cyril D. *(B'heath)*
Tracey, Richard
Trippier, David
Trotter, Neville
Twinn, Dr Ian
Waddington, David
Wakeham, Rt Hon John
Waldegrave, Hon William
Walden, George
Walker, Bill *(T'side N)*
Walker, Rt Hon P. *(W'cester)*
Waller, Gary
Walters, Dennis
Ward, John
Wardle, C. *(Bexhill)*
Warren, Kenneth
Watson, John
Watts, John
Wells, Sir John *(Maidstone)*
Wheeler, John
Whitney, Raymond
Wiggin, Jerry
Wolfson, Mark
Wood, Timothy
Woodcock, Michael
Wrigglesworth, Ian
Yeo, Tim
Young, Sir George *(Acton)*
Younger, Rt Hon George

Tellers for the Ayes:
Mr. Carol Mather and
Mr. Robert Boscawen.

NOES

Abse, Leo
Adams, Allen *(Paisley N)*
Alton, David
Amess, David
Anderson, Donald
Archer, Rt Hon Peter
Ashdown, Paddy
Ashley, Rt Hon Jack
Ashton, Joe
Aspinwall, Jack
Atkinson, N. *(Tottenham)*
Bagier, Gordon A. T.
Banks, Tony *(Newham NW)*
Barnett, Guy
Barron, Kevin
Beaumont-Dark, Anthony
Beckett, Mrs Margaret
Beggs, Roy
Beith, A. J.
Bell, Stuart
Benn, Rt Hon Tony
Bennett, A. *(Dent'n & Red'sh)*
Benyon, William
Bermingham, Gerald
Bevan, David Gilroy
Bidwell, Sydney
Biggs-Davison, Sir John
Blackburn, John
Blair, Anthony
Body, Sir Richard
Boothroyd, Miss Betty
Bowden, A. *(Brighton K'to'n)*
Boyes, Roland
Braine, Rt Hon Sir Bernard
Bray, Dr Jeremy
Brown, Gordon *(D'f'mline E)*
Brown, Hugh D. *(Provan)*
Brown, N. *(N'c'tle-u-Tyne E)*
Brown, R. *(N'c'tle-u-Tyne N)*
Brown, Ron *(E'burgh, Leith)*
Bruinvels, Peter
Buchan, Norman
Butler, Rt Hon Sir Adam
Caborn, Richard
Callaghan, Rt Hon J.
Callaghan, Jim *(Heyw'd & M)*
Campbell, Ian
Campbell-Savours, Dale
Canavan, Dennis
Carlile, Alexander *(Montg'y)*
Carlisle, John *(Luton N)*
Cartwright, John
Chapman, Sydney
Clark, Dr David *(S Shields)*
Clark, Dr Michael *(Rochford)*
Clarke, Thomas
Clay, Robert
Clelland, David Gordon
Clwyd, Mrs Ann
Cohen, Harry
Coleman, Donald
Conlan, Bernard
Cook, Frank *(Stockton North)*
Cook, Robin F. *(Livingston)*
Corbett, Robin
Corbyn, Jeremy
Cormack, Patrick
Craigen, J. M.
Crowther, Stan
Cunliffe, Lawrence
Cunningham, Dr John
Dalyell, Tam
Davies, Rt Hon Denzil *(L'lli)*
Davies, Ronald *(Caerphilly)*
Davis, Terry *(B'ham, H'ge H'l)*
Deakins, Eric
Dewar, Donald
Dicks, Terry
Dixon, Donald
Dobson, Frank
Dormand, Jack
Douglas, Dick
Dover, Den
Dubs, Alfred
Duffy, A. E. P.
Dunwoody, Hon Mrs G.
Eadie, Alex
Eastham, Ken
Edwards, Bob *(W'h'mpt'n SE)*
Ellis, Raymond
Evans, John *(St. Helens N)*
Ewing, Harry
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Foot, Rt Hon Michael
Forrester, John
Forsythe, Clifford *(Antrim S)*
Foster, Derek
Foulkes, George
Fraser, J. *(Norwood)*
Freeson, Rt Hon Reginald
Fry, Peter
Gale, Roger
Garrett, W. E.
George, Bruce
Godman, Dr Norman
Golding, John
Goodhart, Sir Philip
Gould, Bryan
Gourlay, Harry
Gower, Sir Raymond
Grant, Sir Anthony
Greenway, Harry
Gregory, Conal
Griffiths, Peter *(Portsm'th N)*
Hamilton, James *(M'well N)*
Hamilton, W. W. *(Fife Central)*
Hancock, Michael
Hannam, John
Hardy, Peter
Hargreaves, Kenneth
Harman, Ms Harriet
Harris, David
Harrison, Rt Hon Walter
Hart, Rt Hon Dame Judith
Harvey, Robert
Hattersley, Rt Hon Roy
Hawkins, C. *(High Peak)*
Healey, Rt Hon Denis
Heffer, Eric S.
Higgins, Rt Hon Terence L.
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Hogg, N. *(C'nauld & Kilsyth)*
Holland, Stuart *(Vauxhall)*
Home Robertson, John
Howell, Rt Hon D. *(S'heath)*
Howells, Geraint
Hoyle, Douglas
Hughes, Dr Mark *(Durham)*
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
Hughes, Sean *(Knowsley S)*
Hughes, Simon *(Southwark)*
Hunter, Andrew
Irving, Charles
Janner, Hon Greville
Jenkins, Rt Hon Roy *(Hillh'd)*
Jessel, Toby
Johnston, Sir Russell
Jones, Barry *(Alyn & Deeside)*
Jones, Gwilym *(Cardiff N)*
Kaufman, Rt Hon Gerald
Kellett-Bowman, Mrs Elaine
Kennedy, Charles
Kilfedder, James A.
Kinnock, Rt Hon Neil
Knight, Dame Jill *(Edgbaston)*
Lambie, David
Lamond, James
Latham, Michael
Leadbitter, Ted

Leighton, Ronald
Lewis, Sir Kenneth *(Stamf'd)*
Lewis, Terence *(Worsley)*
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
Lofthouse, Geoffrey
Loyden, Edward
McCrea, Rev William
McCusker, Harold
McDonald, Dr Oonagh
McGuire, Michael
McKay, Allen *(Penistone)*
McKelvey, William
MacKenzie, Rt Hon Gregor
Maclennan, Robert
McNair-Wilson, M. *(N'bury)*
McNamara, Kevin
McTaggart, Robert
McWilliam, John
Madden, Max
Maginnis, Ken
Malins, Humfrey
Marek, Dr John
Marshall, David *(Shettleston)*
Martin, Michael
Mason, Rt Hon Roy
Maxton, John
Maxwell-Hyslop, Robin
Maynard, Miss Joan
Meacher, Michael
Meadowcroft, Michael
Michie, William
Mikardo, Ian
Miller, Dr M. S. *(E Kilbride)*
Mills, Sir Peter *(West Devon)*
Moate, Roger
Molyneaux, Rt Hon James
Morris, Rt Hon J. *(Aberavon)*
Morris, M. *(N'hampton S)*
Mudd, David
Murphy, Christopher
Nellist, David
Oakes, Rt Hon Gordon
O'Brien, William
O'Neill, Martin
Orme, Rt Hon Stanley
Owen, Rt Hon Dr David
Paisley, Rev Ian
Park, George
Patchett, Terry
Pavitt, Laurie
Pawsey, James
Peacock, Mrs Elizabeth
Pendry, Tom
Penhaligon, David
Pike, Peter
Powell, Rt Hon J. E.
Powley, John
Prescott, John
Pym, Rt Hon Francis
Randall, Stuart
Raynsford, Nick
Redmond, Martin
Richardson, Ms Jo
Roberts, Allan *(Bootle)*
Robertson, George
Robinson, G. *(Coventry NW)*
Robinson, P. *(Belfast E)*
Rogers, Allan
Rooker, J. W.
Ross, Ernest *(Dundee W)*
Ross, Wm. *(Londonderry E)*
Rowlands, Ted
Ryman, John
Sayeed, Jonathan
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon R.
Shersby, Michael
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Silkin, Rt Hon J.
Skinner, Dennis
Smith, C. *(Isl'ton S & F'bury)*
Smith, Cyril *(Rochdale)*
Smith, Rt Hon J. *(M'ds E)*
Smyth, Rev W. M. *(Belfast S)*
Soley, Clive
Stanbrook, Ivor
Steel, Rt Hon David
Stevens, Lewis *(Nuneaton)*
Stewart, Rt Hon D. *(W Isles)*
Stokes, John
Stott, Roger
Strang, Gavin
Straw, Jack
Tapsell, Sir Peter
Taylor, Rt Hon John David
Taylor, Teddy *(S'end E)*
Terlezki, Stefan
Thomas, Dafydd *(Merioneth)*
Thomas, Dr R. *(Carmarthen)*
Thompson, J. *(Wansbeck)*
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thorne, Stan *(Preston)*
Tinn, James
Torney, Tom
van Straubenzee, Sir W.
Vaughan, Sir Gerard
Viggers, Peter
Wainwright, R.
Walker, Cecil *(Belfast N)*
Wall, Sir Patrick
Wallace, James
Wardell, Gareth *(Gower)*
Wareing, Robert
Weetch, Ken
White, James
Whitfield, John
Wigley, Dafydd
Wilkinson, John
Williams, Rt Hon A.
Wilson, Gordon
Winnick, David
Winterton, Mrs Ann
Winterton, Nicholas
Woodall, Alec
Young, David *(Bolton SE)*

Tellers for the Noes:
Mr. Ray Powell and
Mr. Frank Haynes.

Question accordingly negatived.

12.28 am

Mr. Kinnock: On a point of order, Mr. Speaker. Will the Government give us a statement on their future views on what was a central piece of their legislative programme —*[Interruption.]*

Mr. Speaker: Order.

Mr. Kinnock: It was a piece of legislation forecast and to which the Government were committed in the Queen's Speech at the beginning of this Session—a piece of legislation which demonstrated the immense distance between the leadership of the Conservative party and the desires of the British people, as reflected in tonight's vote. We must have a statement this evening from the Government so that we can get guidance on whether they intend to repeat the lunacy of trying to introduce such a Bill in this or in any other Session. The same fate would meet such a Bill.

Mr. Stanbrook *rose*——

The Lord Privy Seal and Leader of the House of Commons (Mr. John Biffen) *rose—[Interruption.]*

Mr. Speaker: Order. I call the Leader of the House, and in this place we should above all else indulge in the freedom of speech.

Mr. Biffen: In the light of the decision of the House tonight, it is clear that further progress on the Bill is not possible. The Government accept that position and have no plans to reintroduce this legislation.

PETITIONS

Social Security Reform

12.32 am

Mr. Tim Yeo (Suffolk, South): I have the honour to present a petition from the citizens of south Suffolk to the effect that the Government's proposals for social security will be detrimental to recipients of social security benefit.

To lie upon the Table.

Shops Bill

12.33 am

Mr. Don Dixon (Jarrow): I wish to present a petition from my constituents in Jarrow against the Shops Bill. I know that this is somewhat belated in view of what has just happened, but in fairness to the thousands of people who signed this petition I feel that I am in duty bound to present it to the House of Commons.

The petition states:

Keep Sunday Special.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

The humble petition of residents of Jarrow constituency showeth that the undersigned are opposed to the provision for unlimited Sunday Trading in the Shops Bill currently before Parliament. Recongnising that Sunday has special characteristics as a day of rest, recreation and worship for the benefit of our family and community life.

Wherefore your Petitioners pray that your Honourable House do maintain legal limitations on Sunday Trading to ensure that the special character of Sunday is protected.

And your petitioners as in duty bound will ever pray.

The petition was signed by 1,286 of my constituents from Jarrow, Hebburn. Boldon and Whitburn, and is headed by the Rev. J. W. Tweedy of the Sacred Heart Presbytery at Boldon colliery. It was handed in to my surgery on Saturday by an old workmate of mine, Eddie Goodall. The petition may be a bit belated now, but bearing in mind what has happened tonight, my constituents in Jarrow were right. Like my constituents, the majority of hon. Members are opposed to the Bill. I should be obliged if you would accept the petition, Mr. Speaker.

To lie upon the Table.

National Health Service (Rochdale)

Motion made, and Question proposed, That this House do now adjourn.*[Mr. Peter Lloyd.]*

12.36 am

Mr. Cyril Smith (Rochdale): Rochdale health authority faces a serious crisis. It is a crisis which threatens to close two hospitals, a home for the mentally ill, two departments — the ear, nose and throat and plastic surgery—and beds in the children's ward and to sack 150 employees, approximately 100 of whom will be nurses, and the balance may well include some doctors. It is a totally unacceptable situation and an utter disgrace. It is a scandal of the first order, and one can well understand why the Minister for Health is too ashamed to attend the House tonight to answer for the Government. I welcome his deputy and I am grateful to him for coming, but I am bound to say that the seriousness of the situation in Rochdale merited the engine driver rather than his mate.

I described the situation as a crisis. That is what it is, and that is why it needs the serious intervention of the Minister. The hon. Members for Heywood and Middleton (Mr. Callaghan) and for Littleborough and Saddleworth (Mr. Dickens) also hope to catch your eye, Mr. Speaker, during this short debate, so time forbids me from giving too many quotations from our local press, but I shall give the Minister one or two.

"Emergency admissions could grind to a halt if plans to close 98 hospital beds go ahead",

Rochdale's top doctors warned on Monday. Dr. Jegerajah —a very respected physician in Rochdale and a much loved one—says:

"We feel we will be unable to admit acutely ill patients. They will be kept waiting and either die in the community or in the hospital corridor while waiting to be admitted to the coronory care or chest unit."

He went on to say that 95 per cent. of admissions to the medical wards are emergencies.

Three experienced consultants, all household names to Rochdale people—Mr. John Main, Mr. Humphreys and Mr. Tony Higham—in a letter to the local press, said:

"The loss of these beds means that we will be unable to continue to offer the same service as previously. Patients with more urgent conditions will join an ever lengthening waiting list. We will be obliged to discharge patients from hospital before they are really ready."

The local medical committee in Rochdale said:

"If these beds go, the work of looking after the sick who would normally be in hospital will fall on relatives, friends and neighbours."

Last Saturday I stood in Rochdale market with a group of nurses asking people to sign a petition in opposition to the closures. The hon. Member for Heywood and Middleton told me in the Lobby a few minutes ago that he had the same experience as I had—people queued five deep in order to sign the petition.

I could occupy the whole of my time giving similar quotes from equally eminent sources. It is an intolerable situation and an utter disgrace. I urge the Minister to set up an inquiry into the north-west regional health authority. Its financial strategy is flawed and its financial management of districts needs to be investigated. I understand that soon another six district health authorities in the region are likely to be in the same situation as Rochdale. The chairman of the authority, Sir John Page, in whom I have absolutely no confidence, is not concerned with maintaining the service. He told me, in the presence

of two other Members of Parliament, that Rochdale's waiting list for operations, and so on, would have to grow longer to balance the budget. That is a disgraceful position for the chairman of a regional health authority to take. I despair of the man.

The chairman's strategy of developing new fringe services at the expense of old, but basic and essential ones, is like a fellow who is more concerned with double glazing the upstairs windows of his house than with the foundations that are rotting away. I question the need for a regional authority anyway. Its vast bureaucracy, its army of officers, the recent vast development of the public relations unit in the region and its occupation of lavish and expensive offices make no direct contribution to patient care. Rather than sack a nurse, I would sack the regional chairman and abolish his office.

The North West regional health authority is the most interventionist in Britain. That can be proved and demonstrated convincingly and clearly. It has robbed the district health authorities of much-needed cash to play around with new ideas, many of which are laudable but not at the expense of basic essentials. The region's financial strategy is flawed. It is trying to go faster than existing services can financially stand. Some of Sir John's children get fed while others starve. There is an ambitious capital programme, which is overspending even on its original targets, and, here again, the poor districts have to make up the balance. The basis of Rochdale's crisis is not its mismanagement, but the mismanagement and interference of the regional authority.

Rochdale has the worst community services in the region, but it is a deprived area. As soon as the Rochdale authority tries to re-deploy money from hospitals into this service, the region withdraws saved finance to support its pet regional schemes. For example, there has been a 25-bed reduction in 10 years. The region conned us into believing that 56 bed closures would mean that the savings would go into the Rochdale service. Instead, this year it is taking the money that accrued from those savings away from us. That alone amounts to £385,000 per annum. Last year, the trimming of bureaucracy by the Rochdale health authority released £415,000 in a full year. Surely, that is evidence of the commitment of the Rochdale authority to live within its budget. There is no way, certainly in the long term, that the Rochdale authority can live within the region's allocated cash limits without damaging patient services. That is the crisis that I put before the Minister.

We have a legacy of old and scattered buildings in Rochdale, yet we have a regional allocation policy that ignores the facts. For example, a district with a £20 million redevelopment scheme gets its capital for basic maintenance on the same basis as Rochdale, despite the fact that Rochdale has the old buildings. Such economic management defies common sense. Rochdale is in the bottom six for proportionate expenditure on maintenance and equipment. These cuts will push us to the bottom.

We have had underfunding of price increases and pay awards in four out of the past five years, and that is costing Rochdale over £1 million a year. The 1·2 per cent. cash limit increase that the north-west received was not given out on a proportionate basis, and that cost Rochdale another £31,000 per annum. Other authorities — for example, Salford—were allowed time to balance their books. The region is financing last year's overspendings, but not Rochdale's. Why will Rochdale not get full funding for its elderly severely mentally infirm unit when every other authority in the region will? The fact is that we are being penalised for being too progressive in the past.

Why should Rochdale have to pay part of the cost of computerising medical records when it is doing that as a pilot scheme for the region? Frankly, if I were the Rochdale health authority, I would tell the region to go and get knotted.

Rochdale needs help now. It needs more cash to provide an adequate service. I hope that tonight the Minister will undertake to consider the position in Rochdale, allocate Rochdale temporary help for the short term and investigate the regional authority and its financial strategy. Nothing less will do.

Some of us feel passionately about the Health Service. We are proud of it. No one denies—certainly I do not—that more money is being spent on the Health Service. The issue is not whether more money is being spent but whether that which is being spent is adequate to meet the needs and provide the basic services.

I am proud of the Health Service. It is the finest in the world. The medical and other staff are dedicated people. Frankly, I am unprepared passively to watch it being destroyed at its roots by any Government, region or anyone else. Rochdale is not getting a fair or adequate deal, and the north-west region is not pursuing a wise financial policy. That is why tonight I plead with the Government for some real help and response to that plea.

12.46 am

Mr. Geoffrey Dickens (Littleborough and Saddleworth): I am deeply grateful to the hon. Member for Rochdale (Mr. Smith), first, for securing the debate, and, secondly, for allowing me two or three minutes in which to speak.

Rochdale's excellent performance in regard to hospital services is a remarkable achievement that should receive immediate financial recognition from the regional health authority. I say "remarkable" for two reasons. First, Rochdale treats relatively more people in hospital. In fact, Rochdale's hospitalisation is in the top 7 per cent. of the country. Secondly, the actual throughput of patients compared with the expected throughput shows that significantly more patients per bed are treated—that is efficiency—than the regional or national average and Rochdale's performance rate is in the top 25 per cent. for the country. The shorter the length of stay in hospital, the more care and attention is required of the community services. Rochdale has a first-class district nurse team, but it is hard worked, and there are too few health visitors.

Rochdale has achieved such excellence despite a legacy of old and scattered buildings in Rochdale, as my hon. Friend — I mean to call him that — the Member for Rochdale said. The region's capital allocation policy is not sensitive to that because the formula does not reflect new or old buildings or development in progress. A district with a £20 million redevelopment scheme receives its capital for maintenance on the same basis as Rochdale.

Rochdale needs special help and relief immediately. If its debts were wiped out by Her Majesty's Government, it would be able to stand on its own feet with pride as an example of excellence to others. I fully support the hon. Gentleman.

12.48 am

Mr. Jim Callaghan (Heywood and Middleton): I thank the hon. Member for Rochdale (Mr. Smith) for allowing me two or three minutes in which to reinforce his case for extra financial assistance for the Rochdale health authority.

In the famous Dickens novel, Oliver Twist went to the beadle and asked for more. We all know why. He asked for more because he was given insufficient. Hon. Members are coming to the Minister, just as Oliver Twist went to the beadle, but we hope that we will not get the reaction from him that Oliver Twist received from the beadle.

In the short time at my disposal I cannot do justice to the full case for Rochdale. The Rochdale health authority is being required by the North-West regional health authority to reduce its cash basis to a balanced budget in in only one year. To do that the Rochdale health authority is required to make a cut of over £2 million in a budget of only £26 million—a cut of almost 8 per cent. It is an amputation, no a cut. The cut can be achieved only by the closure of 150 beds or the sacking of 100 staff.

The required cut is the most drastic asked of any district health authority. Whenever cuts are made, they are unacceptable not only to hon. Members but to the Labour party.

The changes will have a dramatic effect on the health district with the least developed community health services in the north-west. Does the Minister realise that Rochdale ranks 15 out of the 19 hospital districts in terms of being badly off in numbers of health visitors and that it is the worst district in terms of district nurses?

One of Rochdale's most senior social services officers has said that Rochdale is the most deprived of deprived areas. I agree with him.

Rochdale is already the bottom of six districts for its low proportion of expenditure on maintenance equipment and other non-staff budgets. Further cuts will push Rochdale's hospital services to the bottom of the heap.

The Rochdale area health authority is now finding that the cost of patient services can be contained within present cash limits only at the expense of severe reductions in patient care and services. The finance allocated by the North-West regional health authority to the Rochdale health authority is inadequate to maintain current services at present levels, so patients will suffer.

I fervently oppose the proposed cuts and ask the Minister to examine the faulty financial strategy of the North-West regional health authority as it applies to the Rochdale health authority.

12.52 am

The Parliamentary Under-Secretary of State for Health and Social Security (Mr. Ray Whitney): The hon. Member for Rochdale (Mr. Smith) said that he was a passionate defender of the National Health Service and that he was proud of the service. He was good enough to recognise that the Health Service has benefited in real terms under this Government by the transfer of additional resources well above the inflation rate, which this year will be 24 per cent. above. He also said that the Health Service was being destroyed at its roots. That is a travesty of the truth and does great harm to the Health Service, whether in Rochdale, the north-west or the country as a whole.

I shall put one or two facts to the House to substantiate my assertion. The north-west has far fewer problems today than it had when the Government took office. It is better funded and better managed — I pay tribute to the regional chairman, Sir John Page—and it has certainly treated more patients than ever.

Since 1978-79, Health Service spending in the region has more than doubled, from £380 million to £809 million in 1984-85. That is growth in real terms of 19·6 per cent. If we take that with the region's allocations for 1985-86 and 1986-87, we see that the real term expenditure is forecast to rise by about 21 per cent. overall. That is not by any means destroying the whole service at the roots or at any other point. This year's allocation has brought the region to within 0·8 per cent. of its Resource Allocation Working Party target, compared with 9 per cent. below in 1978-79.

Patients, of course, and not sums of money are the issue. The number of patients treated has grown from 3·7 million in 1978 to 4·267 million in 1984, the last year for which figures are available. There is no doubt that in the north western region as a whole the health services, the Government, and the authority and its chairman have a good story to tell.

Rochdale has always been relatively well provided for. One of the best indicators of this is that Rochdale people find it easier to gain access to hospital services than do people in many other parts of the north-west region. Waiting lists for many specialties are below the regional and national average. In 1984, 9 per cent. more patients were treated in Rochdale than were treated in 1982. Unlike the region as a whole, Rochdale has long been at or above its RAWP target. Despite what the hon. Member has said, Rochdale is not underfunded. Rochdale people have good health services and I pay tribute to all who work in the Health Service in the district for the care that they give to the constituents of all hon. Members who have spoken in the debate.

There is a problem that has grown since 1981, when warnings were first sounded. The authority has not acted in time or effectively to avoid overspending its cash limits. All Governments must insist that health authorities live within their cash limits. The problem is not cuts. We are building, not cutting in the north-west region. The problem in Rochdale is resource management. Demand exceeds the resources available. The position in Europe and the United States of America is no different. Although we are ensuring that a growing share of national resources are available to the Health Service, that resource, nevertheless, has to be carefully managed. The north-west region, as I have said, is doing particularly well out of this. The task is to choose priorities in putting these resources to best use for the benefit of local peoples. That is what resource management is all about. This is what Rochdale has been asked to do repeatedly since warnings were first given in 1981.

In November 1982 the district treasurer warned the district health authority of a potential overspend of £700,000 by year end if no action was taken to reduce spending levels. The district chairman subsequently wrote to members expressing her concern at the financial situation and drawing attention to their obligation — enforced by all Governments—to live within their cash limits. In May 1983 the treasurer again warned the authority. It was forecast at this stage that the budgets required by service managers exceeded allocations by £1·3 million — 6 per cent. — and that some adjustment in service levels was inevitable.

Subsequently, and after local consultation, Ministers agreed to the authority closing 56 acute beds to save £418,000. Despite these savings, the DHA was forecasting an overspend at the end of 1983-84 of £750,000, of which £440,000 was accumulated overspending brought forward from 1982-83. The authority was therefore overspending at an annual rate of £310,000—1·5 per cent. Further savings were proposed of approximately £300,000 to bring the current annual spending level into line, but the accumulated overspending would have been untouched. These savings included, as the hon. Member knows, the authority making some headquarters staff redundant last year.

Warnings were given again last year of a year-end shortfall of up to £1·5 million in the absence of corrective action. In spite of this, I understand that the Rochdale health authority adopted a budget for 1985-86 which, from the outset, showed overspending of £380,000. Part of this overspend was £330,000 brought forward from 1984-85, so it could be said that at that time the budget was expected to overspend only marginally in current terms. However, the district treasurer has assessed that, by the start of the current financial year, spending levels had to be reduced by 6·1 per cent. to achieve a balance. I understand that, after discussions with the regional health authority, Rochdale now estimates a lower deficit of about £1·5 million. Rochdale health authority is to consider recommendations on achieving a balanced budget in 1986-87 at its meeting on 22 April.

I understand that the hon. Member, with my hon. Friend the Member for Littleborough and Saddleworth (Mr. Dickens) and the hon. Member for Heywood and Middleton (Mr. Callaghan), with councillor Mrs. Hawton, the Rochdale chairman, met the regional chairman on 14 March. Afterwards, Mrs. Hawton took her own deputation to Sir John. Several questions were put to Sir John, asking for more money and drawing attention to the DHA's view that it is an efficient authority. The hon. Member has had his answers. In summary, Sir John and his team at the region assured him that Rochdale was being treated fairly — indeed, Rochdale is better advantaged than many north western districts—and that it is up to Rochdale to put its house in order. I understand that that is what the authority plans to do on 22 April.

Hon. Members have mentioned proposals that worry them, but they should be addressed to the authority. The hon. Members for Rochdale and for Heywood and Middleton mentioned redundancies. I understand that there is no question of compulsory redundancies.

Mr. Cyril Smith: That is not true.

Mr. Whitney: That is my understanding. I also understand that there will be consultation on any envisaged hospital closures, which, in any case, follow new facilities or improvements in service. If closures were recommended and the community health council had objections, Ministers would take the decision anyway. I am advised that Rochdale will benefit from reinvestment of the proceeds of land sales.

No one is being inflexible. If a district is allowed to overspend, it is at the cost of much needed developments locally or in other less well provided parts of the region. Rochdale must agree a programme with the region for balancing its budget. Of course, there will be difficult choices, and everything must be done to avoid affecting patients' services. If the nettle is not grasped, however, all that has been achieved in Rochdale and the north-west will be undermined.

Rochdale health authority is to decide how to tackle this problem on 22 April. It is a responsible authority. I have confidence that it will now take the right decisions to put Rochdale's health services on a firm financial foundation for the developments ahead. It is important that we recognise what has been achieved. The resources that have been devoted to Rochdale and the north-west——

Mr. Smith: They are not enough.

Mr. Whitney: The hon. Gentleman must take account of major transfers of resources. If he is interested in yet more resources, he must consider how much heavier a burden he is willing to put on his constituents or the country.

The resources that have been transferred to the National Health Service will increase by 24 per cent. in real terms this year, and Rochdale and the north-west have had a very fair share.

Question put and agreed to.

Adjourned accordingly at four minutes past One o'clock.

House of Commons

Tuesday 15 April 1986

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

NEW WRITS

For Ryedale, in the room of John Deane Spence, Esq., deceased.

For Derbyshire, West, in the room of Matthew Francis Parris, Esq. (Manor of Northstead).—*[Mr. Wakeham.]*

Oral Answers to Questions

DEFENCE

Soviet Union (Merchant Shipping Fleet)

1. **Mr. Nicholas Baker** asked the Secretary of State for Defence if he has received representations about the defence implications of the growth in size of the Soviet merchant shipping fleet.

The Minister of State for the Armed Forces (Mr. John Stanley): My right hon. Friend has received no recent representations specifically on this matter, but a number of hon. Members have referred in the House to the defence significance of the Soviet merchant marine, and I did so myself in opening the debate on the Royal Navy on 6 February.

Mr. Baker: Concerned as we are with the maintenance of peace on the seas in the western Mediterranean and elsewhere, does not the dramatic increase in the size of Soviet merchant shipping—by 20 per cent. during the last nine years, at a time when the United Kingdom merchant fleet has declined by 56 per cent.—demand that we should review and maintain a large merchant fleet of our own? Will my right hon. Friend consider raising the subject of the size of the Soviet merchant shipping fleet and its use for defence purposes in arms reduction negotiations?

Mr. Stanley: As my hon. Friend knows, I addressed the issue of the defence significance of the Soviet merchant marine. I have some doubts as to whether it is an appropriate subject for arms control negotiations, given the difficulty of establishing whether particular vessels are essentially for defence or civil purposes. I take the basic thrust of what my hon. Friend has said. As he knows, our Department takes a very close interest in, and is concerned about, merchant shipping requirements for our own defence purposes. I draw his attention to last year's "Statement on the Defence Estimates," in which we said that, in respect of the particular categories that we require for defence purposes, the numbers are at present such that we can discharge our NATO obligations, with the exception of stern trawlers for minesweeping. However, we are well on the way towards devising a satisfactory alternative to meet that requirement.

Mr. Skinner: During the Falklands war this Tory Government called on the Merchant Navy to redouble its efforts in that campaign, and most of those involved did so. As soon as the war was over, the Government decided to reduce the merchant shipping fleet right around the coast of Britain. Instead of talking about the Soviet shipping fleet, would it not be sensible to build up the British merchant shipping fleet and create more jobs?

Mr. Stanley: I certainly agree with the early part of what the hon. Gentleman said. The Merchant Marine responded magnificently to the demands placed on it at the time of the Falklands conflict, and I am sure it would do so again. General policy on the Merchant Marine is a matter for my right hon. Friend the Secretary of State for Transport. I assure the hon. Gentleman and the rest of the House that we are watching extremely closely the pattern of the availability of merchant shipping for our own defence purposes.

Sir Nicholas Bonsor: Given the defence implications of the rundown of our merchant fleet, does my right hon. Friend agree that it is extremely important that the Ministry of Defence should look closely at ways in which our defence budget can be used specifically to bolster the falling numbers of our Merchant Marine to help it counter the threat from the growth in the Soviet merchant fleet?

Mr. Stanley: My hon. Friend will be aware that in times of emergency we have power to take up individual ships that are under the British flag. He will also know that we spend considerable sums under the defence budget and that major orders are in prospect. We are making our own direct contribution through defence funds by building up the Royal Fleet Auxiliary Service, which is for direct defence purposes.

Mr. O'Neill: The Minister should know that no one appreciates the complacency of the Government on this matter. What are the defence implications of flagging out of the BP fleet, because that is one of the biggest drains on the potential contribution of the Merchant Marine? If it were to carry on at this rate, we would be gravely at risk.

Mr. Stanley: I totally reject what the hon. Gentleman has said. There is no complacency whatever by Defence Ministers. BP tankers have been flagged out to the Bermudan flag. If a British-owned ship is flagged out on to the register of a dependent territory, it is still subject to United Kingdom Government requisitioning and is available for defence purposes.

Youth Training Scheme

2. **Dr. Glyn** asked the Secretary of State for Defence what further proposals he has to encourage recruitment to the Army YTS by visits to schools; and what were the most recent figures of recruitment in the previous year.

11. **Mr. Patrick Thompson** asked the Secretary of State for Defence if he will make a statement about the progress of the YTS in the armed services.

Mr. Stanley: Between the start of the scheme in August 1983 and February 1986 some 2,700 young people have been accepted for the armed services youth training

scheme, and almost 950 trainees have subsequently transferred to regular engagements in the services. Some 900 young people were accepted for the scheme in the last year, of whom 129 were for the Army. We are continuing to promote the scheme actively, including through-school visits by all three services.

Dr. Glyn: Can my right hon. Friend say whether visits to schools are being increased? Does he agree that such visits are of great value?

Mr. Stanley: I am grateful for the question about the importance of visits to schools to promote the armed services youth training scheme. That is an important matter and one of the high priority tasks for the services careers information officers. I understand that this year they are planning to visit several thousand schools, colleges and universities.

Mr. Thompson: Having regard to the value that many young people could gain from a period of service in the armed forces and the fact that the youth training scheme has been extended for two years, will my right hon. Friend do more to promote the youth training scheme, particularly in relation to the Army? Is there any reason why more than 10,000 young people could not benefit from a scheme of this kind?

Mr. Stanley: I assure my hon. Friend that promoting the scheme is given an important priority. I hope that young people will be encouraged by the fact that the figures show that about one third of the young men and women who take part in the armed services youth training scheme have transferred to regular engagements in the services. They have moved from a temporary training scheme to very good full-time permanent jobs.

Sir Adam Butler: My right hon. Friend said that only 129 young people accepted for YTS had been recruited to the Army—an extraordinarily low figure. Does he agree that that low number stems from a reluctance by the professionals to take on what they might describe as conscripts? Will he do much more to encourage the scheme in the way described by my hon. Friend the Member for Norwich, North (Mr. Thompson)? Enormous benefits could flow from that.

Mr. Stanley: I stress that during the operation of the scheme the Army has made available many more places than there have been applicants who have met the requisite standards. So far—this may well change—people have been attracted particularly to the RAF and, to some extent, the Royal Navy. In the past year or so, the Army has had more difficulty in attracting applicants. We have been looking closely at that position and want to remedy it.

Strategic Defence Initiative

3. **Mrs. Clwyd** asked the Secretary of State for Defence which projects his Department has approved and funded on strategic defence initiative-related research in United Kingdom universities.

The Minister of State for Defence Procurement (Mr. Norman Lamont): The hon. Lady's question is based on a misunderstanding. It has been made clear that the United Kingdom is not contributing funds to the United States SDI research programme, nor is it subject to approval by the Ministry of Defence.

Mrs. Clwyd: Given the fears expressed many times in the House on the dangers of SDI, how can anyone be expected to trust the Government when they have shown that they are ready to deceive the House, the people of Britain and our European allies by mounting a senseless, dangerous attack on another country—Libya?

Mr. Lamont: I am surprised that the hon. Lady is not more enthusiastic about SDI, because the Labour party advocates a non-nuclear defence policy. It is extraordinary that the hon. Lady had nothing to say about the enormous efforts being made by the Soviet Union. Why did she say nothing about the extensive programme employing thousands of scientists on high energy lasers and about the space launch system which the Soviet Union is developing, which is essential for a space-launched weapons system?

Sir Peter Emery: What guidance has my hon. Friend arranged for universities so that they may know of the participation and research contracts that can be made available to British industry and universities to assist and benefit from the SDI programme, which we should encourage?

Mr. Lamont: I have written to universities and institutions of higher education which we think could be involved in the programme. We have explained to them what our SDI office can do. We shall arrange a series of briefings in which we hope institutions of higher education will participate.

Dr. Bray: Has the hon. Gentleman read the United States Department of Defence report by the Eastport committee? Is he aware that the report characterises SDI as being likely in its early stages to be more effective as an offensive rather than a defensive system?

Mr. Lamont: President Reagan has made it clear that it is intended as a defensive system. Our commitment is to the research programme. That programme will establish the basis of the project. It implies nothing beyond research.

Mr. Michael McNair-Wilson: Are funds being made available for the possible study of a European defence initiative?

Mr. Lamont: As I explained in answer to the hon. Member for Cynon Valley (Mrs. Clwyd), the project is funded by the United States Government. A European architecture study is obviously an important aspect of that. It will be carried on bilaterally between the companies and countries of Europe and the United States.

Mr. McNamara: The Minister said that universities should not need the approval of the Ministry of Defence on work they did under the SDI. What check does the Ministry of Defence make of any of our secrets which may go to the United States? What information does the Ministry demand from universities as part and parcel of the work that they do on SDI?

Mr. Lamont: The universities are subject to the normal security procedures to which defence contractors are subject. That does not mean that, over and above security considerations, we have a veto over the work that they do.

Chemical Weapons

5. **Mr. Wallace** asked the Secretary of State for Defence if he will make a statement on progress of talks within NATO on the force goal requiring the United States to modernise its chemical weapons stocks with binary munitions.

Mr. Stanley: I cannot add to the reply that I gave to the hon. Member for Cynon Valley (Mrs. Clwyd) on 7 March.

Mr. Wallace: During Britain's chairmanship of the committee at the Geneva disarmament conference on chemical warfare, what initiatives do the Government propose to take to attempt to get an agreement on limitations on chemical warfare? Will the Government undertake not to work counter to an agreement by conniving with the United States to end the 16-year moratorium on the production of chemical weapons?

Mr. Stanley: On the first part of the question, we shall be using our chairmanship to try to achieve progress towards a comprehensive verifiable ban on chemical weapons. That is highly desirable and a fundamental objective of the Government's arms control policy. Towards that end, we have, over the last year or so, tabled a number of papers to try to make progress on the verification issue.

With regard to the second part of the question, I repeat what I said to the hon. Member for Cynon Valley (Mrs. Clwyd) on 7 March:

"A force goal requiring the United States to modernise its chemical weapons stocks with binary munitions is being discussed collectively within NATO in accordance with normal Alliance procedures."—[*Official Report*, 7 March 1986; Vol. 93, c. *313*.]

I cannot add to that.

Sir Patrick Wall: Does not the wearing of protective clothing reduce the effectiveness of troops by 50 per cent., and is it not a fact that the Soviet Union ends all its exercises with either chemical or nuclear warfare, to which we have no answer? In the event of failure to reach an agreement at Geneva, should we not have these stocks as soon as possible?

Mr. Stanley: The United States has a particular force goal proposal which is presently under consideration with the NATO authorities. This would enable it to modernise its own chemical stocks with binary munitions. I am aware of the point made by my hon. Friend about the serious extent to which the wearing of the nuclear, biological and chemical warfare kit degrades the operational effectiveness of forces. If one side can oblige the other to fight in such protective kit but not be so encumbered itself, it confers a major operational advantage on that side.

Mr. Robert C. Brown: Will the Minister give the House an unequivocal undertaking that he will not embark on the lunacy of producing chemical weapons again? Will he give the armed forces the assurance that they will always have the very best of protective clothing made available to them?

Mr. Stanley: I can certainly give the hon. Gentleman the latter assurance that he seeks. We are continually trying to improve the protection of our own forces against the massive and very serious chemical weapon threat that they face from the Soviet Union.

The Government's policy remains unchanged from what was set out by my right hon. Friend the Prime Minister on 10 January 1985:

"The facts are that Britain abandoned its chemical warfare capability in the late 1950s. There has been no change in Government policy since then, nor is any change now proposed."—[*Official Report*, 10 January 1985; Vol. 70, c. 901.]

Mr. Churchill: Will my right hon. Friend confirm that the Soviet Union has by far the largest and most modern stocks of chemical warfare weapons in the world today? I recognise the great pressures that that imposes on the United States and other Western allies, including ourselves, but does my right hon. Friend agree that an effective and verifiable agreement banning such weapons and ensuring their destruction in the Soviet Union and elsewhere would be infinitely preferable to our going down that route?

Mr. Stanley: I agree with my hon. Friend that it would be infinitely preferable to have a comprehensive arms control agreement, which we have been seeking. If the Soviet Union were to respond positively to the verification proposals which we have put forward, agreement should be within our grasp.

My hon. Friend is right to highlight the fact that the Soviet Union has been continuing to invest in a massive chemical warfare capability. We estimate that that amounts to 300,000 tonnes of agent alone. No responsible Government can turn a blind eye to that capability.

Mr. Denzil Davies: Will the Minister tell us more about discussions regarding American binary weapons in NATO? Is it not a fact that NATO military bureaucracy has accepted that binary weapons should be located in Europe? Will the right hon. Gentleman make it quite clear that the Government will not agree to that or to any establishment or location of any American binary weapons on British soil?

Mr. Stanley: I cannot add to what I said about the consideration in NATO circles of the force goal proposals that have been put forward by the United States. The United States Government have said that they have no plans to deploy binary chemical weapons in any foreign country in peacetime and that, should such deployment be considered, the United States would consult the countries concerned beforehand.

Nuclear Defence Policy

6. **Mr. Greg Knight** asked the Secretary of State for Defence if he will estimate the total number of jobs in the United Kingdom which are dependent on, or otherwise related to, Her Majesty's Government's nuclear defence policy.

The Secretary of State for Defence (Mr. George Younger): Excluding service men and headquarters civilian staff, some 11,000 people are employed by the Ministry of Defence in general nuclear weapons-related activities. In addition, over the period of its procurement, the Trident project will account for an average of 8,500 direct and 6,500 indirect jobs in the United Kingdom. Further employment results from extramural work in support of the general defence nuclear programme.

Mr. Knight: I am obliged to my right hon. Friend for that reply. Do the facts not reveal that, should Britain ever decide to pursue one-sided nuclear disarmament, peace in

Europe would be put in jeopardy and thousands of people would be thrown out of work? Does my right hon. Friend agree that, whatever criteria are used, the Labour party's defence policy—if it can be called a defence policy—would have disastrous results if implemented?

Mr. Younger: My hon. Friend is absolutely right. The purpose of the Trident programme is to secure the United Kingdom's defence posture. We cannot ignore the fact that it provides a great many jobs, which the Opposition have made special efforts to obscure in case their policy of cancelling the project should ever come about.

Mr. James Lamond: Is not the belated anxiety of Conservative Members about employment transparently hypocritical? Is it not a fact that defence jobs are just as vulnerable to redundancy as any others? Indeed, some of us believe that they are more vulnerable.

Mr. Younger: The hon. Gentleman cannot get away from the fact that a lot of jobs are involved in the Trident programme. He might have noticed, as I did, that when the Leader of the Opposition visited Devonport, his publicity mentioned that the Trident programme would be cancelled under Labour, but, when he visited Rosyth, he ostentatiously omitted that sentence to mislead people there.

Mr. Wilkinson: Does my right hon. Friend agree that many people are employed as a result of Britain's nuclear programme and that, even more important, many others are protected by and owe their security to it? Does he also agree that the Würzburg NATO nuclear planning group — our European ministerial NATO allies — expressed support for Britain's nuclear programme and welcomed the enhancement of our overall deterrent credibility which it afforded?

Mr. Younger: I agree with my hon. Friend. There is no doubt that the British contribution to the deterrent force has been a major factor in preserving peace in Europe for the past 40 years. My hon. Friend is also right that, at the Würzburg NPG meeting, our allies received a presentation from us on the British nuclear deterrent and expressed their warm approval of it.

Mr. Dalyell: What were the terms of the apology proffered by Mr. Caspar Weinberger about the visit to British firms—unauthorised, it seems—by Mr. Clarence Robinson?

Mr. Younger: The hon. Gentleman has raised this matter in earlier defence questions and, as promised, I have made inquiries about it. I discovered that Mr. Clarence Robinson's visit here had no significance, other than that it was a visit. It certainly had none of the significance that the hon. Gentleman fears.

Sir Hector Monro: How many of the defence jobs that my right hon. Friend mentioned are in Scotland. How much money goes into the Scottish economy as a result of them?

Mr. Younger: I shall be glad to answer a question on that point if my hon. Friend cares to table one. There is no doubt that the base at Faslane on the Clyde and a large portion of the dockyards at Rosyth would be decimated if the Trident programme were to be abandoned.

Mr. O'Neill: How many jobs have been lost in conventional support as a result of the Government's commitment to a nuclear policy? How many jobs are being sacrificed on the Tyne and the Clyde because of the Government's inability to make up their mind about where the AOR and type 23 orders should go?

Mr. Younger: The answer to the hon. Gentleman's question is none. He ought to know, and I think he does know, that the Government have substantially increased conventional spending as well as coping with the Trident programme.

Mr. Wigley: Will the Minister confirm that in my own county of Gwynedd, at RAF Valley, people are employed on nuclear weapons? In view of the resolution by the county council not to have nuclear weapons in Gwynedd, will the Minister remove them?

Mr. Younger: The hon. Gentleman and the county council will have to face the fact that, whatever their responsibilities, they do not include responsibility for defence.

Procurement Policy

7. **Mrs. Ann Winterton** asked the Secretary of State for Defence if he will make a statement on future defence procurement policy.

Mr. Norman Lamont: We shall continue to seek to procure the equipment the services need at a price that gives the taxpayer value for money. To this end we shall pursue vigorously the twin aims of competition and collaboration.

Mrs. Winterton: Does my hon. Friend not consider that small arms procurement policy is inequitable and one-sided, given that our market is open to overseas competition while overseas markets remain firmly closed to us? Bearing in mind the recent redundancies at Radway Green in my constituency, will my hon. Friend give an assurance that all future orders will be placed in Britain and not abroad, because of the obvious absence of a free market?

Mr. Lamont: I cannot give my hon. Friend the assurance she seeks. She knows that it has always been our policy that to a certain extent we should open up to competition the market for ammunition. Last year we put only 10 per cent. of orders out to competition and we intend to increase that slightly. Following the order for 17 million rounds of 7·6 mm ammunition placed at Radway Green, and the overhang from last year, I am satisfied that the factory has a firm and good production order book.

Mr. Duffy: What specific steps has the Minister taken to enable defence procurement policy to take advantage of the United States 1986 Defence Authorisation Act, which establishes the groundwork for greater co-operation and collaboration between allies?

Mr. Lamont: We are considering a number of projects for joint collaboration. As the hon. Gentleman is aware, the Nunn amendment requires us, in consultation with our European allies, to develop a list of projects that can be developed on a collaborative basis, not just in Europe, but across the Atlantic.

Mr. Soames: What steps is my hon. Friend taking to transfer to civil research the large amount of money he spends on military research under the defence procurement policy?

Mr. Lamont: Our research in military establishments is carried out for military purposes and military reasons. We are doing everything possible to encourage spin-offs. My hon. Friend will be aware that we helped to set up a company called Defence Technology Enterprises, which enables private firms to have access to some of the research work carried out in our military establishments. That is a modest step, but it is a step in the right direction.

Mr. Douglas: Can the Minister give us an assurance about future procurement for the type 23? When is the order for 02 to be firmed up and the orders for 03 and 04 confirmed? Can he give us an assurance that Yarrow will be sustained as the lead yard for the type 23?

Mr. Lamont: The 02, 03 and 04 are being evaluated, but no decision has been made on the size or timing of the order. I am sure that Yarrow will remain as it is.

Mr. Robert Atkins: Is it not a fact that the Belgian, German and French Governments will not allow Royal Ordnance to tender for equipment in those countries, whereas we, under our policy of competitive tendering, allow them to tender for equipment for use by our armed forces?

Mr. Lamont: My hon. Friend knows that Royal Ordnance is successful in penetrating foreign markets. We need to get better value for money in the defence budget. If the price of our ammunition is 50 to 60 per cent. higher than it is elsewhere, to take the modest step of looking only at 10 per cent. of our requirements on a competitive basis is a matter of common sense. Anybody who feels that his budget is constrained is bound to do that.

Mr. Ashdown: Among the procurement decisions that the Minister is currently considering is an order for 15 Westland Sea King helicopters, which are much needed by our defence forces. Will he give an undertaking to the House that that decision will not be delayed? If it is, it will create further problems for Westland and may risk interrupting the Sea King production line, which would cause the taxpayer to have to pay more in the long run, for those aircraft.

Mr. Lamont: I note what the hon. Gentleman has said. However, he knows that it has been made clear to the House on several occasions that there can be no guarantee of those orders. I cannot add to what has already been said.

Mr. McWilliam: When the Minister considers his future defence procurements, will he consider restoring from Germany to the Royal Ordnance Factory, Birtley the FH70 orders, since the Germans have been unable to supply them for over a year?

Mr. Lamont: The implication in the hon. Genleman's question is not quite right. He knows that the ammunition for the FH70 is governed by the terms of the memorandum of understanding. It is a shared project. In this instance the product has to come from the German factory.

Mr. Nicholas Winterton: Will my hon. Friend now do the House the courtesy of answering the question of my hon. Friend the Member for Congleton (Mrs. Winterton)? My hon. Friend asked whether the Ministry of Defence would seek to place orders with countries whose markets are not open to us. Will he please answer that question? It is vital that this country should engage in free trade, but it should do so only with those countries which are prepared to open their markets to our royal ordnance factories.

Mr. Lamont: I thought that I began my answer to the hon. Member for Congleton (Mrs. Winterton) by saying that I could not give her an undertaking. When my hon. Friend next sees the hon. Member for Congleton, perhaps he will ask her to confirm that that is what I said. I emphasised that our policy is to get the best value for money, and this modest opening up of the ammunitions market to foreign competition is one that we should continue to pursue.

Mr. Campbell-Savours: Has the Director of Public Prosecutions reported on whether he intends to bring an action against Dowty Rotol of Cheltenham for cheating on defence contracts?

Mr. Lamont: No.

Experimental Aircraft Project

8. **Mr. Gerald Howarth** asked the Secretary of State for Defence if he will make a statement on progress on the experimental aircraft projects.

Mr. Norman Lamont: The design and construction of this aircraft are well advanced and on schedule. My right hon. Friend will tomorrow take great pleasure in attending the roll-out at Warton.

Mr. Howarth: Will my hon. Friend join me in congratulating British Aerospace and its Italian and German partners on producing on time this high technology demonstrator that is to be rolled out tomorrow? Will he assure the House that the benefits to be derived from this high technology demonstrator will be fully incorporated in the European fighter aircraft programme?

Mr. Lamont: I am happy to join my hon. Friend in congratulating British Aerospace and its partners. The intention is to use the experience and the technology that has been developed in this aircraft for further use in the European fighter project. I am sure that the valuable experience that has been gained will be used.

Mr. Bill Walker: Does my hon. Friend agree that the Royal Air Force has a particular requirement for the European fighter aircraft, that this experimental aircraft has been designed around the needs of the Royal Air Force and that this must be remembered fully when we order the European Fighter aircraft?

Mr. Lamont: I note what my hon. Friend says, but it is important to emphasise that the idea behind the European fighter project is to produce an aircraft that suits the needs of several air forces, not just to build it around the requirements of one nation. It is important to stick to the requirements on weight and size that are essential if the project is to go ahead on a collaborative basis.

Mr. McNamara: Is the Minister of State aware that we on the Labour Benches join in congratulating British Aerospace on this achievement and look forward to seeing the roll-out of the aircraft tomorrow? Is he aware of the disturbing statements that were made on television over the weekend about the possibility of secrets being leaked to the Czechoslovakian Government by a junior official at the DTI? Is the Ministry of Defence satisfied that highly

sensitive military information concerning aircraft of this nature is now properly safeguarded at the DTI, and is no longer able to be purloined by junior officials?

Mr. Lamont: As the hon. Gentleman well knows, I cannot comment on that situation at this moment. That matter, I understand, is being investigated.

Strategic Defence Initiative

10. **Mr. Boyes** asked the Secretary of State for Defence whether he will now publish the memorandum of understanding on the strategic defence initiative following the German Government's decision to do so.

Mr. Norman Lamont: No. The United States-United Kingdom memorandum of understanding on United Kingdom participation in the United States research programme is classified. I understand that the corresponding agreement between the United States and the Federal Republic of Germany, signed on 27 March 1986, is confidential and will not be published.

Mr. Boyes: Irrespective of the actions of the Federal Republic of Germany, why does the Minister insist on secrecy for this memorandum of understanding? Surely Parliament has a right to know—or is it all to do with the Prime Minister's docile, weak-kneed, agree-at-any-price relationship with the President of the United States of America, as demonstrated in the last 24 hours?

Mr. Lamont: As the hon. Gentleman knows, the memorandum of understanding is an agreement between our Government and the Government of the United States. The latter Government are also negotiating agreements with several other Governments, and in the circumstances it would be utterly astonishing if they wanted to have that agreement made available publicly.

Mr. Warren: As my hon. Friend knows, I have received a copy of this document from the United States, which bears no classification sign of any kind. Therefore, I should like confirmation from him of the degree of classification that it is being given in the United States. Secondly, will he please reconsider publication, because this document contains commitments and constraints on British industry which have been made known to British industrialists and I think ought to be made known to Parliament?

Mr. Lamont: I had noticed the report in a newspaper that my hon. Friend had received the document. Whether he has received the memorandum of understanding or a different document on procurement co-operation, I do not know. If he has received this document, all I can say is that I note that he is in possession of a classified document.

Mr. Meadowcroft: Does the memorandum include a statement on the vulnerability of Europe and the destabilisation of deterrence as a result of the SDI along the lines of his right hon. and learned Friend the Foreign Secretary's initial comments? Will he publish at least those aspects?

Mr. Lamont: I can tell the hon. Gentleman, without giving anything away, that it does not cover that matter because, of course, the memorandum of understanding is concerned with matters such as transfer of technology, intellectual property rights, commercial matters and the basis on which companies and institutions in this country would do deals with United States institutions on the SDI project.

Land Rover

12. **Mr. John Mark Taylor** asked the Secretary of State for Defence if he can forecast the future purchases of Land Rover by his Department.

The Parliamentary Under-Secretary of State for Defence Procurement (Mr. John Lee): We expect to order 2,600 of the new 90 model in the very near future. These orders will meet our requirements up to 1988-89. In addition, the company is currently competing for the services' requirement for a 1-tonne utility truck replacement, the order for which will be placed in the early part of 1987.

Mr. John Mark Taylor: While I thank my hon. Friend for that answer, may I ask him whether, when his right hon. Friend the Secretary of State for Trade and Industry moves closer to a decision on the future of Land Rover, he will guide him if there are any security issues to be taken into account. and will he look in detail at the ownership of the various bids?

Mr. Lee: All I can say to my hon. Friend is that the defence interests will be conveyed, and have been, to my right hon. Friend the Secretary of State for Trade and Industry.

RIMPAC Exercise

13. **Mr. Foulkes** asked the Secretary of State for Defence whether it is intended that during their participation in the RIMPAC exercise British naval forces will take part in ground attacks against the Kaho' Olawe United States bombing range in Hawaii.

Mr. Stanley: No, Sir.

Mr. Foulkes: Not withstanding that answer, in view of the fact that we volunteered to participate in this exercise when New Zealand pulled out, and in view of recent events, how can the Minister convince us that in defence matters we are nothing more than a satellite state of the United States of America?

Mr. Stanley: It says a lot for the commitment of the Labour party to NATO that it is reluctant for us to exercise with our most important military partner in NATO.

Mr. Denzil Davies: Will the right hon. Gentleman make it clear that this is not a NATO exercise, but an exercise outside the NATO area? We are concerned about our obligations to NATO, but we do not want to enable the Americans to project power all over the world.

Mr. Stanley: We are very happy to exercise with the United States both in area and out of area.

Calcutt Report

14. **Mr. McNamara** asked the Secretary of State for Defence when he hopes to receive and publish the Calcutt report.

Mr. Stanley: My right hon. Friend received Mr. Calcutt's report on 9 April. He intends to publish it as soon as it has been cleared by the security authorities and he has completed his initial consideration of it.

PRIME MINISTER

Engagements

Q1. **Mr. Litherland** asked the Prime Minister if she will list her official engagements for Tuesday 15 April.

The Prime Minister (Mrs. Margaret Thatcher): This morning I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in this House I shall be having further meetings later today.

Mr. Litherland: Is the Prime Minister aware that, by giving permission for the launching of F-111s to undertake a military attack on the mainland of Libya, she has not only broken the confidence of the EEC and international law, but now has the blood of innocents on her hands? Does she realise that that action and the build-up of American naval power are a threat to world peace and that she should divorce herself from Reagan's Rambo policies in that area? This is not the answer to international terrorism, which we all abhor. These are the questions that nations are asking.

The Prime Minister: I believe that the attacks made by the United States on Libya were within the inherent right of self-defence under article 51. That was why we gave our support to that action and our consent to the use of bases in Britain for that purpose.

Q2. **Mr. Bellingham** asked the Prime Minister if she will list her official engagements for Tuesday 15 April.

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Mr. Bellingham: Is my right hon. Friend aware that there is considerable concern in East Anglia this afternoon about the use to which United States air force bases have been put during the last 24 hours? Further, is she aware that this understandable anxiety could be allayed if it is proved beyond doubt that the United States raids were not contrary to article 51 and were strictly necessary to meet the Libyan terrorist threat?

The Prime Minister: As I indicated, I believe that the United States action against terrorist-related targets, undertaken in the light of evidence that further terrorist attacks were planned, was within the inherent right of self-defence under article 51.

Mr. Kinnock: I realise that there is to be a statement later today and a debate on Libya and the attack on Libya tomorrow, but the House and the country will want to know as quickly as possible what steps have been taken by Her Majesty's Government to safeguard the welfare of British citizens in Libya and other countries in the middle east.

The Prime Minister: As the right hon. Gentleman is aware, since we broke off diplomatic relations with Libya following the St. James's square terrorist incident some two years ago we have had consistently to tell our own people who remain in Libya that they do so on their own responsibility. The only representation that we have is someone in the British interests section of the Italian embassy. Of course, we are in touch with him and he will advise British citizens as best he can.

Mr. Kinnock: Is the Prime Minister satisfied that, acknowledging the background to our relationship with Libya, enough can and will be done not only in Libya but elsewhere where people may be extremely vulnerable in the next period to provide proper safeguards to ensure their security?

The Prime Minister: Under terrorist attack there is no universal safeguard, as the right hon. Gentleman knows. All posts have been alerted and security stepped up.

Mr. Walters: While recognising the frustration felt by the United States when dealing with the Libyan Government, will not the effect of this American attack on Tripoli be to strengthen President Gaddafi, and to weaken our moderate friends in Egypt, Jordan and the Gulf?

The Prime Minister: No, I do not believe that it will have that effect. There has been state-sponsored terrorism by Libya for a long time. How much longer were we to remain passive and not exercise the right of self-defence inherent in the charter?

Mr. Benn: Will the Prime Minister be explicit with the House? Is she standing at the Dispatch Box on behalf of the Government condoning and supporting the death of civilians in Libya, who were killed by aircraft flying with her consent from British bases, when the House of Commons has neither been informed or consulted, nor given any approval to this act?

The Prime Minister: The right hon. Gentleman is aware that action by the United States took place against continued state-sponsored terrorism by Libya. I believe that we were entitled to use, that the United States was entitled to use, its inherent right of self-defence. If one refuses to take any risks because of the consequences, the terrorist Governments will win and one can only cringe before them.

Mr. Patrick McNair-Wilson: Is my right hon. Friend aware that until some real progress is made in securing self-determination for the Palestinian people—a cause to which I believe she is committed — no amount of bombing is likely to stop friendly Arab Governments from planning violent actions throughout the world?

The Prime Minister: As my hon. Friend is aware, we take as much action as we can to further the peace process between the Arab and Palestinian peoples in the middle east. We shall continue to do so. We have taken peaceful action against terrorism. Much of that action has, unfortunately, not secured its objective. The United States decided to exercise, in the light of a specific target, its right of self-defence. To have refused to have done so would have meant that we were supine and passive in the face of that terrorism.

Mr. Foot: Regarding the discussions that the right hon. Lady had with the American President in the past few days, can she say what discussion there was about the acceptable level of civilian destruction and murder that might follow an attack upon Libya? Did she try to restrain the actions of the President on that account? Does she understand that the worst way to deal with terrorism is to act like terrorists ourselves?

The Prime Minister: The discussion was to secure targets and action proportionate to the threat, and to ensure that the action taken by the United States was within article 51. The United States and we believe that that action was

within article 51. Could I refer the right hon. Gentleman to the leader that appeared in *The Mirror* yesterday—as robust a leader as I have ever seen?

Mr. Charles Morrison: Two weeks ago there was a skirmish between the United States and Libya. Yesterday there was a major attack by the United States on Libya. What convinces my right hon. Friend that this escalation in events will not continue?

The Prime Minister: There has been an escalation in terrorism for some time. We have all been subjected to it in this country, as well as elsewhere. The question was, at what time did one attempt, or the United States attempt, to invoke the right of self-defence, or were we to continue being passive and supine? I believe that, under the circumstances, the United States was acting within article 51 in exercising its inherent right of self-defence to try to turn the tide against terrorism, and to discourage those who engage in it and state-sponsored terrorism, from engaging in further attacks.

Dr. Owen: Does the Prime Minister agree that, under the Churchill-Truman agreement of 1952, the decision whether to use the bases was a matter for joint decision? Does that not lay an obligation on the Government to prove that article 51 has been fully used and to produce evidence to the Security Council?

The Prime Minister: As the right hon. Gentleman knows, the Security Council has condemned terrorism. He is also aware that that condemnation has been without effect. It did not seem that further condemnation by the Security Council would have any effect this time. The right hon. Gentleman is right. The arrangements under which American bases are used in this country have been the same for well over 30 years and they have not changed. Under those arrangements, our agreement was required. It was sought and, after discussion and question, it was obtained on the basis that the action would be on targets that were within article 51.

Mr. Mates: On a point of order, Mr. Speaker.

Mr. Speaker: I will take points of order after questions.

Q3. **Mr. Thurnham** asked the Prime Minister if she will list her official engagements for Tuesday 15 April.

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Mr. Thurnham: Although I welcome the Government's £3·6 million urban grant to regenerate industry in Bolton, will my right hon. Friend condemn Bolton's labour-controlled council, which is discouraging business with a 23 per cent. rate increase?

The Prime Minister: I understand that Bolton council has increased its expenditure by almost 13 per cent., which is about three or four times above the expected rate of inflation. I agree with my hon. Friend also that high rate increases drive away businesses, especially small businesses, and therefore jobs. I agree with my hon. Friend also that ratepayers have a right to expect good value for money. Therefore, there is some concern about the fact that Bolton has suspended its efficiency study.

Q4. **Dr. M. S. Miller** asked the Prime Minister if she will list her official engagements for Tuesday 15 April.

The Prime Minister: I refer the hon. Gentleman to the reply that I gave some moments ago.

Dr. Miller: Did the right hon. lady consult our EEC partners, some of which are fellow members of NATO, about the attack on Tripoli and Benghazi? if she did not, why not? If she did, why did she choose to disregard their views?

The Prime Minister: My right hon. and learned Friend the Foreign Secretary met some of our EEC partners yesterday. We did not consult them on the use of our bases. That is a matter for our decision.

Mr. Aitken: When my right hon. Friend took the difficult but wholly correct decision to permit the use of British bases for the United States attack, was she influenced not only by loyalty to an ally with a just cause, but by a much more practical consideration, namely, that fewer risks were likely to be caused to Libyan civilians and to United States military personnel if the United States used the much more precise equipment, the F 111, rather than carrier-based aircraft?

The Prime Minister: Yes, Sir. My hon. Friend is correct. That was a factor in the decision to use our bases and why those aircraft were especialy right for the action that was undertaken. We were also influenced by the fact that the United States has hundreds of thousands of forces in Europe to defend the liberty of Europe. In that capacity they have been subject to terrorist attack. It was inconceivable to me that we should refuse United States aircraft and pilots the opportunity to defend their people.

Mr. McWilliam: Why did the Prime Minister choose to authorise the use of British bases for this attack when the capability to mount that attack existed with the battle fleet not 300 miles north of the coast of Libya?

The Prime Minister: As my hon. Friend the Member for Thanet, South (Mr. Aitken) indicated in an earlier question, the F 111s were required because they are more accurate on particular targets and because they would involve far less collateral damage and far less risk to American pilots. The Americans are our allies and put considerable effort into defending the freedom of Europe. I hope that hon. Gentlemen on the Opposition Benches will remember that.

Mr. Terlezki: Am I right in assuming that there is a very strong link between the Libyan Government and the IRA, which results in the death of many innocent people in this country?

The Prime Minister: Yes, we have evidence that the Libyan Government support the Provisional IRA. That is also a factor which must be taken into account.

Q5. **Mr. Foulkes** asked the Prime Minister if she will list her official engagements for Tuesday 15 April.

The Prime Minister: I refer the hon. Gentleman to the reply that I gave some moments ago.

Mr. Foulkes: Following the question from my hon. Friend the Member for East Kilbride (Dr. Miller), can the Prime Minister tell the House whether, when the Foreign Secretary was trying to persuade our European partners to take firm diplomatic action, he was aware that she had already authorised the use of this country as a glorified aircraft carrier for the United States and is this what she means by co-operation with our European partners?

The Prime Minister: The Foreign Secretary and I have acted very closely together throughout. I remind the hon. Gentleman that the United States has more than 330,000 members of her forces in Europe to defend our liberty. Because they are here, they are subject to terrorist attack. It is inconceivable that they should be refused the right to use American aircraft and American pilots in the inherent right of self-defence, to defend their own people.

Libya

3.31 pm

The Prime Minister: With permission, Mr. Speaker, I shall make a statement about Libya. Before I do so, may I first say that my right hon. Friend the Leader of the House will shortly be making a business statement indicating that there will be a full day's debate on this matter tomorrow.

The House is aware that last night United States forces made attacks on specific targets in Libya.

The Government have evidence showing beyond dispute that the Libyan Government have been and are directly involved in promoting terrorist attacks against the United States and other Western countries, and that they had made plans for a wide range of further terrorist attacks.

The United Kingdom has itself suffered from Libyan terrorism. The House will recall the murder of WPC Fletcher in St. James's square. There is no doubt, moreover, of the Libyan Government's direct and continuing support for the Provisional IRA, in the form of money and weapons.

Two years ago, we took certain measures against Libya, including the closure of the Libyan people's bureau in London, restrictions on the entry of Libyans into the United Kingdom, and a ban on new contracts for the export to Libya of defence equipment. Yesterday the Foreign Ministers of the European Community reaffirmed their grave concern at Libyan-inspired terrorism and agreed on new restrictions against Libya.

Since we broke off diplomatic relations with Libya, we have had no choice but consistently to advise British nationals living and working there that they do so on their own responsibility. Our interests there have been looked after by the Italian Government. Our representative in the British interests section of the Italian Embassy will continue to advise the British community as best he can.

The United States has tried by peaceful means to deter Colonel Gaddafi and his regime from their promotion of terrorism, but to no effect.

President Reagan informed me last week that the United States intended to take military action to deter further Libyan terrorism. He sought British support for this action. He also sought agreement, in accordance with our long-standing arrangements, to the use in the operation of some United States aircraft based in this country. This approach led to a series of exchanges including a visit by Ambassador Walters on Saturday, 12 April.

Article 51 of the UN charter specifically recognises the right to self-defence. In view of Libya's promotion of terrorism, the failure of peaceful means to deter it and the evidence that further attacks were threatened, I replied to the President that we would support action directed against specific Libyan targets demonstrably involved in the conduct and support of terrorist activities; and, further, that if the President concluded that it was necessary, we would agree to the deployment of United States aircraft from bases in the United Kingdom for that purpose.

I reserved the position of the United Kingdom on any question of further action which might be more general or less clearly directed against terrorism.

The President assured me that the operation would be limited to clearly defined targets related to terrorism, and that the risk of collateral damage would be minimised. He made it clear that use of F111 aircraft from bases in the United Kingdom was essential, because by virtue of their special characteristics they would provide the safest means of achieving particular objectives with the lowest possible risk both of civilian casualties in Libya and of casualties among United States service personnel.

Terrorism is a scourge of the modern age. Libya has been behind much of it and was planning more. The United Kingdom itself has suffered from Libya's actions. So have many of our friends, including several in the Arab world.

The United States, after trying other means, has now sought by limited military action to induce the Libyan regime to desist from terrorism. That is in the British interest. It is why the Government support the United States action.

Mr. Neil Kinnock (Islwyn): I realise, of course, that we are to have a debate tomorrow and I am grateful for that, but the speed at which events are moving means that I must ask the following questions.

First, did the Prime Minister speak directly and personally to President Reagan at any time before she decided that the attack on Libya by F111s could be launched from bases in Britain?.

Is it true that the decision not to veto the use of bases in Britain for action against Gaddafi was made by the right hon. Lady alone?

Is it true that the Foreign Secretary was not told of the American action until yesterday morning?

Is it true that the Cabinet Defence and Overseas Committee was not consulted at all until very late last night's?

If these statements are true, is it not the case that the Prime Minister has treated her Cabinet and her Government with the same contempt as that shown to her by the President of the United States?

Will the Prime Minister tell the House and the country whether she herself or her Foreign Secretary has actually seen or heard the evidence of which President Reagan spoke in his broadcast on television last night? Will she respond to the view that is held in all parts of the House, that the maximum possible amount of the evidence on which her decision and that of the President were based should be published? Will the Prime Minister accept that, even if there is such evidence against Gaddafi, last night's bombing cannot be justified as an act of self-defence under international law, for that international law requires that armed response to aggression be immediate, protective and proportionate to the scale of aggression?

Does not the Prime Minister think that her right hon. Friend the Foreign Secretary has to answer a serious charge of duplicity in his dealings with our European allies yesterday?

Is the Prime Minister aware that the distinguished and experienced diplomat, Sir Anthony Parsons, has condemned last night's action as a

"kind of vigilantism more likely to provoke than prevent terrorism"?

Is the right hon. Lady aware that he has further said that he would have advised, when he was her adviser, that no such action should be taken until every possible measure through the United Nations and under international law had been exhausted?

Will the Prime Minister tell us whether she was advised to the same effect before she made her decision to support President Reagan? Will she now tell us whether she will

give an undertaking, here and now, that she will refuse to grant permission for the use of bases in Britain for any further similar action in similar circumstances by President Reagan?

Will the Prime Minister further accept that, far from bringing down a

"curtain on Gaddafi's reign of terror",

as the President put it last night and as he claims, his adventure against Libya has failed to achieve the objective of terminating terrorism? Will she accept that it has caused bloodshed and damage to innocents, will result in a loss of American and British influence, even over moderate Arab states and has meant a gain in support for Gaddafi, even from his sworn enemies? Is it not obvious that this action and the way in which it was taken has fractured relationships with the Alliance?

Those are all terrible costs to pay. They are all reasons for us to condemn the United States action and all reasons why the right hon. Lady, as a true and candid friend of the United States and as a true enemy of terrorism, should join us in that condemnation.

The Prime Minister: I disagree totally with the right hon. Gentleman. I remind him again that the United States, our staunch ally, keeps over 330,000 troops in Europe to defend the freedom of Europe and that, without the United States and Britain, Europe would not today be free. We must continue to keep that Alliance.

The right hon. Gentleman asked me a number of questions. My right hon. and learned Friend the Foreign Secretary and my right hon. Friend the Secretary of State for Defence were in No. 10 when the initial message from the President was received and we have acted together in knowledge of one another's views throughout. We do not normally give the details, but it is known that the Overseas and Defence Committee of the Cabinet met on Monday morning.

The right hon. Gentleman asked me whether I have seen the evidence. Of course I have seen and examined our own intelligence evidence. He asked whether the maximum amount can be published without doing damage. We are naturally careful about intelligence efforts, because to publish it will compromise the sources and may therefore undermine our security. A certain amount has been given and I shall try to see that we will give as much as we can without undermining that security, because to undermine the security could be very damaging to the United Kingdom and our allies.

I have indicated, and I know that the United States takes the same view, that the selection of targets demonstrably in connection with terrorist activity was within article 51. That is my legal advice and I understand that it is the legal advice of the United States. The right hon. Gentleman spoke about moderate Arab states. May I remind him that moderate Arab states have also been the subject of terrorist attack and some of them understand very well what we are doing?

Mr. Julian Amery (Brighton, Pavilion): May I congratulate my right hon. Friend on the staunch support she gave to our American allies in seeking to deter not just terrorism but a terrorist state which has been our enemy, as much as the enemy of the United States and of the moderate Arab countries? However, would she remind President Reagan of what Sir Winston Churchill said in his verdict on the Suez operation: "I don't know if I would have dared to start. I would never have dared to stop."? The drastic action taken by the Americans yesterday will find its justification only if the terrorist state is finally prevented from continuing terrorism which it has carried out against us. Those who support Colonel Gaddafi are accessories to the murder of our police constable in this country and of many other people in other parts of the world.

The Prime Minister: I am grateful to my right hon. Friend. I am very much aware that, if there were to be any further action, it would also have to be justified under article 51. Precisely the same rules will apply to any further action as have applied to this. My right hon. Friend would be the first to understand that some risks have to be faced in order to try to turn the tide against terrorism. A great deal of action has so far been taken and attempted by the United States. It has come to Europe asking for further action, and we, in Europe, have been the country that has already taken the most. The United States did not get much of a response from Europe in taking peaceful action. It had to turn to the possibility of the practical use of its right under article 51. We join the United States in hoping that that is an extra deterrent, and will encourage Colonel Gaddafi to desist from future terrorist attacks.

Mr. David Steel (Tweeddale, Ettrick and Lauderdale): Whatever the evidence, which is no doubt substantial, of Libyan-based terrorism, in what respect does the Prime Minister expect that that terrorism will be halted by what happened last night? Secondly, may I ask how it was that the Foreign Secretary, only yesterday, agreed unanimously with the European Ministers that increased military tension in the area would be dangerous, yet 12 hours later there was substantial increased military tension in the area? Thirdly, did the right hon. Lady seek to limit the permission for the use of British bases to military targets, and is she aware that the most appalling thing she said this afternoon was her use of the word "inconceivable", when she said that it would be inconceivable that she would ever refuse any request? Is not that writing a blank cheque for President Reagan?

The Prime Minister: We, of course, have direct evidence of Libyan-based terrorism in St. James's square. I hope that the right hon. Gentleman will not forget that —*[Interruption.]* Since then, there appears to have been an escalation of terrorism. If right hon. and hon. Members thought that we were not firm enough about that act, they should welcome the action that has now been taken and the support that has been given. We said not only that the action should be confined to military targets but that it should be confined to targets directly associated with terrorism. Indeed, the word that we used was "demonstrably" associated with terrorism, because we believed that we needed to do that to be within article 51.

The right hon. Gentleman asked about the action of my right hon. and learned Friend the Foreign Secretary in Europe yesterday. A number of countries there had already had discussions with General Walters and had already been asked to take further action. I understand that the whole discussion in Europe between the Foreign Ministers took place on the basis that action might well be imminent, and my right hon. and learned Friend argued the case not only for action in self-defence but for a stronger Community response. There were some further new actions, but they were not very much.

Sir Ian Gilmour (Chesham and Amersham): Since the great evil of terrorism is the killing and wounding of innocent people, when my right hon. Friend made her difficult and, to my mind, mistaken decision, could she not have stipulated that the bases should not be used for attacks on targets in civilian areas, which were bound, and apparently seemed, to result in the killing of innocent people?

The Prime Minister: My right hon. Friend heard the statement that I made, that the targets which were chosen must come within the inherent right of self-defence in article 51, and therefore must be demonstrably connected with terrorism. He will have seen the press conference in which Secretary Weinberger and Secretary Shultz took part, when they said that they deliberately chose targets demonstrably connected with terrorism, and also those that tried to minimise civilian casualties. There are always some risks, but I think that if one fails to take action under self-defence because some risks may be incurred, the people who take that view are saying that one can never tackle or take any action to reduce state-sponsored terrorism. In fact, one would have to cringe before Colonel Gaddafi without taking any further action.

Mr. Michael Foot (Blaenau Gwent): If the right hon. Lady is so confident that the American action was justified and legitimate under article 51, why did she not urge the President to go to the Security Council and see whether it agreed?

The Prime Minister: Because the Security Council has, in fact, condemned terrorism and state-sponsored terrorism before. As the right hon. Gentleman knows, the Security Council could not have taken any effective action, and has not been able to take effective action to deter state-sponsored terrorism. It utters excellent words. It is not able to carry out deeds.

Sir Peter Blaker (Blackpool, South): In view of the failure of past attempts to deal with the problem of Libyan terrorism, is not it perfectly clear that new ways have had to be found to attempt to deal with the problem? My right hon. Friend said that the evidence of Libyan complicity in past and planned terrorism was direct, and President Reagan has said that it was precise and irrefutable. In spite of the problems relating to the preservation of our intelligence, will my right hon. Friend consider the suggestion that has already been made—to which she has partly responded — and see whether more information about the evidence can be published?

The Prime Minister: I am grateful to my right hon. Friend. I agree with him that the actions that we and other countries have taken so far have not had the effect of reducing Libyan state-sponsored terrorism. Indeed, it has escalated, and we have solid evidence that more was planned. I shall follow up what my right hon. Friend has said and see how much of the evidence we can place before the House, but obviously I am not willing to compromise intelligence sources. We shall do what we can, and I know that the House will understand.

Mr. J. Enoch Powell (South Down): Has it not become clear from these events to the people of this country how flimsy would be our protection against the use of bases on British soil for the launching of nuclear operations?

The Prime Minister: No. The right hon. Gentleman is asking about something totally different, and I believe that he knows it.

Mr. Cranley Onslow (Woking): As the whole House well knows how Colonel Gaddafi has set himself up as the godfather of international terrorism—there is no room for doubt about that—will my right hon. Friend be very careful when she considers the question of publication of evidence, whether it has been obtained by the penetration of Libyan terrorist networks, the interception of their communications or however? It is of great importance to us and many others that these sources should continue to give us warning of what this mad dog may do next.

The Prime Minister: I am grateful to my hon. Friend. Of course I heed his warning. Some evidence has already been published in the United States. I shall see whether any more can safely be published, but I shall not step over the bounds of safety.

Dr. David Owen (Plymouth, Devonport): Although the Prime Minister went to the Security Council at the time of the Falklands, surely her strictures on the Security Council were equally applicable at that time? She was at great pains always to act within article 51. Did not President Kennedy in 1962 place the satellite photographs of the missiles in Cuba before the United Nations, and did not that have a dramatic effect on world opinion? The right hon. Lady should not listen too much to her hon. Friend the Member for Woking (Mr. Onslow) and should publish as much of the information as possible—if necessary, to some extent overriding the natural caution of the intelligence officers.

The Prime Minister: Yes, we did go to the Security Council, but to report our action under article 51. Any action taken under article 51, including the action that has recently been taken by the United States, has to be reported to the Security Council. It is the country concerned that takes the action; it is the report that goes to the Security Council.

Mr. Michael Colvin (Romsey and Waterside): Does my right hon. Friend acknowledge that international terrorism can best be countered by the free countries of the world working in concert, and that is why she was right to make her very difficult decision? In view of her confirmation that Libya is supporting the IRA, and given that we have now assisted the Americans in dealing with one of the worst terrorist threats to their country, would not it be reasonable to expect the Americans now to do a little more to help us to counter the IRA, which is one of the most serious terrorist threats against our country?

The Prime Minister: I am grateful to my hon. Friend. As he knows, the United States is meticulous in doing all it can to condemn the IRA and to stop any resources or weapons from coming to the assistance of the IRA. I am grateful to the United States for the action it is taking and I will put my hon. Friend's suggestion to it forcibly.

Mr. Leo Abse (Torfaen): Is it not clear from all the statements the Prime Minister has made that her passionate political infatuation with Reagan is leading her to the misjudgements of a giddy girl? Why is she feeding the paranoia of Gaddafi? Why is she providing him with corroboration of his crazy conspiratorial theories? Why does she provide him with a theatre in which he can place his self-immolating terrorists and allow them, as they

obviously now will, to come into this country? Is it not abundantly clear that the real immediate effect of her collusion is inevitably the importation of greater terrorist violence into Britain?

The Prime Minister: The United States stands by the NATO alliance, this country and Europe in defence of freedom. For that purpose it keeps hundreds of thousands of troops in Europe. In that capacity, American forces have been subject to terrorist attacks; and the complicity of Libya in those attacks is beyond doubt. Yet the hon. Gentleman is asking me to refuse the United States, in the face of those attacks and planned terrorist attacks, any right of self-defence, to use its own planes and its own pilots to defend its own people. It would be ridiculous to refuse it.

Sir Eldon Griffiths (Bury St. Edmunds): Since most of these aircraft took off from the same bases in my constituency that gave us such valuable help before when our forces were landing in the Falklands, will my right hon. Friend ensure that proper counter-measures are available to protect local people, and indeed our own installations, from any Libyan revenge? More broadly, since the evidence of Libyan complicity in the killing, kidnap, and hijack of British as well as American citizens is incontrovertible, does she not agree that sovereign Governments have a right and a duty to go to the defence of their citizens, even though that may require attacks at the nerve centre of international terrorism?

The Prime Minister: I am very much aware of the courage of the people who live around the bases to which my hon. Friend refers, both during wartime and now. I assure him that we are very much aware that terrorists, including those supported by Libya, have shown by past actions that they have the capacity to undertake indiscriminate attacks. Military establishments and Government Departments have been placed at a high level of alert. On the basis of past attacks, it is important for members of the public to be alert to the possibility of indiscriminate attacks and to report anything suspicious. I agree with my hon. Friend: states not only have the right of self defence; there are times when they have the duty to exert it.

Mr. Andrew Faulds (Warley, East): As the Prime Minister—[HON. MEMBERS: "Oh, no."] You'll listen! *[Interruption.]* As the Prime Minister is renowned for her limited understanding on a range of issues, particularly foreign affairs, and as she apparently prevented the Foreign Office yesterday from issuing a statement on this matter, will she try to appreciate and get her cretinous buddy, the American President, to appreciate—[HON. MEMBERS: "Reading."]—and try to get the American President to appreciate that such attacks—[AN HON. MEMBER: "Exit Right."]

Mr. Speaker: Order.

Mr. Faulds: You might not like it, but you are going to hear it—*[Interruption.]*

Mr. Speaker: Order. I ask the House to give the hon. Member a fair chance or we shall be here all afternoon.

Mr. Faulds: Will the right hon. Lady get her cretinous friend the American President——

Mr. Speaker: Order. The hon. Member well knows that such phrases are not used in relation to other Heads of State.

Mr. Faulds: Will the Prime Minister tell the American President that attacks such as those that he and she have launched on Libya will only alienate our Arab friends, give an enormous impetus to Islamic fundamentalism, to which there must have been millions of converts today, and enormously damage our interests and our embassies throughout the world?

The Prime Minister: The hon. Gentleman refers to understanding. Perhaps he would cast the beam out of his own eye first.

Mr. Faulds: What a feeble response. You have not got a case, you cretin.

Mr. Speaker: Order. This is an important statement on which every Back Bencher wants an opportunity to speak. I ask the hon. Member to contain himself.

Hon. Members: Withdraw.

Mr. Speaker: Order. Fortunately, perhaps, I did not hear the hon. Member for Warley, East (Mr. Faulds).

Hon. Members: We did.

Mr. Speaker: I did not. If the hon. Member has cast a slur on any right hon. or hon. Member, I know him well enough to realise that he will withdraw.

Mr. Faulds: I cast no slur on the honour of any right hon. Member. I simply described the intellectual ability, quite correctly.

Mr. Speaker: Order. If the hon. Member did that in an unparliamentary way, he should withdraw.

Mr. Faulds: I am sorry to prolong this matter because this is an important issue. The word I used has been allowed in the House. I have used it before.

Mr. Speaker: Nevertheless, and even though I did not hear it—I think other hon. Members did—I ask the hon. Member to withdraw it.

Mr. Ian Gow (Eastbourne): Does my right hon. Friend recall that, four years ago when faced with the impotence of the Security Council and despite criticism from within and without the House, she took military action to uphold international law? Does she agree that the advice of the Leader of the Opposition and the last Labour Foreign Secretary, the right hon. Member for Leeds, East (Mr. Healey), to put our trust in the Security Council is unrealistic? Does my right hon. Friend agree that her decision yesterday was totally justified?

The Prime Minister: The advice merely to go to the Security Council would be totally unrealistic in taking action to stop state-sponsored terrorism. I have no doubt that the action will be reported to the Security Council. The Security Council is not in a position to take effective action. We received splendid support from the United States, far beyond the call of duty, for the action taken four years ago.

Mr. Terry Davis (Birmingham, Hodge Hill): Is the right hon. Lady saying that under article 51 the killing and wounding of innocent people with a bomb in a nightclub justifies killing and wounding other innocent people with a bomb from an F111?

The Prime Minister: The hon. Gentleman is not giving the whole case. There has been unparalleled state-sponsored terrorism from Libya. There is evidence of Libyan complicity. The terrorism has been escalating. There is evidence that future attacks are planned. There is an inherent right of self-defence. Risks are involved in exercising that inherent right. If one never took any action because of the risks involved, the alternative would be to be totally and utterly passive and supine before Colonel Gaddafi and anyone else who practises state-sponsored terrorism.

Several Hon. Members *rose*——

Mr. Speaker: Order. I have to take account of the business on the Order Paper and the fact that the prayer tonight must end at 11.30 pm. I shall allow questions to continue for a further five minutes; and then we must proceed.

Mr. John Browne (Winchester): Does my right hon. Friend accept that her statement with regard to indisputable evidence will be widely welcomed?

Does she agree that the threat of world terrorism is far more serious than seems to be appreciated by the Opposition? In the near future, terrorist overlords such as Gaddafi may be able to dispatch atomic bombs, if not by missile, then in the cargo holds of scheduled civilian aircraft. In view of such a threat to world peace, is it not our leaders' clear duty to face this threat with fortitude and note that it is extremely unwise merely to tease a dangerous snake—it must be either left alone or killed?

The Prime Minister: I believe that there is no country other than Libya where there is a Government who have inspired such a remorseless campaign of terrorist attacks and where we have specific evidence of their complicity in them. In those circumstances, I believe that the United States was absolutely within its rights to exercise its right of self-defence. It was United States action. It required the use of our bases. We gave our support to the action of the United States and our consent to the use of its bases here.

Mr. Jack Ashley (Stoke-on-Trent, South): Is the right hon. Lady aware that no country has a better record for firm, intelligent and calculated responses to terrorism than Britain? Is it not incredible in the light of that record that the right hon. Lady should associate us with President Reagan's emotional spasm which has left the world a more dangerous place and imperilled the lives of some British citizens? Will the right hon. Lady tell President Reagan, now that she has repaid her Falklands debt to him, that, the next time American bombers from Britain are used, they will be used only for NATO purposes?

The Prime Minister: I disagree. To leave a terrorist Government sponsoring terrorism the world over, secure in the knowledge that no other Government would ever take any action under the right of self-defence, would be to increase the danger of terrorism the world over.

Mr. Cyril D. Townsend (Bexleyheath): Will my right hon. Friend confirm that most of the recent terrorist incidents involving the middle east have been put down to the Abu Nidel group rather than the Libyans? Is she aware that many of us are deeply troubled by her uncritical support for the United States, which has grossly over-reacted to provocation? Does my right hon. Friend agree that this over-reaction can only fuel terrorism, bitterness and bloodshed?

The Prime Minister: I disagree totally with my hon. Friend. The United States had constantly asked Europe to take other action against state-sponsored terrorism. It had asked for economic sanctions. It asked that we should all expel the Libyan people's bureaux. Over many years, Europe has taken a totally insufficient action. In the face of the evidence of Libya's complicity in terrorist acts and evidence of future planned actions, I believe that the United States was right and had a duty to invoke its right of self-defence. I hope that my hon. Friend will appreciate the staunch alliance by the United States in NATO in defending this country's freedom.

Mr. Tom Clarke (Monklands, West): In view of the Prime Minister's reference to the St. James's square incident, does she not recall that on that occasion the Foreign Secretary twice advised the House—on 25 April and 1 May 1984 — against taking the type of action which the United States has now involved us in? Does she not accept that to invoke the name of a distinguished police officer, who was defending the law, to condone one of the most outrageous acts of international illegality is outrageous and unacceptable to the people of this country?

The Prime Minister: The hon. Gentleman is aware that, since that time, terrorism has escalated further. We have evidence of Libyan complicity in that state terrorism and we have evidence that more acts are planned. [HON. MEMBERS: "Publish."] Right hon. and hon. Gentlemen are saying that we should be totally supine and passive in the face of those attacks. We do not accept that.

Mr. Michael Mates (Hampshire, East): Does my right hon. Friend agree that double standards are applied to the type of action we are discussing? If it had been carried out by the Israelis, the Syrians, Iraqis or Iranians, for the purpose of prosecuting their interests, it would barely have made the front page of the news. [HON. MEMBERS: "It would be wrong."]

Is it not precisely because this action has been taken by the most powerful democracy in the free world, that, in order that it should be understood by ordinary people, it must be further explained? Will my right hon. Friend do all that she can to see that the reasons which were adduced to her and caused her to give the support, which I wholeheartedly back, are explained to the public tomorrow in the debate — in particular, the intimations that we had of future terrorist action which would make this whole event totally justified?

The Prime Minister: I am grateful to my hon. Friend, but I think the people of this country very much understand the need to take all legitimate action against Colonel Gaddafi and state-sponsored terrorism.

Mr. Roy Jenkins (Glasgow, Hillhead): If, as the Downing street public relation machine led us to believe, the Prime Minister strongly counselled the President against military action in Libya, will she tell us, as she has not yet done, what were the precise reasons which led her to make British bases available for such action?

The Prime Minister: As I said in my statement, it was understood that the United States was intending to take military action and we understood that one of the reasons was that it had constantly asked Europe to take action against state-sponsored terrorism by other means. The

response had been inadequate, terrorism had escalated and the evidence was there. The United States therefore decided to exercise its right of self-defence.

I was concerned to do everything I could to see that what action the United States took was solely within the right of self-defence. I was concerned to see that there was full legal justification for it.

Once I was assured that that was so, it seemed to be perfectly reasonable to give our consent to the United States using American aircraft and American pilots from this country in accordance with our agreement, so that they may have more accurate bombing and less collateral damage, and fewer casualties to American pilots. That was the reason. I would have taken the same decision again.

Mr. Derek Conway (Shrewsbury and Atcham): Will my right hon. Friend take it from one who has visited Libya and Tripoli that no amount of words and gestures would dissuade Colonel Gaddafi from trading and financing international terrorism to destabilise this country and other democracies in the west? The action by the American President is totally justifiable and my right hon. Friend's support for that will be proven to be right. But it will not be right until Colonel Gaddafi's evil regime is smashed and his funding of terrorism is stopped.

The Prime Minister: I agree with my hon. Friend. The action had to be such that it had the full legal justification for it, and our advice was that it was within article 51. I understand that that is the advice the United States also received. We have no quarrel with the Libyan people but we do have a quarrel with state-sponsored terrorism.

Later—

Mr. Faulds: On a point of order, Mr. Speaker. A few minutes ago, you asked me to withdraw the word "cretin" or "cretinous"—I think that that was the word to which you referred. If you check the official record, however, I think that you will find that the word has been used frequently and that the hon. Members concerned have not been asked to withdraw it. As you asked me to withdraw the word, Mr. Speaker, and after a few moments' quiet contemplation out of the Chamber, I shall willingly accede to your request.

Mr. Speaker: I am very grateful for the hon. Gentleman's typically chivalrous attitude.

Business of the House

4.14 pm

The Lord Privy Seal and Leader of the House of Commons (Mr. John Biffen): With permission, Mr. Speaker, I should like to make a short business statement.

The business for the rest of the week will now be as follows:

WEDNESDAY 16 APRIL—There will be a debate on Libya on a motion for the Adjournment of the House.

Motion relating to the Education (Schools and Further Education) (Amendment) Regulations.

Motion on the Commission on Disposals of Land (Northern Ireland) Order.

THURSDAY 17 APRIL — Remaining stages of the Agriculture Bill.

FRIDAY 18 APRIL—Private Members' Bills.

The business originally announced for Thursday 17 April will be further discussed through the usual channels.

Mr. David Alton (Liverpool, Mossley Hill): First of all, I thank the right hon. Gentleman for acceding to the request by my right hon. and hon. Friends that there should be a full debate on the Libyan question. What will happen to the education debate, which is scheduled for Thursday? Can the right hon. Gentleman give me some idea when that will be held?

Mr. Biffen: It will be subject to negotiation with the usual channels. I quite understand the hon. Gentleman's anxiety that the debate should be as soon as possible.

Mr. Robin Maxwell-Hyslop (Tiverton): Will my right hon. Friend reconsider taking the Report stage of the Agriculture Bill on Thursday, because the amendments of my right hon. Friend the Minister of Agriculture, Fisheries and Food appeared for the first time only last Friday? There has been quite inadequate time to give detailed consideration to the seven pages of new clauses on the crucially important matter of compensation for milk quota for tenants who are ending their tenancies.

Since we understand that the Minister of Agriculture has influenza and since the legislative programme is much less constrained than it was, can we not put this off for a week for the benefit of everyone including the Government?

Mr. Biffen: I take note of what my hon. Friend has said. From his point of view I feel that there is at least a modest advantage in that there will now be a further day before the remaining stages of the Agriculture Bill are considered.

I understand the importance my hon. Friend attaches to the question of milk quotas. In my constituency capacity I can underline that. There are still problems with the legislative programme. We hope, of course, to be sending this legislation to another place, where it will not have the other considerations of the Shops Bill.

Mr. Dave Nellist (Coventry, South-East): The Leader of the House has rearranged tomorrow's business so that there may be a full debate on Libya. Will the right hon. Gentleman ensure that, before the debate begins, the Foreign Secretary makes a statement which explains whether there were consultations with the French President about the so-called terrorists hiding in the French embassy in Tripoli which led the Prime Minister to give authority for bombers from British bases to bomb the French

[Mr. Dave Nellist]

embassy. What narrow definition of state-sponsored terrorism does the Foreign Secretary have that excludes South Africa, which is operating in southern Africa, and the American backing of the Contras in Nicaragua?

Mr. Biffen: I will, of course, draw the attention of my right hon. and learned Friend the Secretary of State to the points that the hon. Gentleman has made so that he may take account of them when he takes part in tomorrow's debate. I think it may be for the benefit of a better structured debate if such a statement could be contained within the debate rather than have a statement preceding the debate.

Mr. D. E. Thomas (Meirionnydd Nant Conwy): Since the opportunity for an urgent debate on the Prime Minister's support for the interventionism and military adventurism of the American President has displaced the debate on regional policy, which was an essential subject for Opposition Members can the Leader of the House give us an assurance that, since the Prime Minister has said that it would be inconceivable to refuse a United States request of this kind, our debate will not be further disrupted by more American military action supported by the Prime Minister and her right hon. and learned Friend?

Mr. Biffen: That is an extremely ingenious question and I shall restrict myself to the same generalised reply that I gave the hon. Member for Liverpool, Mossley Hill (Mr. Alton).

Mr. Ron Brown (Edinburgh, Leith): As the Prime Minister allegedly opposes terrorism, will she be given an opportunity tomorrow, when making a statement, to explain why Abdul Haq was brought to Britain and wined, dined and feted in Downing street when he planted the bomb at Kabul airport which exploded in 1984 and killed 28 people? If that terrorist was brought here, why do the Government condemn others who do something similar? Is it not——

Mr. Speaker: Order. The hon. Gentleman is going very wide of the business for the rest of the week.

Mr. Biffen: Perhaps I can help by saying that I shall ensure that those observations are conveyed to 10 Downing street.

Mr. D. N. Campbell-Savours (Workington): Will the evidence to which the Prime Minister referred and which she offered to publish in part be available in the Library before tomorrow's debate? If the Leader of the House does not know the answer, will he, through the usual channels, communicate a reply before the close of business today so that further discussions can take place? It is clear that that evidence is available in written form and could be made public.

Mr. Biffen: Yes, if the more conventional manifestations of the usual channels would like to take that up.

Mr. Teddy Taylor (Southend, East): Is tomorrow's debate only on Libya, or will it be possible for the Government to give more general guidance on the Anglo-American alliance, bearing in mind the British lives that were saved by American help when we had problems in the Falkland Islands?

Mr. Biffen: I am sure that, if my hon. Friend is fortunate enough to be called tomorrow, he will want to make his arguments, although the extent to which they will be in order is not a matter for me.

Mr. Dennis Skinner (Bolsover): It would be a good idea to have the evidence to which my hon. Friend the Member for Workington (Mr. Campbell-Savours) referred available to the House before tomorrow's debate. In view of the Prime Minister's reluctance to answer questions today about the nature of the supposed conversation between the US President and herself, would it not make sense to have more details of what happened during that conversation? There is a strong suspicion that no conversation in the accepted sense of the word took place but that the Prime Minister was told by President Reagan that the Americans would use British bases, and that there were no other consultations. She failed to answer those significant questions today and it would be helpful if we could have an answer before tomorrow's debate.

Mr. Biffen: Of course I shall refer to 10 Downing street the suggestion that such information might be made available before tomorrow's debate.

Mr. Harry Greenway (Ealing, North): Will we know in advance of tomorrow's debate the status of the several hundred Libyan pilots and engineers who are training in Britain? Will it be changed by the American action?

Mr. Biffen: That is a very material point. I shall draw my hon. Friend's observations to the attention of my right hon. and learned Friend the Foreign Secretary so that he may bear them in mind when he speaks tomorrow.

Sir Peter Emery (Honiton): I hoped that I would not have had to put this question. Will my right hon. Friend make it absolutely clear, if not before tomorrow's debate, at least during it, that Britain's support of the Americans in their action against Libya is in no way an attack on any other Arab nation, and that it would be quite wrong for the rest of the Arab world to interpret our support as an attack?

Mr. Biffen: I take my hon. Friend's point, especially in the light of earlier exchanges. I shall ensure that my right hon. and learned Friend the Home Secretary is made aware of what my hon. Friend said.

Leasehold Reform (Flats)

4.24 pm

Mr. Alfred Dubs (Battersea): I beg to move,

That leave be given to bring in a Bill to give long leaseholders a right to buy their flats, to extend their leases, to establish rights regarding repairs, service charges, the appointment of managing agents, management fees, insurance, and legal aid; and for connected purposes.

The Bill addresses the problems of long leaseholders in blocks of flats. They are all too often neglected or forgotten. The Bill would give them a wide-ranging right to buy their flats and to extend leases when they are near expiry. It would also give them much stronger rights concerning repairs, service charges, the appointment of managing agents, the level of management fees, insurance, legal aid and related matters.

As recently as 8 April, the Secretary of State for the Environment said in reply to a parliamentary question:

"It is now clear that there are severe problems affecting the management of many blocks of flats." — [*Official Report*, 8 April 1986; Vol. 95, c. 27.]

The need for reform is urgent. That is accepted by such diverse bodies as the Consumers' Association, the Federation of Private Residents' Associations, numerous law centres, the Building Societies Association and many right hon. and hon. Members on both sides of the House.

There are many horror stories of what has happened to leaseholders when their relationships with their freeholders have gone wrong. Many stem from my constituency, but the problems that I shall describe, and which the Bill would attempt to remedy, occur in many parts of London and the rest of the country. The examples that I shall give are merely typical.

There is the story of people who bought the freehold and were then asked to pay £10,000 each for repairs. They had not been forewarned that the freeholders had neglected repairs for many years. There is the story of elderly tenants who paid rent and were advised, to achieve security in their declining years, to buy the freehold. When they did, they were immediately confronted by large bills for repairs which they had to pay the freeholder but could not afford.

There are difficulties associated with freeholders who have sinking funds. They keep large sums of money, on which they earn interest, but which rightly belong to the leaseholders. If the freeholder goes bankrupt, that money has hitherto been lost to the leaseholders. There are many problems associated with freeholders who fail to carry out essential repairs, much to the detriment of the life of the leaseholders.

In Battersea, a freeholder paid £600 for the freehold of a block of flats and shortly afterwards tried to sell it on for £6,000, each flat. There are problems with complicated leases which do not protect the holders. Solicitors have failed to draw attention to them. There are leaseholders who complain bitterly that they cannot identify the freeholder and that no letter seems to get to him. They must deal with insensitive managing agents. Enormous difficulties face leaseholders when there are such disputes. They cannot sell leases, but are compelled to retain their flats even when they wish to leave them. Hitherto, remedy for many has been expensive and clumsy litigation, or has been unavailable.

The Government noted the problem and established the Nugee committee of inquiry which considered the management of privately owned blocks of flats and reported only a few months ago. It represented a welcome step in the right direction by giving the right of first refusal of freeholds to occupiers. It considered diverse matters such as insurance, service charges and managing agents.

I nevertheless feel that it is right to propose my Bill because I want to reinforce the Nugee committee's recommendations and because they do not go far enough. Lo and behold, on 8 April, the Secretary of State said that he accepted the "thrust of Nugee" in regard to several of its recommendations. That is good, and it is a sign that these 10-minute Bills have a quick effect. He also decided to go a little bit further than Nugee and to give leaseholders the right to buy if the court was satisfied that the landlord had consistently failed in his duties. Unfortunately that will not be too useful because the difficulty of persuading a court will be beyond the legal resources and the energies of many leaseholders.

My Bill is intended to go further than Nugee in a number of ways and also to reinforce Nugee where those recommendations are adequate. First, the Bill endorses the Nugee recommendation that there should be a right to buy when a freeholder sells. That means that the leaseholder should have first refusal. To go beyond Nugee, if a majority of residents in a block wish to buy they should have an absolute right to do so. Unlike Nugee, I believe that when leases are approaching the date of expiry — that means in practice something under 40 years — leaseholders should have the right to extend their leases. The building societies have endorsed that.

I wish to give residents a major say in the appointment of managing agents and in setting management fees, and to give them far more rights than Nugee proposes about making sure that maintenance is adequately carried out, that service charges are reasonable, and that where there is a sinking fund it is set at an appropriate level and that the rates of interest are such that the benefits go to the leaseholders. I want to make sure that repairs are carried out, that several tenders are sought by the freeholder, and that the leaseholders have a say in the process. I want to give leaseholders far more say about insurance, and I seek to ensure that if the building should be burned down or destroyed, some of the insurance benefits will go to the leaseholders and not as at present to the freeholders.

Legal remedies should be made much easier, and the Nugee recommendations that the Government have not so far accepted about housing assessors attached to county courts should be implemented. There should be legal aid for leaseholders who find themselves in difficulties and cannot afford the law. There should be model clauses for leases that would provide standard and basic protection and could normally be used for all such arrangements. Although it is not appropriate in a 10-minute Bill, I should like to see a further investigation of the Australian practice of what is called the strata title system as an alternative to the leasehold tenure which is typical in Britain. That needs examination but, as I say, it is not appropriate in this Bill to go into that sort of detail.

For too long the rights of leaseholders have been neglected. Most politicians have turned their backs on them, even though leaseholders are vulnerable and cannot operate in the free market so beloved of the Government. That is because once they have got their leasehold, they are unable to sell a property and cannot escape unless they have a satisfactory arrangement with the freeholders. It is urgent that the House should pass this legislation and then

[Mr. Alfred Dubs]

move on towards recognising and fully implementing the Nugee proposals and taking them further. I commend the Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. Alfred Dubs, Mr. Nick Raynsford, Mr. Clive Soley, Mr. Chris Smith, Mr. Stuart Holland, Mr. Brian Sedgemore, Mr. Frank Field, Mr. Nicholas Brown and Mr. Frank Dobson.

LEASEHOLD REFORM (FLATS)

Mr. Alfred Dubs accordingly presented a Bill to give long leaseholders a right to buy their flats, to extend their leases, to establish rights regarding repairs, service charges, the appointment of managing agents, management fees, insurance, and legal aid; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 9 May and to be printed. [Bill 133.]

Social Security Bill (Allocation of Time)

4.35 pm

The Lord Privy Seal and Leader of the House of Commons (Mr. John Biffen): I beg to move, That the following provisions shall apply to the remaining proceedings on the Bill:

Committee

1.—(1) The Standing Committee to which the Bill is allocated shall report the Bill to the House on or before 1st May 1986.

(2) Proceedings on the Bill at a sitting of the Standing Committee on the said 1st May may continue until Ten o'clock, whether or not the House is adjourned before that time, and if the House is adjourned before those proceedings have been brought to a conclusion the Standing Committee shall report the Bill to the House on 2nd May.

Report and Third Reading

2.—(1) The proceedings on Consideration and Third Reading of the Bill shall be completed in two allotted days and shall be brought to a conclusion at Ten o'clock on the second of those days; and for the purposes of Standing Order No. 45 (Business Committee) this Order shall be taken to allot to the proceedings on Consideration such part of those days as the Resolution of the Business Committee may determine.

(2) The Business Committee shall report to the House its Resolutions as to the proceedings on Consideration of the Bill, and as to the allocation of time between those proceedings and proceedings on Third Reading, not later than the fourth day on which the House sits after the day on which the Chairman of the Standing Committee reports the Bill to the House.

(3) The Resolutions in any Report made under Standing Order No. 45 may be varied by a further Report so made, whether or not within the time specified in sub-paragraph (2) above, and whether or not the Resolutions have been agreed to by the House.

(4) The Resolutions of the Business Committee may include alterations in the order in which proceedings on Consideration of the Bill are taken.

Procedure in Standing Committee

3.—(1) At a sitting of the Standing Committee at which any proceedings on the Bill are to be brought to a conclusion under a Resolution of the Business Sub-Committee the Chairman shall not adjourn the Committee under any Order relating to the sittings of the Committee until the proceedings have been brought to a conclusion.

(2) No Motion shall be moved in the Standing Committee relating to the sitting of the Committee except by a member of the Government, and the Chairman shall permit a brief explanatory statement from the Member who makes, and from a Member who opposes, the Motion, and shall then put the Question thereon.

4. No Motion shall be moved to alter the order in which Clauses, Schedules, new Clauses and new Schedules are taken in the Standing Committee but the Resolutions of the Business Sub-Committee may include alterations in that order.

Conclusion of proceedings in Committee

5. On the conclusion of the proceedings in any Committee on the Bill the Chairman shall report the Bill to the House without putting any Question.

Dilatory Motions

6. No dilatory Motion with respect to, or in the course of, proceedings on the Bill shall be moved in the Standing Committee or on an allotted day except by a member of the Government, and the Question on any such Motion shall be put forthwith.

Extra time on allotted days

7.—(1) On an allotted day paragraph (1) of Standing Order No. 3 (Exempted business) shall apply to the proceedings on the Bill for two hours after Ten o'clock.

(2) Any period during which proceedings on the Bill may be proceeded with after Ten o'clock under paragraph (7) of Standing Order No. 10 (Adjournment on specific and important matter that should have urgent consideration) shall be in addition to the said period of two hours.

(3) If an allotted day is one to which a Motion for the adjournment of the House under Standing Order No. 10 stands

over from an earlier day, a period of time equal to the duration of the proceedings upon that Motion shall be added to the said period of two hours.

Private business

8. Any private business which has been set down for consideration at Seven o'clock on an allotted day shall, instead of being considered as provided by Standing Orders, be considered at the conclusion of the proceedings on the Bill on that day, and paragraph (1) of Standing Order No. 3 (Exempted business) shall apply to the private business for a period of three hours from the conclusion of the proceedings on the Bill or, if those proceedings are concluded before Ten o'clock, for a period equal to the time elapsing between Seven o'clock and the conclusion of those proceedings.

Conclusion of proceedings

9.—(1) For the purpose of bringing to a conclusion any proceedings which are to be brought to a conclusion at a time appointed by this Order or a Resolution of the Business Committee or the Business Sub-Committee and which have not previously been brought to a conclusion, the Chairman or Mr. Speaker shall forthwith put the following Questions (but no others), that is to say—

(*a*) any Question already proposed from the Chair;

(*b*) any Question necessary to a bring to decision a Question so proposed (including, in the case of a new Clause or new Schedule which has been read a second time, the Question that the Clause or Schedule be added to the Bill);

(*c*) the Question on any amendment or Motion standing on the Order Paper in the name of any Member, if that amendment or Motion is moved by a Member of the Government;

(*d*) any other Question necessary for the disposal of the business to be concluded;

and on a Motion so moved for a new Clause or a new Schedule, the Chairman or Mr. Speaker shall put only the Question that the Clause or Schedule be added to the Bill.

(2) Proceedings under sub-paragraph (1) above shall not be interrupted under any Standing Order relating to the sittings of the House.

(3) If an allotted day is one on which a Motion for the adjournment of the House under Standing Order No. 10 (Adjournment on specific and important matter that should have urgent consideration) would, apart from this Order, stand over to Seven o'clock—

(*a*) that Motion shall stand over until the conclusion of any proceedings on the Bill which, under this Order or a Resolution of the Business Committee, are to be brought to a conclusion at or before that time;

(*b*) the bringing to a conclusion of any proceedings on the Bill which, under this Order or a Resolution of the Business Committee, are to be brought to a conclusion after that time shall be postponed for a period equal to the duration of the proceedings on that Motion.

(4) If an allotted day is one to which a Motion for the adjournment of the House under Standing Order No. 10 stands over from an earlier day, the bringing to a conclusion of any proceedings on the Bill which, under this Order or a Resolution of the Business Committee, are to be brought to a conclusion on that day shall be postponed for a period equal to the duration of the proceedings on that Motion.

Supplemental orders

10.—(1) The proceedings on any Motion made in the House by a member of the Government for varying or supplementing the provisions of this Order (including anything which might have been the subject of a report of the Business Committee or Business Sub-Committee) shall, if not previously concluded, be brought to a conclusion one hour after they have been commenced, and paragraph (1) of Standing Order No. 3 (Exempted business) shall apply to the proceedings.

(2) If on an allotted day on which any proceedings on the Bill are to be brought to a conclusion at a time appointed by this Order or a Resolution of the Business Committee the House is adjourned, or the sitting is suspended, before that time no notice shall be required of a Motion moved at the next sitting by a member of the Government for varying or supplementing the provisions of this Order.

Saving

11. Nothing in this Order or a Resolution of the Business Committee or Business Sub-Committee shall—

(*a*) prevent any proceedings to which the Order or Resolution applies from being taken or completed earlier than is required by the Order or Resolution, or

(*b*) prevent any business (whether on the Bill or not) from being proceeded with on any day after the completion of all such proceedings on the Bill as are to be taken on that day.

Re-committal

12.—(1) References in this Order to proceedings on Consideration or proceedings on Third Reading include references to proceedings, at those stages respectively, for, on or in consequence of re-committal.

(2) On an allotted day no debate shall be permitted on any Motion to re-commit the Bill (whether as a whole or otherwise), and Mr. Speaker shall put forthwith any Question necessary to dispose of the Motion, including the Question on any amendment moved to the Question.

Interpretation

13. In this Order—

"allotted day" means any day (other than a Friday) on which the Bill is put down as first Government Order of the Day provided that a Motion for allotting time to the proceedings on the Bill to be taken on that day either has been agreed on a previous day or is set down for consideration on that day;

"the Bill" means the Social Security Bill;

"Resolution of the Business Sub-Committee" means a Resolution of the business Sub-Committee as agreed to by the Standing Committee;

"Resolution of the Business Committee" means a Resolution of the Business Committee as agreed to by the House.

I should like to apologise to the House and to you, Mr. Speaker, for the fact that, because of my responsibilities to the Privileges Committee, I shall have to leave the debate at a certain stage.

A Social Security Bill is a familiar part of the Westminster process. Over the past 10 years or so, only three Sessions have been devoid of such a Government Bill, and in the Session beginning 1974 the House considered no fewer than six Government Bills dealing with some aspect of social security. This is a sign of the continuing importance that Parliament attaches to this subject. Although we are considering the passage of just one Bill, there is no doubt about its significance.

I shall begin by outlining the background to this legislation, and say a few words about its progress so far. I shall then deal with the terms of the timetable motion and why it is so important that the Bill should reach the statute book. Finally, I shall say a few words about the role of the House of Lords in our legislative responsibilities.

The House will be familiar with the areas covered by the Bill. Its proposals were drawn up after a wide and extensive consultation exercise which began in the autumn of 1983 with an inquiry into retirement. Examinations of family support, housing benefit and supplementary benefit followed. In June last year my right hon. Friend the Secretary of State for Social Services published a Green Paper which stimulated intense public debate. Six months later, having taken into account the views expressed, my right hon. Friend announced to the House on 16 December publication of his firm plans for reform in the White Paper.

The Bill based on the White Paper was brought forward following a commitment made in the Queen's Speech. It was given a Second Reading on 28 January by 278 votes to 201, and began its consideration in Standing Committee on 4 February—over two months ago. It has been there ever since, and less than half the Bill has been considered.

Progress in Committee has been slow but steady. The Committee has held 30 sittings and been in session for about 115 hours. Thirty-four hours were spent on part I of the Bill, dealing with pensions, and 49 hours on part II

[Mr. John Biffen]

which deals with income-related benefits. Both of these are important aspects of the social security system, but if progress continued at the present rate more than 250 hours in Committee would be required to consider all 70 clauses and eight schedules of the Bill. The House will appreciate that that amount of time is simply not available if the Bill is to reach the statute book this Session. I shall explain in a moment why I feel it should do so, but first I should say a few words about the motion.

The motion, if passed, would require the Committee to report the Bill to the House on or before 1 May. I understand that the Committee has agreed to sittings motions allowing it to hold a further 10 sittings before that date. Half of these would be afternoon sittings at which the Committee would be able to sit into the evening, though not into the early hours of the morning. This seems a sensible way of using the remaining time for discussing profitably the rest of the Bill. Once the Bill returns to the House, two days are allocated to its remaining stages, and on the first of these days proceedings may continue until midnight. Again, this seems a not unreasonable amount of time.

It will be apparent that the terms of the motion require progress in Standing Committee to be faster than hitherto. This constraint is necessary for the Bill to receive reasonable attention in another place as well as Royal Assent this Session. Quite apart from the general principle that the elected Government are entitled to assume that their proposals, which reflect the will of the majority in the House, should be implemented, the Bill deserves to be brought into force. It is the result of a major consultation and review of our social security system, and it proposes fundamental reforms.

Part I of the Bill would give everyone the right to a personal pension and make it simpler for occupational pension schemes to contract out of the state earnings-related pensions scheme. In addition, it would modify the state earnings-related pension scheme and significantly reduce its costs in the next century.

Parts II, III and IV of the Bill deal respectively with income-related benefits, the setting up of the social fund and changes to benefits payable under the Social Security Act 1975. The new basis for the three income-related benefits of income support, family credit and housing benefit is designed particularly to simplify the system and to alleviate the position of those presently in the poverty and unemployment trap. The social fund will provide grants to replace the old maternity and death grants and will enable the social fund officers to make payments for special and emergency needs. Part V of the Bill is primarily concerned with simplifying administration by providing common rules for a range of payments.

While I recognise that there is much that is contentious in the Bill, equally I think there would be broad agreement with making new arrangements for payments which have not been revised for the past 15 years or so, such as the maternity and death grants, and simplifying the way in which benefits can be claimed and administered. It would be a waste of the time, thought and effort which has been given to this Bill, not by the Government alone, if its proposals remained just on paper, not because they had been defeated in a Division, but merely because there was insufficient time for the Bill to complete its passage.

It is perhaps appropriate also, in the context of a Bill which has aroused such strong feelings in this place and in the public at large, to mention the role of the other place in considering legislation. The other place has shown that it takes seriously its role as a revising Chamber, and no doubt it will continue to do so.

I do not make this point in the context of the expected fortunes of this Bill in another place. It is something we can observe for the behaviour of their Lordships over a whole range of domestic legislation. It is just possible that the greater disposition to amend and use their constitutional powers arises because this Administration do not threaten abolition of the second Chamber. At any rate, I do not complain about the greater current legislative liveliness of another place, but I say that it provides another factor in the balance of time and progress of legislation between the two Houses. Of course it is not a major factor, but neither is it a negligible consideration. Meanwhile, I have no doubt that those organisations and members of the public who have conducted a campaign against this Bill will be concerned to see that there is sufficient time for it to be thoroughly considered in another place.

The House will have seen from what I have said that we attach great importance to this Bill reaching the statute book. It is the result of an extensive review, and its own results will be far-reaching. Consideration of the Bill in Standing Committee has been constructive and progress has been made, but we need now to take action to ensure that the Bill does not fall for want of time. I believe that the terms of the motion before the House represent a sensible and measured way of achieving this, and I commend it to the House.

4.42 pm

Mr. Peter Shore (Bethnal Green and Stepney): The House has listened to the Leader of the House argue the case for guillotining this Bill. It was rather a thin case. I do not think that he has managed to convince himself, let alone the Opposition and a number of anxious Members on his own Back Benches.

I was struck straight away by the sharp contrast between the speech today of the Leader of the House and the one that he delivered on 17 February when we last debated a guillotine motion. That related to the Gas Bill. In giving the background to that Bill and to that guillotine the Leader of the House was able and glad to cite the authority of the Conservative party's general election manifesto of 1983 which contained the following passage:

"In the next Parliament, we shall seek"

means of

"attracting private capital into the gas and electricity industries."

So be it, but no such manifesto authority underlies this Bill. Not a word appeared in the Conservative party's manifesto foreshadowing what is probably the most important measure of this Parliament.

I recall that my hon. Friend the Member for Pontypridd (Mr. John), who was then the Labour party's spokesman on social services, wrote to the Prime Minister, as a number of disquieting and disturbing reports had been leaked from the think tank, and asked her:

"Will you confirm the Conservative party's commitment to maintaining in its present form the earnings-related state pension scheme introduced by the last Labour Government?"

The following day my hon. Friend received a reply from the Prime Minister, from which I quote the last paragraph:

"Nor are there any plans to change the earnings-related component of the state pension. The 1975 Act was in fact brought on to the statute book with the full support of Conservative members. Yours sincerely, Margaret Thatcher."

This Bill is the most blatant, cynical and shameful breach of a specific election pledge that I have ever come across. We shall make sure that the country understands this when the right time comes. That will be when we face the electorate again.

The Leader of the House referred to the various review committees. Although there have been review committees which have invited comments and evidence on each of the major component parts of the social security system, they have not been in any sense independent reviews. Indeed, the Government have gone out of their way to reject the notion that a Royal Commission or a commission of inquiry was appropriate. Instead, they appointed Ministers at the Department of Health and Social Security, of whose great abilities we are all aware, to act as chairmen of the separate review committees. In other words, no attempt has been made to draw upon the authority of an independent review body, let alone to continue the tradition of near consensus that was established 43 years ago when the Beveridge committee produced its blueprint for our postwar welfare state.

As the Second Reading debate on the Bill made plain, it is opposed not only by the Labour party and the other opposition parties, but by a substantial number of Government Back Benchers. Of the eight Conservative non-ministerial speeches that were made during the Second Reading and money resolution debates on 28 January 1986, no fewer than five were highly critical of the Government. The right hon. Member for Cambridgeshire, South-East (Mr. Pym) called for a Royal Commission and recommended that

"the whole approach to the modernisation and recasting of the social security system should be broadly based across the political spectrum . . . In social security we deal with the lives and needs of individuals and families. It is our duty to make not only the best provision, but to provide a simple, understandable and stable system which is not subject to constant change as a result of any war between political parties. The British people deserve better than that."—[*Official Report*, 28 January 1986; Vol. 90, c. 842.]

That sound advice has been contemptuously rejected. This is the most controversial measure that has been introduced in the last seven years and it intimately affects the great bulk of the nation.

As the Leader of the House most certainly conceded, the scope of the Bill is immense. It includes not only future provisions for state, occupational and personal pensions; a new approach to income-related benefits, including income support which is to replace supplementary benefit; family credit, which is to replace family income supplement and major changes in housing benefit, but the establishment of the new and retrograde social fund; the abolition of maternity and death grants; and major administrative changes affecting citizens' rights of appeal against decisions by DHSS officers. It is at least four Bills rolled into one.

Despite all this, nobody can fairly assert—and to be fair, I do not think that the Leader of the House asserted it—that the Committee has not given the most serious consideration to the Bill's provisions. The Committee has already dealt with the whole of part I, dealing with pensions, the whole of part II, dealing with income-related benefits, as well as part III, which establishes the social fund.

Let the House consider for a moment just what this scrutiny has entailed. The pension rights of 21 million people who are at work are affected by part I. While the earnings-related pensions of those over the age of 52 are protected and while those between the ages of 41 and 52 are partly protected, all those between the ages of 18 and 41 who are now at work will be adversely affected by the proposals. SERPS has been mutilated, halved in value, with a vast saving of £12·5 billion to be achieved by 2033.

This mutilation has been brought about by three major changes. First, earnings-related pensions are to be based not on the best 20 years of earnings but on the average of a lifetime's earnings. Secondly, pensions will be based not on 25 per cent. of those earnings but on only 20 per cent. Both these provisions are highly disadvantageous to the lower-paid and I think in particular to women whose careers, as we all know, are frequently interrupted by child-bearing and child-rearing. The third change affects 11 million pensioners in contracted-out occupational pension schemes and those who in future choose personal pensions as well because they will have their inflation proofing reduced in value to a new limit of 3 per cent. per annum. I remind the Government that that goal of a 3 per cent. inflation rate has not yet been reached by this Government in nearly seven years of office and in spite of massive fiscal and monetary deflation and the creation of an army of 4 million unemployed.

Is it really alleged that 35 hours of debate on provision of such scope and controversy were not justified? I am amazed that such economy of discussion has been achieved in the Committee. Similarly, with the income-related benefits, on which some 40 hours were spent, the Leader of the House cannot expect proposals to replace supplementary benefit with all its carefully tailored special payments and allowances for the disabled, the old and the unemployed, to be passed on the nod. It simply is not possible. Nor can he expect a £500 million cut in housing benefit, which will hurt hundreds of thousands of pensioners, and the requirement in clause 20(5) that every household, however poor, should in future contribute towards local rates or to the proposed community charge, not to be strongly probed and challenged. Nor can the introduction of family credit be accepted without vigorous examination and debate.

Then comes part III, the so-called social fund, probably the most controversial and retrograde of all the Bill's proposals. Four features of this scheme call out for the most serious scrutiny of which the Committee is capable: they are, first, the empowering of social fund officers to make discretionary payments as they think fit or, rather, as the Secretary of State thinks fit; secondly, the imposition of global cash limits on the size of the fund; thirdly, the substitution of single payment grants by recoverable loans and fourthly, the lack of appeals machinery.

The House will recall that on Second Reading there were three interventions in the Secretary of State's speech. He will remember them well, they were on this very subject and he could not answer them at the time. First, the right hon. Gentleman's hon. Friend the Member for Brighton, Kemptown (Mr. Bowden) said:

"What worries me — I hope my right hon Friend the Secretary of State will comment on this — is that inevitably one could get two similar cases in different parts of the country judged by two different fund officers coming up with different

[Mr. Peter Shore]

conclusions. In the light of that, will he consider whether there should be a fall back position which would enable applicants, under certain conditions to apply for an independent tribunal?"

Then there was my hon. Friend the Member for Birkenhead (Mr. Field), who is in his place now, who very pertinently asked the following question:

"As the Secretary of State says that the aim of the social fund is to meet individual needs, how can he guarantee that that objective will be met with the cash limit to the fund?"

Thirdly, the hon. Member for Ross, Cromarty and Skye (Mr. Kennedy) quoted from the special report by the Council on Tribunals:

"'The Council on Tribunals believes this proposal to be misconceived, and stresses: 'It would abolish a right of independent appeal that has existed for over 50 years.'"

All that the Secretary of State would say on that occasion was that he was "open to argument" and that

"hon. Members will wish to put forward alternative suggestions on how it could be done, and the Government will listen to the arguments."—[*Official Report*, 28 January 1986; Vol. 90, c. 827-8.]

Arguments have been put forward in Committee, but still there is no Government answer. Does the Leader of the House really believe that these arguments and suggestions, which the Secretary of State himself has admitted need full discussion on so vital a matter, can be properly dealt with on Report under a guillotine motion? When we last debated a guillotine motion, the right hon. Gentleman the Leader of the House commented on the proposal of the Select Committee on Procedure for automatically guillotining controversial Bills. He said:

"We should not rush to impose guillotines on Bills on which it is ultimately possible to reach agreement. The Police and Criminal Evidence Bill was controversial, but completed its passage without the need for a timetable motion, despite more then 145 hours in Committee."—[*Official Report*, 17 February 1986; Vol. 92, c. 45.]

The Opposition have been reasonable and measured and have made progress throughout the Committee stage of the Bill. It should have been possible to reach agreement on the remaining stages without imposing a guillotine. No one in his senses would argue that the Bill is less important and less deserving of consideration than the Police and Criminal Evidence Bill, to which the Leader of the House referred in the speech from which I quoted, important as that measure was. This Bill is far more important than the now dead Shops Bill which only yesterday the Home Secretary was promising the House would not be subjected to a guillotine.

Of course the Opposition object deeply and sincerely to this Bill with its major assault on the welfare state. But it is precisely because its provisions will affect the great majority of our fellow citizens that we have been determined to do our duty and, where we cannot remove its most obnoxious features, at least to mitigate their effects and to propose improving amendments.

I strongly recommend the rejection of this timetable motion, and I hope that others in all parts of the House will join the Opposition in the Division Lobby this evening.

4.57 pm

Mr. David Evennett (Erith and Crayford): I have had the privilege to serve on the Standing Committee that has been deliberating on the Bill, the first on which I have had the pleasure of serving. I particularly wanted to serve on the Committee because the Bill is aimed at simplifying and rationalising our social security system, a system which is far too complex and bureaucratic, and often fails to provide the necessary help to people in real need.

It is essential for this important and radical measure to get on to the statute book, as my right hon. Friend the Leader of the House has already mentioned. The timetable motion is necessary for it to reach the statute book because, after 115 hours, the Standing Committee is only halfway through the Bill.

At my regular constituency surgeries at Erith town hall and at the additional surgeries that I hold in Crayford and Thamesmead I regularly deal with social security matters on which my constituents seek advice and assistance. Claimants are often baffled and confused by the complexities of the present social security system with its panoply of forms, rules and regulations. We are fortunate in Bexleyheath, where my local DHSS office is situated, to have a first-class manager and staff. They do an excellent job and provide people with all the help they can, but it is an uphill task because of the complexity of the system. Even simple claims involve a fair amount of work. Some of it is unnecessary, but the pressure of work, coupled with the intricacies of the system, which can best be described as an administrative nightmare, mean that the staff in local offices, such as mine in Bexleyheath, cannot always devote to complex cases the time and effort which might be necessary.

The Standing Committee has debated at great length the basis of the Bill. We have gone in detail through clause after clause. From our deliberations all parties seem to believe that there is a desperate need for reform of the system. The electorate, too, believes in the need for reform. The Government have my total support on the Bill because it is an attempt to rationalise and modernise the system.

On Second Reading and in Committee we heard that there has been no organised reform of the system since Beveridge. But times have changed. We are living in 1986. The right hon. Member for Bethnal Green and Stepney (Mr. Shore) is living in the past. We must look to the future, not backwards to a past system, as the right hon. Gentleman suggested. In 40 years, times have changed. The society in which we live has changed and so have the problems, but the provisions of the social welfare system have only been tampered with, either by tacking on additional benefits or by piecemeal reform.

The Bill, which examines the whole aspect of social security pensions and benefits, is long overdue. My right hon. Friend the Secretary of State and his team of Ministers deserve credit from the House and the Committee for all their work on the Bill. The contributions in Committee have been constructive and the Government have listened to the arguments put forward by the Opposition. While the debates in Committee have been impressive, far too much time has been spent on each clause. [HON. MEMBERS: "Rubbish."] Opposition Members may say, "Rubbish," but they have been wasting time.

The aim of the Bill is simple: to ensure that help is given to those in real need. That aim can be achieved only if the social security system is easily understood and administered. The piecemeal development of the system has led to a range of complicated, intertwined benefits, even with different means tests for each benefit claimed. In addition, the staff who have to administer the system are faced with voluminous regulations and codes even for

relatively small claims. As a consequence many people are unaware of what benefits they can claim. Slight differences in income or in circumstances between similar families can lead to wide variations in benefit. Often claims are wrongly calculated and benefits are incorrectly paid. Extra work is generated to remedy that, assuming that the mistake is detected. Further, even if all the difficulties are discounted, help is not always given to those who need it most. From our constituency mailbags or from the media we all know of cases of terrible hardship and of people who have been missed out. That is not acceptable in Britain today.

The provisions of the Bill will remedy many of the deficiencies. Income support, which will replace supplementary benefit, will be provided on the basis of a set rate of benefit, together with premium payments for single parents, the disabled and the elderly. That will be backed up by a simpler system of housing benefit which will provide help with rent and rates to those in work and to those who receive income supplement. There will not be two systems as at present. That is progress and improvement.

The proposed social fund, which we have been discussing of late in Committee, will be a far more flexible means of providing help. People with special needs or problems will be able to get extra help from the fund, which will be better tailored to meet individual needs.

The other major reform which will go a long way towards meeting needs often unmet at present is the system of family credit which will replace family income supplement—a benefit claimed by only about half those entitled to it. In addition, family credit will provide help for low-income families more sensibly, with benefits calculated to avoid the poverty trap which means currently that if there is a slight increase in its income a family may be worse off because of subsequent loss of benefits. As we have heard in Committee, the present system contains a disincentive to work or a discouragement to work overtime because the subsequent loss of benefit may mean that a family is worse off.

This is a reforming measure. It is not about cutting benefits or reducing expenditure, as the Opposition would have us believe. It is constructive and progressive. It is about cutting out bureaucracy and waste. It has one guiding principle—to give the right help to the right people at the right time. *[Interruption.]* I regret that the Opposition are not willing to listen. We have listened to them in Committee for hours and hours, but they will not listen to the facts when they are presented to them.

Mr. John Mark Taylor (Solihull): They never do.

Mr. Evennett: My hon. Friend is right; they never want to listen. Time after time in Committee my right hon. Friend the Secretary of State and his colleagues tried to put them on the right rails but they did not want to listen then and they do not want to listen now.

In Committee we spent much time discussing the measure in great detail. The time provided for each clause was more than adequate. We have made some progress but nowhere near enough to get the measure on the statute book. We have heard the same arguments repeated again and again.

Mr. Dafydd Wigley (Caernarfon) *rose*——

Mr. Evennett: I shall not give way. It is time for the hon. Member to listen.

The Opposition have a different philosophy. We have just heard the Opposition view from the right hon. Member for Bethnal Green and Stepney. His view is clear—more money from the taxpayers, to be distributed to everyone irrespective of need or poverty. The right hon. Gentleman wants benefits to be distributed in the same old way as they have always been. The result, regrettably, would be more bureaucracy. The more bureaucracy there is, the more money taxpayers will have to provide. It is the ordinary taxpayer who has to pick up the bill. There is not a pot of gold at the end of the rainbow to be distributed to everyone. We have to be rational and give the benefits to those in real need.

What view have we heard from the alliance in Committee? We have heard a lot but it does not add up to a constructive reform package. When it come to voting, alliance Members went with the Labour party. The philosophy of the Government, which I believe has the support of the vast majority of the people, is that taxpayers' money must be spent wisely, that bureaucracy must be reduced and that benefits must be given to those in real need.

The DHSS employs about 40,000 people to administer supplementary benefit alone. To provide the blanket cover that the Opposition want, without any sensible assessment of need, would require far more staff. The money that the Government spend is taken from the pockets of the people. It is the duty of any Government to govern well in the interests of all the people—the claimants, those who have to administer the system, and the taxpayers.

The country would like to see the reforms on the statute book and operating to improve the system. If we went outside this House and asked whether the 115 hours that have been spent on the Bill is sufficient, the majority of people would say that it was. Whether it has been used w[illegible] is for the Opposition to decide when considering their performance. The reform of the social security system, long overdue as it is, has started its course towards an improvement for the future.

What we need now is less talk and more action. We have had debate at great length. We must conclude the rest of the Bill in Committee, and the sooner the better.

I welcome this timetable motion, not only because it means that we can conclude, and go forward, but because we want the measure to reach the statute book soon.

5.12 pm

Mr. Archie Kirkwood (Roxborough and Berwickshire): I must say that the speech of the hon. Member for Erith and Crayford (Mr. Evennett) was pathetic. I do not say that often, and I am sure that it was not up to the hon. Gentleman's usual standard. I do not know who wrote his script — perhaps it was the Patronage Secretary. He was supposed to be addressing his mind to the need for a timetable motion for this Bill. He went on at great length and much of his speech was platitudes. We could have done with it in Committee. None of it gave a reason for curtailing discussion. He asserted, in a throwaway line, that the Opposition had wasted time in Committee. That is not true, and he knows it.

If the hon. Gentleman takes a tape measure to the column inches of the *Hansard* reports of the Standing Committee, he will find that Ministers of the Crown have

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been on their feet for almost as long as we have. That is a measure of the difficulty of the Bill. I do not criticise that. It is unreasonable to say that it was time wasting.

Mr. Michael Stern (Bristol, North-West): I do not know in what form the hon. Gentleman's tape measure is calibrated, but mine—I did the exercise—showed that Government Members took approximately one third of the time in Committee. The balance has been taken up by speeches of the Opposition.

Mr. Kirkwood: If one third of 115 hours had been excised, it would have made more time and thereby made the Committee's work much speedier.

It was the Government's fault that the Bill consisted of merely a series of headings that needed to be fleshed out, and it was inevitable that Ministers would have to speak for some time. Nobody in the House should be misled into thinking that time was wasted to any extent at all.

My objection to the guillotine motion is not one of principle. I understand that Governments will require to resort to guillotines in some circumstances.

I am a veteran of two Finance Bills—*[Interruption.]* I am older than I look. Even during my two or three years here, I have served on Committees for which Governments would have been entirely justified in introducing guillotine motions. The tradition is that Governments do not use them in Finance Bill Committees, but we have had in the past six-hour debates, where Opposition Members—not including me — spoke at great length about totally irrelevant matters and spent long hours discussing sittings motions. That did not happen in this Committee.

My objection is that the Bill is not one Bill, as the right hon. Member for Bethnal Green and Stepney (Mr. Shore) said earlier. It is at least three Bills. It is a pensions Bill. I went on record early on saying that the Government were foolish to try to cobble together a pensions Bill with the fundamental reforms that were required in the income support system, which is the second aspect of the Bill. The third part of the Bill is technical. Part V, which contains the common provisions and sections on adjudication, should be another Bill in its own right.

It is wrong for Departments to put measures up to Ministers that they know cannot be discussed in a sensible time, even by a decent Standing Committee that is doing its work properly. If the Government insisted on introducing 70 clauses and eight schedules, they should have started on the first day of this session. To come after the Christmas recess with 70 clauses and eight schedules smacks of a conspiracy, suggesting that they are doing it deliberately so that a guillotine motion after 115 hours sounds entirely reasonable.

We must put down a marker. I will support the Opposition on this timetable motion not because I am against timetable motions, but because I am against Departments introducing Bills which are impossible to get through without guillotine motions.

The difficulties in Committee have been exacerbated by the vagueness of the proposals. More Government time was needed to explain them. They have been exacerbated by the severe impact on the living standards of the claimants who will be affected, and by the sheer number of people who will be affected by the provisions of this Bill.

The right hon. Member for Bethnal Green and Stepney was also right to advert to the fact that any objective viewer of this measure must come to the conclusion that the Government have deliberately insinuated the reforms to avoid any public scrutiny at the polls. That is not good for democracy, and it is a charge which the Government have been unable sensibly to refute.

The Standing Committee proceedings have been constructive, notwithstanding the politically contentious nature of the matters which we have been discussing. They have been even-tempered. The Committee has been assiduous. I concede that I have been tabling amendments and that some of them have been misconceived, but it is a complicated subject, and it is better to take one's courage in one's hands and try to improve the Bill. If the Minister puts one right, so be it. I make no apologies for doing that.

The political disagreements in Committee have been contained within reasonable levels. On some issues, although the Government have not accepted our amendments, I am satisfied that we have put ideas to the Government that have made them reconsider areas in which their thinking was not fully developed. All the elements for a successful Standing Committee have been in place until now, but the Government have made a bad blunder in introducing this guillotine motion. If the Secretary of State had made approaches, either formal or informal, perhaps at an earlier stage, we might have been able to finish the Bill without any guillotine, give or take a couple of weeks. I would have responded as positively as I could. We were never offered that choice. Along came the chopper after 100 hours, and we were given no choice in that matter.

I am deeply worried about part V of the Bill, which contains many of the common provisions and adjudication sections of the procedures for consultation with the Social Security Advisory Committee, which are very important. They are technical matters and may not be so politically contentious. The adjudication system is highly refined; we have had debates about that in Committee. I do not wish to do anything which would shift the balance significantly. If we restrain discussion of those matters, I shall be extremely worried. I think we should draw the attention of Members in another place to the fact that discusson in these areas may be restrained. They may be minded to turn their attention to those matters if we do not get a proper chance in Committee or on Report to air the issues.

I have three main objections. The guillotine is unnecessary, as the Government should have tried to get the Bill out of Committee by consent. They could have succeeded had they put their mind to it. The guillotine restrains discussion on important constitutional issues, including the common provisions and adjudication sections.

My main objection is that we are effectively discussing three Bills. If Governments introduce Bills which are effectively three Bills rolled into one, they will have to use the guillotine procedure, and the guillotine will become the norm rather than the exception. That is completely unacceptable in the context of parliamentary democracy, and that is why I shall vote against the motion.

5.20 pm

Mr. Lewis Stevens (Nuneaton): The hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) and I have been members of the Standing Committee since the beginning of February. I decided to serve on the

Committee partially because no one seems to have understood previous Social Security legislation. I thought that if I was present at the start of the Bill, I would have a much better chance of understanding what was happening. I congratulate my local DHSS offices in Nuneaton and Rugby on the way in which they have managed to interpret the complicated information in the legislation.

The Committee has worked well. There has been no ill intent from the Opposition and many of their probing amendments and arguments have been useful. That has been seen in the way in which Ministers have reacted to many of those arguments. They have said that they will go away and reconsider some of the arguments, and there have been one or two concessions.

No matter what Bill we were considering timetabling, I would support such a motion. We should change the attitude of the House, which allows Bills to drift on in Standing Committee in accordance with tradition. Recently, the House had the opportunity to introduce the discipline imposed by time restraints, but rejected it. It is good that that discipline will be imposed, even at this late stage, on our consideration of the latter part of the Bill.

In recent weeks, hon. Members have not been over-repetitive, although at times it is difficult to remember whether we have discussed points previously in Committee. We may repeat our arguments in our discussion of the latter part of the Bill, so the discipline of the timetable will do no harm.

The debates have become a little pedestrian at times, but I do not suggest that that is the reason for the timetable motion. There is a danger that, as we drift towards the end of the Bill, we could drag it out beyond the deadline set by the timetable motion.

In *The Guardian* today, the hon. Member for Oldham, West (Mr. Meacher) was reported as saying that he did not want the guillotine to be introduced. He thought that it was unnecessary, as the Bill was likely to finish at about that time anyway. He may be right. The Committee stage might end by the end of April or the beginning of May. However, that is uncertain because of the number of clauses yet to be considered. The timetable proposed will create the right discipline to ensure that the Committee stage finishes in good time.

It would have helped to have a timetable motion from the beginning of such a complex and detailed Bill. If we had known how many hours we would sit, the Opposition would have been able to organise and consider the time available with some flexibility as to how the Bill should be discussed. That is one of my main arguments for timetabling Bills. Timetabling is not always a disadvantage to the Opposition; it allows them to plan their approach. In the end, we shall have discussed the Bill for 168 hours. That is a long time, and probably reasonably near to being an adequate period for argument, but I still believe that a timetabling restriction is necessary.

This is a controversial Bill. The right hon. Member for Bethnal Green and Stepney (Mr. Shore) said that the Committee proceedings should last as long as those on the Police and Criminal Evidence Bill. By my calculations, the latter lasted for 145 hours. This Bill will run for at least 160 hours. When we examine such a wide-ranging Bill, as the hon. Member for Roxburgh and Berwickshire described it, we must realise that it has separate parts. It would not have made too much sense to go as far as he suggested and separate the parts into different Bills. There are interrelationships between all the sections of the Bill, and they should be considered together. I welcome the fact that we have taken a complete view of social security with the intention of introducing a logical change.

We had many arguments and spent much time in Committee discussing what matters should be contained in primary legislation and regulations. One thing which I like about the Bill, although I accept that many hon. Members do not like this, is that we are setting primary legislation which will not require to be altered simply because we wish to alter some comparative detail in the regulations. One precedent is the Health and Safety at Work etc. Act 1974 which replaced a mass of legislation with a small amount of primary legislation. A more workable system has developed from that. I do not see why, despite the criticisms that we have heard, it would be a disadvantage to have a similar set-up in social security.

It is easy to become emotional about the nature of the Bill, because it affects the people about whom one becomes emotional. That is a natural response. But the Bill tries to set out matters in a more logical and simpler form, so that those who are affected are able to understand what is happening and can be dealt with quickly.

In our recent debates in Committee, we have discussed the speed of action of the social fund to ensure that people receive help immediately, not three weeks or six months after the tribunal hearing. This simplistic approach—the Bill is still complex—will enable that to be done much better than in the past. But there is still much to be done in the regulations. Ministers have sensibly agreed to reconsider matters and all hon. Members will look to Report to see the Government's proposals, which we hope will satisfy the reservations expressed by hon. Members on both sides of the House.

That does not stop me welcoming the general impact of the Bill and its general intentions. The timetable limitation, which may be a nominal limitation if the hon. Member for Oldham, West is correct, will ensure progress on the Bill, so that the other place has the time to consider it, and we can bring it back and it can receive Royal Assent. It is important that, with so many changes—some of which are drastic—there is time for DHSS offices to become organised to operate the legislation in 1988. If the Bill did not go through, it would be a disastrous waste of time and effort.

This is the right approach. The guillotine is necessary. It will probably not have the effect of genuinely curtailing discussion, as some Opposition Members fear.

5.32 pm

Mr. Bob Clay (Sunderland, North): It is ironic that if this debate were not taking place—very unusually for a Tuesday—the Committee could probably have made another eight hours' progress tonight. That is an extraordinary contradiction that no one from the Government side has so far offered to explain.

I have found it a pleasure to be on this Committee. I get very impatient with many of the habits and customs of the House and hold them in little esteem. I have found it frustrating to be a member of Standing Committees. When we have discussed important legislation that would affect millions of people, I have occasionally found it frustrating when members of my own party have spent a lot of time talking for the sake of talking, as if it were some kind of "macho" achievement to sit up all night and speak for two, four or six hours. I acknowledge that it can sometimes be

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an effective parliamentary tactic, but it is frustrating at times. Yet no one could accuse any member of this Committee — certainly no Opposition Member nor anyone on the Government Benches or, with possibly one or two exceptions, the Ministers themselves—of making any such attempt. The Secretary of State has hardly opened his mouth even when he has been with us. The only time that anyone has seriously filibustered since the Committee began its deliberations was when Government failed to have briefs ready in time — and that was because of the progress that the Committee was making.

It has been a pleasure to belong to this Committee and to know that if one turned up there would be serious argument, even though one's hostility to and outrage at the Government's proposals was in no way diminished. One knew that one would have an opportunity to make a serious contribution to the detailed examination of the Bill. It has been an interesting and healthy break with tradition that there have been so few "stand part" debates; the sittings motions have not been debated.

If anything, Opposition Members have been more willing to put time into the Bill than have Government Members. It was not Opposition Members who asked to slacken off over Easter. We could have had one or two more sittings before and after the Easter recess; it was the Government who did not wish to have them. Particularly when we have been in the middle of discussing some important matter which it would have been difficult to continue to examine two days later, my hon. Friends would have been happy to continue the discussion, and sit a little later on Tuesday nights. It has been the Government——

Mr. Wigley: The hon. Gentleman will recall that at 1 o'clock in the morning last week it was the Government who wanted to adjourn, when many Members of the Committee, including myself, who opposed the motion, were quite prepared to go on.

Mr. Clay: I remember the occasion well, and I thank the hon. Gentleman for reminding me of it.

There have been perhaps only two or three "stand part" debates, so anxious have Opposition Members been to examine details of amendments in a full and proper manner.

It has also been the case, perhaps somewhat uncharacteristically, that some Conservative Members—not those who have spoken so far this afternoon—have had a great deal to say, some of it of great importance. The hon. Member for Kensington (Sir B. Rhys Williams) has, through amendments and other contributions, played a major part in the Committee's examination of the proposed legislation. Government members of Committees do not always play that kind of role. All the more reason, therefore, for the Government to accept that some of their own members require time to examine this Bill in a proper way.

The only explanation of the Government's anxiety to stifle discussion is that, the more detailed the examination of the Bill, the more the Government flounder. In a significant proportion of recent discussions we have seen Ministers moving the goalposts as the debate has gone along, so ill-prepared have the Government been for consideration of the Bill. I have never seen such a flurry of notes passing backwards and forwards between civil servants and the Government Front Bench, as question after question has been raised not only by Opposition Members but by Government Back Benchers.

It is ironic that the hon. Member for Erith and Crayford (Mr. Evennett) referred earlier to the inadequacies of the present social security system and to the nightmare of regulations. Much of the discussion in Committee has consisted of probing questions and amendments from the Government's Back Benchers and from Opposition Members, only for them to be told, time after time, by Ministers that these things would be dealt with in regulations. A Government who have responded in that sort of way have no right to curtail discussion by means of the guillotine.

This Bill is in no way a normal one. Even by the most modest standards, it contains enough material for several Bills. There could very easily have been two Bills on the pensions aspect alone. A Bill that simply dealt with SERPS would have been seen as a major piece of legislation. One that brought in the notion of portable and private pensions would have been seen as a major Bill. Stating the case modestly, a Bill that dealt with, say, family credits, income support and housing benefit alone would have been seen as a massive piece of legislation. On top of that there is the social fund, which in itself is worthy of a Bill. In these circumstances, where one is dealing with the equivalent of as many as five Bills, it is outrageous that, when we have already, quite remarkably, moved more than half way through the substance of the Bill, the Government should guillotine further discussion.

I said earlier that I am somewhat cynical about parliamentary processes. This experience makes me even more cynical. There has been much that I would have liked to say but have not said because of the wish of many hon. Members on both the Government and Opposition Benches of the Committee to make progress.

The Government will win tonight. All the signs are that they will get their Bill through in substantially its present form. Nevertheless, in the end they will have to answer to the millions of people who are affected by the Bill. It is, after all, a Bill that will affect almost every person in the land—men and women, young and old, those in work and those unemployed, fathers and mothers, sons and daughters.

As the catastrophic provisions of the Bill start to bite, particularly in areas quite often represented by Opposition Members—those which currently have very high levels of single payments from the DHSSs, those areas which will be devastated by the completely unconsidered and wicked cash-limiting effect of the social fund—people will ask themselves how on earth Parliament could have passed such outrageous legislation in the first place. Even now, I find it difficult to explain to people how arguments and votes against the Bill are unavailing. People ask whether I did not explain to the Government. I have to reply that an explanation was given but that the Government did not want to listen.

Even the Government's own supporters have warned them that on a number of aspects things will go seriously wrong For example, there is not just all-party opposition to family credit, but the CBI, small businesses and the self-employed, nearly all of which normally support the Government, are opposed to this proposal. I shall always remember the hon. Member for Kensington begging his colleagues on the Committee, and saying that it would be in the best interests not only of the country but of the

Conservative party, to have the guts to support him and defeat the Government on that proposal. Unfortunately, no one had the guts to do so.

I believe that when people understand what has taken place they will hold more in contempt than they do at the moment an institution and habits that could allow legislation of this kind to go through with this kind of anachronistic stifling of debate.

The Secretary of State for Social Services (Mr. Norman Fowler): Leaving aside the issue of how family credit is paid, is the hon. Gentleman seriously putting forward the argument that the reform of the family incomes supplement system is not sensible and that the Government decision to devote more resources to low-income families is not an altogether sensible and highly welcome measure?

Mr. Clay: It is not the purpose of this debate simply to repeat arguments that have already been aired to some extent in the Committee, but I will just say this. One of the few good things about this debate is that we have got the Secretary of State's views on this. We knew them already, of course, but he had not spoken in the House on the matter and he has hardly ever spoken in the Committee. I rather resent his finally getting off his backside and intervening, because I would have welcomed the opportunity on many occasions to intervene in the Committee on the Secretary of State in particular, who came sneaking into my constituency to do a "World in Action" programme about people on supplementary benefit in Sunderland. He said that he was horrified by what he had seen and that this Bill would help them, when he knows perfectly well that it will not. He has never been available in the Committee to answer many of the points that I would have liked to make.

I am sure, Mr. Deputy Speaker, that if I continued in this vein you would draw me back to my remarks on why this Bill should not be guillotined tonight.

Mr. Fowler: Will the right hon. Gentleman either withdraw or answer the question?

Mr. Clay: I do not withdraw one word. I am answering the Secretary of State's first intervention.

On the question of family credit, all I said was that the CBI was opposed to it. That point was made in Committee and was never denied. Every single small business organisation is opposed to it. The Secretary of State ought to read the record of the speech by the hon. Member for Kensington, who read out and quoted at great length all those organisations that had made representations against family credit and made the point that hardly any organisations other than one or two known down-the-line academic supporters of the Government supported that proposal. I do not retract what I said and I think that the evidence proves it to be correct.

Mr. Fowler: The hon. Gentleman still has not answered the question. What I put to him was quite specifically that there is a distinction between the mechanism whereby family credit is given and the family credit itself. Organisations such as the CBI are not in any way suggesting—it is entirely misleading to suggest that they are—that it is wrong to channel more support, which is what family credit is about, to low-income families. I ask the hon. Gentleman again whether he supports that.

Mr. Deputy Speaker (Mr. Ernest Armstrong): Order. I have allowed the exchanges, but we are debating a timetable motion, not the merits or demerits of the Bill.

Mr. Clay: I respect your ruling, Mr. Deputy Speaker. I will only repeat that we would have welcomed hearing this from the Secretary of State during the Committee stage instead of tonight.

It seems to me that this Bill is in many ways a threat to democracy. Those in our society who are most desperate, those who at the moment genuinely—the Government have to understand this—do not know how they are doing to manage from day to day. Those who dread what next week may bring, those who are really struggling and sinking deeper, those who have been unemployed for a year, two years or three years—and it is becoming a higher and higher percentage of a growing number of unemployed—and many others will be badly affected by this Bill. It will increase their alienation from the basic fabric of our society.

The Bill is a damaging one for democracy and the way in which such a major Bill can be quite cynically guillotined by the Government despite the entirely responsible, possibly over-responsible, behaviour of the Opposition and many of their own supporters is a further threat to the institutions that hon. Members of this House hold dear.

5.46 pm

Mr. Michael Stern (Bristol, North-West): I am most grateful to you, Mr. Deputy Speaker, for allowing me to contribute to this debate, not least because I must apologise to hon. Members for the fact that I shall not be able to stay to its conclusion because of a prior engagement.

The debates in Committee have been for the most part remarkably good natured and I should like to continue to maintain that atmosphere by saying that in my view—I speak, like the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood), as a veteran of the 1984 Finance Bill—there has not been an attempt on either side at a filibuster or anything close to it. On occasion debates have become somewhat repetitious because of the heat generated by the subject under debate. I remember one such, on the question of benefits for strikers' families, which in my view went on rather too long and became extremely repetitious. Nevertheless, I accept that there has been no organised filibuster. Indeed, the apparent lack of progress in the Committee has been occasioned rather more on the one hand by the numbers of matters to be considered and on the other by the numbers of amendments that have had to be disposed of by my right hon. and hon. Friends.

The fact that, at this stage in the Committee proceedings, after 115 hours, we are still on clause 33, having spent the last six sittings on clauses 32 and 33, proves either that a lot of amendments are going down and the arguments are becoming a little repetitious—which I believe to be the case—or that we need some form of procedural boot up the rear end to get us moving forward at the pace which we achieved at certain stages of proceedings on the Bill.

There have been many amendments and, as one would expect in a Bill of this nature, there have been many Divisions. But the speed of the Committee's work has been aided by what one might call the remarkable

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unanimity of the Opposition, despite the fact that it contains representatives of three political parties when it has come to voting. To date we have had in Committee 69 Divisions. It may surprise hon. Members to know that on 62 of those occasions the hon. Member for Roxburgh and Berwickshire, representing the Liberal party, found himself able to support the official Opposition. This unanimity strikes me as a bit suspicious. It may well be that the hon. Member for Roxburgh and Berwickshire arrived at the same conclusion as the official Opposition by a totally different route, but some may unkindly believe that this is yet another case of the Liberal tail being wagged by the Labour dog.

I would contrast this with the attitude of the hon. Member for Caernarfon (Mr. Wigley), who has not only contributed a great deal to our debates from his deep knowledge, particularly of disability, but has been able to look at the amendments proposed and has voted with the official Opposition on 46 out of those 69 occasions. This strikes me as the mark of someone who is looking at each amendment in isolation, and I congratulate him on that.

Mr. Wigley: Is the hon. Gentleman suggesting that those who vote on the amendments are not looking at each one individually as we go along? If he is, I would draw to his attention the fact that most of the Opposition members of the Committee are present throughout the debate, whereas Conservative members of the Committee come pouring in from the corridor when the vote is called.

Mr. Stern: I was about to comment briefly on the arrangements in Committee and to conclude my previous remarks. In Committee the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) sits a little apart from the Members of the Labour party, whereas the hon. Member for Caernarfon (Mr. Wigley) usually sits among them. I was going to suggest to them that in view of their voting records their seating should be reversed.

Mr. Jim Craigen (Glasgow, Maryhill): Far be it for me to bark for the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) but could it be that he finds the Minister's answers less than convincing?

Mr. Stern: If that were the case, I, on behalf of the hon. Member for Caernarfon, would consider myself grossly insulted.

The Opposition cannot claim that debates have been held up by an ureasoning lack of flexibility on the part of the Government. From experience on other Standing Committees, I think that Ministers have shown considerable flexibility. They have been less flexible over amendments accepted, although I remind the House that the amendment proposed by the hon. Member for Roxburgh and Berwickshire—No. 378—was accepted, somewhat to his surprise at the time, but with expressed gratitude.

More importantly, in this area of complex legislation, the Government have been extremely flexible in terms of clear undertakings to look again and wherever possible to come back on Report with amendments which reflect the will of the Committee, even though the wording which was being discussed was not entirely acceptable in legislative terms. A major extension of the pension provisions in the Bill to provide much greater flexibility of pension schemes is an example which sticks in my mind. My hon. Friend the Under-Secretary undertook to introduce that on Report, in response to a number of amendments which have found favour on both sides of the Committee.

I do not think that it can be argued that the timetable proposed is unreasonable. We have spent 115 hours debating 32 clauses and two schedules of the Bill. The timetable motion will propose a further 54 hours. That is a substantial amount of time in any context for further consideration of the Bill, especially when one considers that the House will be discussing a major area of foreign policy and coming to conclusions on it in about seven hours tomorrow. During those 54 hours, we still have to consider 38 clauses, many of them technical, and six further schedules. There are already six new clauses on the Order Paper.

However, I do not think that it should be beyond the wit of the Committee to give adequate consideration to the remainder of the Bill in the time alloted. Indeed, I can see advantages to the Committee being able to pace itself rather than find itself, as it has on clauses 32 and 33, with large numbers of amendments many of which overlap, with no incentive to sort amendments into areas of discussion.

I can see another advantage to the pacing provided by the guillotine motion on behalf of the unusually large audience which the Committee has addressed from time to time. One of my colleagues in the House, seeing me struggle with my habitual load of papers along the Committee Corridor before entering the Committee Room, pointed out that there were so many individuals and lobby groups following the proceedings of the Committee, especially in its early stages, that he had the impression that I was marching through a picket line. Certainly the Bill has provoked a very wide interest. To date, with one or two rare exceptions, we have been able to accommodate audience by sitting at reasonable times and keeping our discussions to a reasonable length. The timetable motion will assist us in continuing to satisfy that audience.

As I have said, there are still a number of major items to be discussed, especially clause 39 which will clarify the disqualification for unemployment benefit during a trade dispute. There is also clause 49, which appears to give extremely wide powers of disclosure to the Inland Revenue, far wider than have appeared in any provious Social Security Bill, and clause 55, which I am sure will be welcome to all pensioners who fear a future Labour Government. Clause 55 will make the Christmas bonus automatic rather than at the discretion of a Labour Secretary of State.

One point clinches the case for the need for timed and detailed progress on the Bill. It has been commented on frequently by the Opposition Front Bench that this Bill is merely a skeleton and that it needs to be clothed with the numerous regulations which my right hon. Friends will have to introduce in due course to bring the legislation into action. Those regulations are as important to the people who are affected by the Bill as many of the clauses is in the Bill itself. However, no progress can be made on them until the Bill is close to the statute book. I think that we owe it to the people who will be affected by the Bill to make progress as rapidly as possible so that they can see, and make plans for, the areas in which they will be affected. I should like to give my right hon. Friend and his Front Bench colleagues the maximum opportunity to get

those regulations into draft form and under discussion before the Bill comes into operation. On that basis, I am happy to support the timetable motion.

5.56 pm

Mr. Dafydd Wigley (Caernarfon): I wondered many times in Committee why Conservative Members had not been participating in the debates. After hearing some of the contributions tonight, I now understand a little more about that. I have had the pleasure, or displeasure, of serving on numerous Committees over the past 12 years. The Committee on the Social Security Bill has been one of the happier Committees. It has attended to its work in a more diligent and constructive manner than most of the Committees on which I can remember serving.

Looking back over the years, I served on the Industry Bill in 1975. The hon. Member for Oldham, West (Mr. Meacher) served on that Committee, and the hon. Member for Derby, South (Mrs. Beckett), then the Member for Lincoln, was a Whip. I can remember the many long hours we spent in Committee listening to Conservative Members speaking at considerable length. They wanted to oppose the Bill and it was their prerogative to do so, but nothing like that has happened on this Bill. I also had the doubtful pleasure of serving on the British Telecommunications Bill. It was on one of my amendments that the hon. Member for Newcastle-under-Lyme (Mr. Golding) made his notorious 12-hour speech. Nothing like that has happened on this Bill.

By and large, the attention being given to the Bill by the Committee has been very constructive. The fact that a third of the time has been taken up by the Government Front Bench shows that they have been applying themselves to the points raised by the Opposition. The debate has been detailed, and sometimes there have been large numbers of amendments. However, the Committee has not objected at any stage to the way in which whole strings of amendments have been taken together for debating purposes in order to save time. For example, only this week as many as two dozen amendments were taken together on the Floor of the Committee. I remember such events being fiercely objected to on other Committees on which I have served. The Committee has been constructive. It is absolute nonsense for the hon. Member for Erith and Crayford (Mr. Evennett), who is not in his place now, to suggest that there have been deliberate delaying tactics.

I do not object to timetable motions. I believe strongly that Bills should have timetable motions on Second Reading and that there should be a constructive approach to a Bill to avoid some of the time wasting that one has seen on other Bills, but not this one. I do not object to the guillotine for the Committee. Had we continued to make rapid progress in the way that we did until last week, once we heard that a guillotine was coming—that has an effect on hon. Members—we could have completed our consideration of the Bill by 1 May anyway.

However, I strongly object to the way in which the guillotine is being brought in half way through the passage of the Bill and to the fact that it is to apply to Report as well as to the Committee stage. I understand that that normally happens, but a disservice is being done to the House by the imposition of the guillotine on Report. As the hon. Member for Bristol, North-West (Mr. Stern) said, when he was not pulling the legs of Opposition Members, on numerous occasions the Government have responded to detailed points in Committee, not by accepting amendments but by saying that they will give further consideration to those amendments and come back on Report, if necessary. I have counted more than 20 instances of that, and I think that I have missed many more.

We are to have about 12 hours on Report before going on to Third Reading. We have up to midnight on the first day and until about 9 o'clock on the second day because we have to get on to Third Reading before 10 o'clock. That gives us about 12 hours to consider 120 pages—about six minutes a page. The Government have given undertakings to come back in detail on Report on matters covered in many of those pages.

It is not just a matter of the Government coming back, but of hon. Members having the opportunity, on Report, to participate in the debate on such a vital Bill. The Committee does not represent all the parties in the House. My colleagues in the Scottish National party are not on the Committee. Social Democratic party Members and Northern Ireland Members are also not on the Committee. No doubt they have a viewpoint that they wish to express on Report. It is right that they should do so, but, with the guillotine affecting Report, it will be difficult for them to apply themselves in detail to the points in the Bill.

It is a significant, far-reaching and technical Bill. As hon. Members on both sides of the House have said, it could have been split into more than one Bill. For example, there could have been a separate pensions Bill. If so, the Government might have needed timetable motions on both Bills. Bringing them together and steamrollering them into one set of timetable motions does not give the House of Commons the opportunity that it deserves and needs to give detailed consideration to the Bill.

I give Ministers credit for the fact that they have paid close attention to the points that have been made on both sides in Committee. It is to their credit that they have taken as much time as they have. In response to one set of amendments, the wind-up speech lasted one and a quarter hours. That was because Ministers were taking and dealing with interventions. I do not deny that for a moment. That shows the nature of the Bill—its depth and complexity —and the need for the Committee to do its work thoroughly.

I hope very much that we shall go through the remaining stages of the Committee in a sensible manner. Conservative Members have made the point strongly that we have reached only clauses 32 and 33, and that we have spent four or five sittings discussing those clauses. However, I remind the House that clauses 32 and 33 deal with the social fund. They are the only two clauses to deal in detail with the social fund. That is one of the most controversial parts of the Bill.

Important matters are coming up in clauses 34 to 40, but many of the later clauses are technical and formal. They are clauses such as appear in all Bills concerning commencement, transition and extent. Those clauses will not need anything like the detailed consideration that the guts of clauses 32 and 33 require. The timetable for the Committee can do justice to that.

That is why I shall vote against the timetable motion. We are doing a gross disservice to the House and hon. Members who are not on the Committee by having such

[Mr. Dafydd Wigley]

a tight Report stage, because many matters on which undertakings have been given will not be considered in depth. Those matters are in danger of being forgotten.

6.4 pm

Sir Brandon Rhys Williams (Kensington): When we consider a timetable motion such as the one before us I think that the proper course is for hon. Members to dwell on procedure rather than open up a debate on matters that are within the Bill itself. I should like to say a few words based on my limited experience in the House since I had the good fortune to be elected in 1968. The timespan during which I have served is not a very long one on which to base conclusions about trends and the way in which the House of Commons is changing its procedure and practice: but in my opinion, during the span of time that I have been a Member there has been a marked decline in the status of Members on the Back Benches on both sides of the House, in the eyes not only of Ministers but of the staff who serve Ministers in their private offices.

In my time I have seen a marked decline in the importance of Third Reading. Third Reading, if it takes place at all now, tends to be an atrophied and perfunctory debate, which makes no significant difference to the attitude of Members, Ministers or Ministers' Departments. It is just a formality. If one comes into the House when a Report stage is taking place, even on a most controversial measure, one finds all too often that it is sparsely attended by hon. Members on either side of the House. Sometimes one is ashamed to see that when important Bills are being debated only three or four hon. Members on each side are paying attention—or waiting to speak—when the Public Gallery is packed.

One has to say that Governments are falling increasingly into the habit of attacking the Committee stage of Bills as well. Of course, I am sorry to say, there have been all too many examples in my time of hon. Members in Standing Committees wasting time deliberately. They have done so as a tactic to prevent the passage of legislation. Sometimes they have not added to the enlightenment of the Department, Ministers, or parliamentary colleagues.

We should never use Committee time in that way. If one wishes to attack a Bill, the right way to do it is to develop arguments that are so unanswerable that the Ministers are obliged to admit that the Bill is misconceived.

There was merit in the suggestion by the Select Committee on Procedure, that hon. Members should be asked to agree a timetable at the start of a Committee. That would be an improvement which would enable serious debates to take place in the planned and structured atmosphere of the Standing Committee. It would be a safeguard for hon. Members. However, that suggestion unfortunately was rejected by the Government with the support of the payroll vote.

Having started a Committee stage, as we have on this Bill, and having got as far as we have, it is wrong for the Government to intervene when the Committee is doing a responsible job, because it disrupts the work of the Committee and creates an unfavourable atmosphere. It also means that hon. Members serving on other Committees have it in mind that their work, too, might be foreshortened by Government intervention. It is wrong to brandish the threat of the guillotine over Back-Bench Members who feel that they have a serious contribution to make, which they want to make in the formal atmosphere of the Standing Committee.

If I am right in thinking that Governments are increasingly regarding the guillotine as a weapon that they can use lightly, whenever it suits the procedure of the House, it implies that the gentleman in Whitehall knows best, and that the form in which the Bill is printed and brought to the House for Second Reading is the form in which it should leave the House, at the end, unamended.

I have served on Committees on Companies Bills when slabs of clauses have been brought in in Committee, but when there has been no possibility of their being seriously reviewed; and they have even been added to the Bill on Report. In such Committees, not just lines, but pages of amendments have it been tabled. Thus in Whitehall the impression is growing, and unfortunately is justified, that the House of Commons is merely there to rubber-stamp what the Departments have it in mind to do, and that hon. Members who wish to intervene will be swept aside by the authority of Ministers, backed by the power of the payroll vote. No Bill ought to be regarded as beyond improvement by Members of Parliament, nor should clauses be hustled through without adequate consideration.

Fortunately, as my right hon. Friend the Leader of the House made clear, we can rely on the other place to do much of our work for us, because conscientious study is given there to clauses which, in the House of Commons, have unfortunately had to go through without proper analysis.

Are we really carrying out our functions if we let slabs of legislation through without discussion? This is a constitutional issue, not just a matter that affects people who are concerned with social security and the implications of this Bill. In my opinion we are seeing the decline to vanishing point of the concept and practice of the separation of powers, under which the Executive has its responsibilities and functions, and under which the legislature must also exercise its own rights and perform its own duties, that ought not to be curtailed.

These things are enshrined in writing in the American constitution and are very well understood; but in the unwritten British constitution we do not hold these concepts in the front of our minds all the time. This failure is leading to a progressive decline in the status and influence of the House of Commons as well as its respect in the eyes of the public.

I do not want to develop this theme at enormous length, but I wonder what Simon de Montfort would have thought had he learned that a large and disciplined contingent of hon. Members in the majority party—more than 100—would in due course be retained in the pay of the Executive and be expected to act according to instructions on all occasions. I think he would have thought that it would weaken the House as an organ of the constitution—perhaps even more, in its own way, than the corruption of the House that led to the Reform Act of 1832.

Is this just constitutional theory, or does it matter, in practice, if the House of Commons is falling down on its functions? I think that it matters very much indeed, because the moderating influence of the House of Commons is slowly being rendered more and more ineffective. The result in recent years—particularly in relation to social security legislation—has been that the Government of the day introduce a system that is intended

to be permanent, the next Government throw it out, reject it lock, stock and barrel and introduce their own system, which in turn is thrown out by the succeeding Government. As a result, public administration is brought virtually to the point of collapse. That, unfortunately, is what we have in this country, where DHSS staffs are trying to carry on in spite of the very uncertain guidance that they receive from Parliament about the way in which their work should develop and evolve over time.

This Bill will be no exception to the other measures that have been before the House in my time. It will simply come under increasingly well-informed attack, even before it is implemented, and it will become clear to the permanent staffs that it will be only a matter of time before further major changes are introduced in their turn.

That is not a satisfactory way to proceed. My own impression on this Standing Committee is that quite serious issues that bear on the whole question of social security legislation have been discussed in an extremely serious and worthwhile way. Even when hon. Members may have felt that they were making no impression o Ministers, I have had the impression that they were making a mark with the Department and with outside opinion. I pay tribute to the Opposition, who have been constructive in their approach to the Bill. There has been no significant amount of time wasting in our discussions.

I also pay tribute to the Ministers who have dealt with the Bill. This Committee has been happy and constructive, and we have made such good progress as we have because Ministers have been serious, conciliatory and more than usually receptive. It therefore seems all the more a pity that our work should be affected by the House of Commons deciding to timetable our remaining studies of the Bill.

This is a major measure, and it is controversial. It has already aroused widespread, well-informed, public and institutional comment and concern. It will not add to the reputation of the Department or of this House if we take no note of the representations that hon. Members on both sides of the House have received and simply let the Bill go through without further serious examination of its implications.

In fact, we have done the major part of the work that needed to be done, but there are some serious debates still to come. It is all the more undesirable for the Government to appear to be hustling the Bill through, because it has such a wide impact and long-term implications for many millions of people. In fact, the entire population is affected in one way or another by the Bill. It is not right that the Government should appear to be impatient to push it on to the statute book without thorough analysis.

Part I could have been published as a separate Bill. Opposition Members have already said that the Bill is really several Bills rolled into one. I believe that it consists of only two. Part I, which deals with occupational pensions, could well have been a totally separate measure. The hours that we devoted to that were well spent, and should not be counted as contributing to the total of our consideration of the social security aspects contained in parts II and III.

The income-related benefits and the social fund gave rise to anxious debates. They are either innovatory, or totally reverse trends and opinions that have become established on both sides of the House. Inevitably, there has been much discussion on parts I, II and III.

No additional amendments have been tabled for some weeks. As a result, parts IV, V and VI and the schedules are left with barely any amendments of major importance. There are still one or two crucial debates to come, but they are unlikely to take up a great deal of time. The majority of the remaining amendments have been tabled by the Government. Perhaps the Government know that many more amendments will have to be tabled to the remaining parts, and perhaps this has not yet been disclosed; but I do not think that that is the case.

I believe that this guillotine motion has been forced on the Department by people outside it, who have not appreciated quite how well the Committee has been proceeding. Agreement to complete the Committee stage by the end of this month could have been obtained on a co-operative basis between the different sides represented in the Committee. The introduction of a guillotine is a blunder, and I shall be obliged to vote against the Government tonight.

6.19 pm

Mr. Frank Haynes (Ashfield): I am privileged to follow the hon. Member for Kensington (Sir B. Rhys Williams), given the tremendous work that the hon. Gentleman has done in the Committee. Indeed, from time to time he has stirred up the Government Front Bench when we have discussed some of his proposals. He is a fair and honest man. There is no doubt about that.

I do not agree with the Leader of the House. The right hon. Gentleman does not attend Committee meetings and does not know what is going on. He might have looked at the Bill, but he is not in Committee listening to the debates and seeing what takes place. I believe he is completely in the dark. The Government is moving in indecent haste to get this legislation on the statute book. Although I doubt that the Government will change their attitude, I hope that the Leader of the House will get the message that we should be given sufficient time to complete the Bill.

Mrs. Edwina Currie (Derbyshire, South): Will the hon. Gentleman give way?

Mr. Haynes: I will not give way; there is not enough time.

I want to make clear that the Opposition have co-operated in the Committee from the very beginning of its deliberations. Let us consider what has happened in Committee. First, we did not have a sittings motion. I have been on Committees when, before starting consideration of a Bill, sittings motions have been debated all day and even longer. On this occasion, we got straight down to the business of pensions.

In addition, the Opposition often maintained the quorum on the Committee. We did not withdraw until the Conservative Members returned; we kept the consideration of the Bill moving. Therefore, some Conservative Members should reconsider what they have said. I felt sick when I heard the hon. Member for Erith and Crayford (Mr. Evennett) speak, because that is the first time he has spoken on the Bill. Although he has been on the Committee for all its considerations, he has left it until now to speak.

Mr. Wigley: He forgot to vote.

Mr. Haynes: Yes, he came running in when the vote was taken. The party numbers on the Committee were 17

[Mr. Haynes]

to 11, but on one occasion there was a vote of 11 to 11, and the vote of the hon. Member for Erith and Crayford was missing. In any case, that matter was sorted out.

The two Whips on the Committee, who are running the show, have co-operated excellently and organised the Committee properly. My hon. Friend the Member for Sunderland, North (Mr. Clay) said that on some days the Committee did not sit when it could have sat. That happened as a result of negotiation between the two Whips. They endeavoured to get everyone on the Committee working together.

I do not believe that sufficient time is available in which to debate the Bill properly. Although Conservative Members have talked some piffle this afternoon, sensible things have also been said by them. What worries me most is that mouth clamps are applied to them in Committee. I wish they would express themselves more often; far too many of them have had nothing at all to say in Committee.

The Leader of the House spoke about there being one Bill. My hon. Friend the Member for Sunderland, North suggested that we should have had four Bills, and he could be correct. However, in the case of pensions, the hon. Member for Caernarfon is right in saying that one Bill is appropriate. The Committee spent three weeks on pensions. The questions involved were so technical that a lengthy consideration was necessary. Understanding what was involved was difficult for Ministers and other Members. Thus, considerable time was necessary.

However, the end result is that we are now speaking to the guillotine motion, hoping that the Government will withdraw it. Time is still needed to discuss cash limits. We know what will happen in this case, as we have had experience of it at the local authority level. We know that many people will miss out as a result of cash limits, so the matter merits much longer consideration. We are supposed to be here to help the people who need the cash. The massive cuts proposed in the Bill are shocking. The effect of the cuts will be that officers of the DHSS local office will tell people that they do not qualify, because of the legislation, for certain benefits, and many people will therefore miss out.

Over and over again in Committee, Ministers have said that they will answer a question on Report. In fact, this was said so often that on Report all Ministers will have time to do is answer those questions; there will be no time for a proper Report stage. This is ridiculous; I object to the fact that we have not had enough time to debate the Bill properly. Nevertheless, it has been a pleasure to serve on the Committee with the other Members involved.

6.26 pm

Mrs. Edwina Currie (Derbyshire, South): It has been my privilege to serve on all three Social Security Bills that have been dealt with since I entered the House. It is on those Committees that I have developed an expertise of which most people are unaware. I have become expert in being a quiet Back Bencher. I would not claim that at all times in Committee I am listening entirely silently, any more than I would claim that Ministers are always full of erudition or that the Opposition are always wrong. However, there is a lot of truth in those three statements, and I am glad to be able to put them on record.

The objective of the guillotine is to obtain the Government's business. This Bill is one of the most important reforms that we are likely to see in this or any other Parliament, and it is absolutely essential to get every single part of it through. They are all parts of the one whole. The pensions legislation is probably the most far-reaching part. I am always distressed to see in our advice bureaux an old lady who has only her state pension and has to rely on supplementary benefits because she or her family were unable or unwilling in days gone by to obtain a private pension. The introduction of personal pensions in this Bill and the incentive to employers will reduce the numbers of such cases in future.

It is my future that the Committee on the Bill has been debating, and I look forward to far greater prosperity for all of us in our old age. The modification of SERPS that we saw in part I of the Bill will reduce those burdens that might I suspect be repudiated in ages to come. The same situation applies in relation to income support and the family credit system. Most of the debates in detail in Committee have not in any way defended the system we have at present; in fact, Members on both sides have been extremely critical of the present system. The Committee went into detail on the question of income support for the disabled. We rejected out of hand the system we have at present and wanted to know simply whether the disabled got as much under the new system as under the old, and whether the needs of the most severely disabled in our society would be protected. That question ends up being a matter of how much will be allowed in future upratings and also of the regulations that have to be laid down. That cannot be done until much more progress has been made on the legislation.

The hon. Member for Sunderland, North (Mr. Clay) commented on how this proposal would affect his constituency, as he is worried about his constituents. He seems to be proof that our excellent public school and Oxbridge system occasionally falls down on its job. He is right about the amount of lobbying taking place. Many people outside have taken advantage of the time we have spent on the matter in Committee. He might not be aware that those of us from Derbyshire seats have been lobbied by people organised by the Derbyshire county council, which tried to show that large numbers of our constituents would be exceedingly adversely affected by, specific elements of the Bill. It brought down a shoal of people to talk to us, calling us out of Committee so that this could happen. One or two of those people looked a little bizarre. Although the way people dress is entirely their own business, I find it hard to argue for more money to go to unemployed 18 or 19-year-olds who do not look as though they will make the best presentation of themselves to potential employers. That is my personal prejudice, and I am happy to parade it.

When I saw those people who had been brought all the way from Derbyshire, I asked whether any came from my constituency in Derbyshire, South. The answer was not one. I challenged Derbyshire county council to produce half a dozen constituents of Derbyshire, South who would be adversely affected by the Bill, to bring them to my advice bureau and to share their worries with me. The council has told me that, so far, it has managed to find only one person. It is willing to set up a proper meeting—not here, but in Derby. I believe that Central Television is willing to film the meeting. The council and other lobbyists who have been making out a strong case have not yet read the details of the Bill or listened to the discussions

in Committee. They have not taken seriously the remarks of Ministers and are not willing to listen to what is said. Many of our measures are major improvements.

I hope that, after 18 years as a Member, I, too, will speak with the erudition and experience that my hon. Friend the Member for Kensington (Sir B. Rhys Williams) demonstrates every time he speaks in Committee. I am not clear from his argument why he should be in favour of the representations of the Select Committee on Procedure, which involve guillotining and timetabling the entire debate. If the House had accepted that measure, the power of Back Benchers would have been diminished and the Government's managers would have been handed substantial powers, which they do not always have at the moment. My hon. Friend favours that measure and is at the same time against applying a guillotine to part of the Bill. His argument is not consistent.

No one likes a guillotine. I shall not even pretend that I like it or think it is a good measure. I should prefer the Bill to be passed without it. I think that we all had high hopes that that would happen. We have made tolerably good progress. We have been spared hyperbole, except once or twice from the hon. Member for Oldham, West (Mr. Meacher). I must admit that I missed his hyperbole. I do not feel right in a social security debate without hearing the hon. Gentleman go over the top. As a substitute, we have had the old-fashioned wisdom of the hon. Member for Ashfield (Mr. Haynes) who criticises Conservative Members for not speaking, but then will not accept our interventions. The hon. Gentleman tends to substitute decibels for originality, and his speeches are all the better for that.

Mr. Haynes: The cheek of the hon. Lady.

Mrs. Currie: I always take it as a great compliment to my orations when speaking to students if I can get the Left-wing students to walk out in a huff. I am disappointed that the hon. Gentleman has returned to the Chamber.

A great deal of the credit for the way in which the Committee has been conducted is due to the hon. Members for Derby, South (Mrs. Beckett) and for Barking (Ms. Richardson). They have done an immense amount of work and carried a full burden. I congratulate the Labour party on elevating them to such important positions. I hope that it will continue to elevate its lady Members to the number two positions. Perhaps at some time the Labour party will make more progress and elevate them a little higher.

Not enough progress has been made. We have had 30 sittings, and I think I have attended most. We have heard 114½ hours of debate. I think I have attended more than 100—if not, the Whips will tell me—and it certainly feels like it. Yet we are still only on clause 33 out of 70 clauses and have considered two schedules out of eight. We are less than half way through the consideration. At that rate of progress, we could sit for 249 hours considering clauses alone. My calculation matches that of my right hon. Friend the Leader of the House. At that rate of progress, we shall be sitting beyond the Whitsun holiday.

Even the Police and Criminal Evidence Bill, to which the guillotine was not applied, was dealt with in just over 140 hours. The Finance Bill 1984 edged over 160 hours of debate. The Government's proposals will take us to 168 hours of debate in Committee by 1 May. That will still be a marathon. It should exclude all my colleagues from further duties on Bills for the rest of the Session, except those of us who face another 57-clause Bill coming from the other place in the next few weeks. I, at least, will have done my bit by then.

It has not been a matter of filibustering. On the whole, hon. Members have directed their attention to the amendments. The debate has been highly amicable and technical. So many amendments have been tabled that I think the Opposition are overdoing it. Sixty amendments to clause 32 were tabled, and more than 20 were taken in one batch. This morning, 61 amendments to clause 33 were tabled, and 25 were taken in one go. Last Thursday, we dealt with 10 amendments to the same clause 33 and another four on Thursday afternoon.

Consideration is becoming slower. I do not know whether the Opposition are growing tired, but I suspect that we are becoming less able to distinguish between what is relevant and what is irrelevant. At that pace, it will be not Whitsun but the middle of next year before we complete consideration.

It has not been a matter of the Government rushing the legislation through. Second Reading took place on 28 January and the Bill immediately went into Committee. Second Reading did not take place until that date because the Government went through the business of the Green Paper and the White Paper, thousands of pieces of evidence, public meetings and open discussions. Never before has a Bill been discussed so thoroughly before reaching the House. That reflects great credit on all concerned.

The hon. Member for Caernarfon (Mr. Wigley) is right: a great many matters worth discussing have still to be debated. The timetable motion is generous in allowing for discussion on widows, maternity and death grants, strikers' benefits, the right of appeal, overpayments, offences and prosecutions—down to clause 59, which deals with local authority school meals services, a matter that arouses much interest in Derbyshire which has a local school meals scheme which will be wiped out by the provisions of that clause. Several clauses extend to Northern Ireland. We want to ensure that the legislation does its bit to retain Northern Ireland as part of the United Kingdom.

This reform is essential and long overdue. It has been carefully thought out and will function far better in practice than the muddle and chaos that at the moment passes for a social security system. It will benefit all our people for generations to come. I am happy to support my right hon. Friend the Leader of the House. I hope that the House will accept the motion.

6.37 pm

Mr. Frank Field (Birkenhead): If the judgment of the hon. Member for Derbyshire, South (Mrs. Currie) were correct, many of us would vote more happily.

There are many advantages in catching your eye late in the debate, Mr. Speaker. One has the advantage of taking into account the views of other hon. Members. In social security debates, it is an added advantage because one usually has the advantage of listening to the hon. Member for Kensington (Sir B. Rhys Williams). He not only brings special knowledge that no other hon. Member has but speaks as a great parliamentarian. It is perhaps a sign of what has happened to the Government Front Bench that the views of the hon. Member for Kensington are not heard with the discernment one would expect from a normal

[Mr. Frank Field]

Tory Government. I do not say that to disturb the waters. The hon. Gentleman made an interesting contribution. He is almost unique in the way he uses debates on the Floor of the House to introduce to Ministers grievances that are well worth taking up. The last time he spoke, he addressed us about his exclusion from Standing Committees, which assured him a place on the Standing Committee on the Social Security Bill.

Today, the hon. Member for Kensington highlighted a matter of which I was not aware because of my limited time as a Member—the changed attitude to Bills in Ministers' private offices and in the Civil Service generally. I hope that the hon. Gentleman's words will be read carefully and acted upon by the Government Front Bench. I would like to pay a compliment to the hon. Member for Kensington and to the hon. Member for Halifax (Mr. Galley) who is present. They have played a proper and legitimate role for Back Benchers, especially Government Back Benchers. When they were unhappy with Government measures they spoke to that effect and were prepared to vote, or sometimes withhold their vote, so that their views could be registered. That is an important lesson for us on the Labour Benches to remember since one day, who knows, we may be supporting a Labour Government.

We do not know what the vulgarities of the electoral system hold in store for us. When we have been elected, our duty is to have as good an effect as we can on those Bills to which we are party. The hon. Member for Halifax, and especially the hon. Member for Kensington, have followed that parliamentary tradition to good effect during the passage of the Bill.

I feel that I want to call an end to the old cant to which I have listened this evening. When the Leader of the House introduces a guillotine motion, or any other motion, one is usually treated to an urbane and witty speech. His short speech tonight was certainly urbane though he kept the joke to himself. He must have been thinking about the joke on Opposition Members who will debate so strenuously the need to resist the timetable motion when the Government have no intention, for the remainder of the Bill, of paying much attention, if any, to the points which they, and sometimes the Government's supporters, put forward.

One or two of my hon. Friends have discussed the flexibility of the Government's mind. I find it difficult to recall the Government making any substantial changes due to the Opposition's arguments. They have run away from the scene of the battle only when one or two of their own Back Benchers have been prepared to join the Opposition to force a vote and defeat the Government in Committee.

Part of me says, "Why not let the Government have the timetable motion today as they will pay no attention to the arguments. The sooner we are put out of our misery the better." However, the other half of me feels that that is a somewhat cowardly reaction. We are not here for our convenience or to be put out of our misery but to represent the views of our constituents.

The remainder of the debate will allow us the opportunity to take the debate from the House and the Committee to the voters. One of the messages which we want to present—it has been put over loud and strong—is that this is not a single Bill but a series of Bills. The Government like to accuse Opposition Members of going over the top. Perhaps they would like to level that accusation at me, because I think that there are six Bills rather than one. If one considers that we have been debating for only 115 hours, that does not seem a poor record.

The major Bills are concerned with privatising future pension provision. The proposal to try to encourage people to contract out of the state earnings-related pension scheme is all about privatisation. The supplementary benefit scheme is to be abolished and, in its place, there will be a scheme of income support. That may or may not be better. In Committee, we did not come to that conclusion. We wished to debate the restructuring of the scheme and whether it would match the real needs of our constituents. That debate was not brought to a successful conclusion.

The social fund will be established. We have been told by the Government what a unique and innovative proposal it is, yet the amount of debate spent on it has been limited. It is a novel form of social security provision. There are some constituents whose needs cannot be met under the existing scheme of provision, but the Government are attempting to introduce a scheme which will cash limit that provision. If that is not novel, I do not know what is. The social fund represents such a change in the safety net of welfare provision on Britain that it alone would have been worthy of a Bill.

There are other changes. Family credit will replace family income supplement. Some benefits will be abolished and there will be a major restructuring of the housing benefit scheme. Each of these changes could have been in a separate Bill and should have been debated fully in Committee and in the House.

At the beginning of this supposedly great initiative the Secretary of State said that it was the new Beveridge scheme. This new Beveridge scheme is trying to get off at the end of the runway, and, difficult as the flight path is, the amount of time that we have to get it airborne has been severely limited.

My right hon. Friend the Member for Bethnal Green and Stepney (Mr. Shore) touched upon other aspects of the Bill when he opened the debate. It is worrying that we have a timetable motion. We have not encountered the abolition of appeals for 50 years. Although, thank goodness, the appeals are not important to hon. Members, they are crucial to many of our constituents. The tribunals are the law courts for the poor people of Britain. Most of their disputes are settled in the supplementary benefit appeal tribunals, not before the traditional courts of law. Access to such redress is to be denied.

Much of the Bill is to be put into the form of regulations. That would have been my other reason for not opposing the timetable motion. Most of the Bill will be in regulations, so its structure would not take much time to debate. I must confess that we wanted to debate the areas of the Bill that are to be effected by regulations so that we could understand the Government's thinking.

In Committee, I have listed the phrases that the Government have used whenever we asked how the scheme would work. We were told that the Government had not made up their mind yet, that they were open to argument, or that they were coming fresh to the debate. We were told that they wanted to listen and that they had an open, but not always an empty, mind on the subject. These are all euphemisms for saying that the Government have no idea how the Bill will shape up in Committee.

We will oppose the timetable motion tonight because, despite the changes, some beneficial, the Bill will result in major benefit cuts for many of our constituents. In Birkenhead or the neighbouring constituencies of Wallasey, of Wirral, South or Wirral, West, about 6,000 claimants will lose out because of the Bill. That is the message on which we want to probe the Government and which we want to take to the country. We need time to do that.

Several hon. Members *rose*——

Mr. Speaker: Order. Before I call the next hon. Member to speak it may be convenient for the House to know that the Front Benches will seek to rise at 10 minutes past seven. Four hon. Members have been sitting throughout this debate and I hope that, if they bear that fact in mind, all will be called.

6.48 pm

Mr. John Mark Taylor (Solihull): One of the better features of the debate is that most of those who have been called have had something approving to say about other hon. Members' speeches.

The hon. Member for Ashfield (Mr. Haynes) spoke kindly and truthfully about the good relations that existed between the Whips on the Committee. My hon. Friend the Member for Derbyshire, South (Mrs. Currie) paid tribute to the diligence of both Front Benches and the hon. Member for Birkenhead (Mr. Field) rightly reminded us of our constituents. Perhaps that is my point of departure. The DHSS is a service which it is all too easy to criticise, but it operates essentially in areas of stress and anxiety. It is as well to stop from time to time and pay tribute to it.

The DHSS in my constituency is ably led by the manageress, Miss James. I get extremely helpful responses from her when pursuing constituency cases. It is always right to consider improvements of systems that have been with us for some time if they are found wanting.

When considering the social security system, we are well advised, as my hon. Friend the Member for Nuneaton (Mr. Stevens) suggested, to disengage emotion and sentiment such as we invariably feel when dealing with the plight of people in trouble when considering the rules that govern the system. I agree that Opposition members of the Committee have addressed the business reasonably squarely. Rather a lot of amendments were tabled, spoken to, replied to and withdrawn, but most, if not all, were moved in good faith.

We can never reconcile the irreconcilable. The need for legislatures to despatch their business is seldom, if ever, compatible with the desire to give all parties a full and fair hearing on all issues. There has to be time limit. As my hon. Friend the Member for Nuneaton said, a time frame often obliges Opposition Members to work out a programme among themselves to decide who will address which amendment. The hon. Member for Caernarfon (Mr. Wigley) wisely observed that the prospect of a guillotine often had an effect on the pace of business. Without the advantage of membership of this place, Professor Parkinson advanced the theory of the time of the departure of the last bus. He postulated that, once that time is known, meetings work through the agenda with almost magical speed to enable its members to catch the last bus.

Today's debate has been typical of the good nature of the Committee, but a conclusion is inevitable. By the custom of the House, the conclusion is perfectly fairly requested, and I shall support it.

6.53 pm

Dr. Norman A. Godman (Greenock and Port Glasgow): I have a good deal of sympathy for the honourable half of my hon. Friend the Member for Birkenhead (Mr. Field) which asked what is the point of prolonging the Committee's deliberations if the Government do not listen to even the most constructive and realistic criticisms offered by their political opponents. Those criticisms have been offered gracefully.

I deeply regret the guillotine motion. I have no objection whatever to the orderly management of the parliamentary programme, but the Government appear to be proceeding in a disorderly manner. Yesterday, the Home Secretary offered the opponents of the Shops Bill the concession of a guillotine-free passage. That Bill foundered, but this one, which is far more important to my constituents and hundreds of thousands of Scots, is to be subjected to a guillotine motion.

There are many important clauses ahead of us. Clause 35 concerns the abolition of maternity grants. Clause 37 concerns the abolition of death grants. Clause 38 concerns a reduced rate of unemployment, sickness and maternity benefits which people have paid for through national insurance contributions. Clause 41 has no fewer than 20 subsections stating how the benefit system will be administered. That will affect many people. Clause 42 concerns adjudication. It appears that the Government are consolidating the worst elements of existing schemes to make a more restrictive appeals procedure. Clause 50 has been wholeheartedly condemned by the Law Society of Scotland, which has written:

> "In our view the effect of the Clause will be to permit the Secretary of State, where he has made badly drafted Regulations to make more badly drafted Regulations without consulting the advisory body".

What about the rating system? Scottish ratepayers have had no extensive debate on that.

It is no exaggeration to say that the Bill is extremely important for hundreds of thousands of Scots. In November 1979, there were 157,872 supplementary benefit claimants in Strathclyde. That figure had increased to 305,803 by July 1985—an increase of 94 per cent. in six years largely because of the Government's indifference to the Scottish economy. In July 1985, 531,000 people in Scotland claimed supplementary benefit. I have given only the figures for claimants. If we include their dependants —wives, husbands and children—495,000 people in Strathclyde depended on supplementary benefit in July 1985. That is a full 20 per cent. of the population. The figure for Scotland was 867,574, or 16 per cent. of the population.

If we include those who should have claimed supplementary benefit but who, because of the poor quality of assistance offered by some DHSS offices—I am glad to say that that it is not true for offices in my constituency—about 26 per cent. of the population of Strathclyde region were living on or below supplementary benefit level. The Government are now saying that they will give the concession of a guillotine-free passage for the Shops Bill, but that they want to guillotine this much more important Bill.

[Dr. Norman A. Godman]

In July 1985, 39·5 per cent. of the population of the city of Glasgow was living on or below supplementary benefit level. Those figures reveal the level of deprivation in Scotland, yet the Government are saying, "Let us have done with this Bill."

Mr. Craigen: Has my hon. Friend been able to get from Ministers information about how the social fund will be allocated to DHSS offices? Last summer, I tried to get an answer through correspondence but received no satisfactory replies. Is there any closer correlation to hardship?

Dr. Godman: The answer to that is, none whatever. I asked the same question in the Committee and it was a fruitless exercise. The other day I asked how many social fund officers are to be employed, but again I drew a blank. The issue about rates is important in Scotland, especially in the light of the Government's publication "Paying for Local Government". Even the Government concede that, under the Scottish system of revaluation, a ratepayer may be faced with a rates bill increase of 50 or even 100 per cent. in a single year. The proposals in the social security reforms that require everyone, even those in receipt of a supplementary pension, to pay 20 per cent. of his rates bill is especially cruel to Scottish pensioners in the light of this revaluation exercise. That exercise was carried out in Scotland but this sleekit Government did not carry it out in England. This is an important Bill and will have a significant effect upon the lives of many people. It deserves and will continue to deserve close scrutiny.

7.1 pm

Mr. Roy Galley (Halifax): It is gratifying to see that this debate is as constructive and as good-natured as the debates Committee. Both Front Benches held the interest and respect of the whole Committee. I enjoyed the suave interventions of the city gent, the hon. Member for Birkenhead (Mr. Field) but the greatest joy is always to be found in the contributions by the hon. Member for Ashfield (Mr. Haynes). They contain a kernel of seriousness and it seems that there is an elongated Tony Hancock trying to get out.

Most of the essential points in the White Paper were debated at length in the Committee. The principles of the significant number of details have already received considerable attention. There was no filibustering but in our proceedings there is growing repetition because much of the ground has been covered in principle in the past. The social fund debates are becoming a little long-winded. We have completed 114 hours and the allocation of another 54 hours, given the amount of ground we have to cover, seems quite generous.

I take issue with my hon. Friend the Member for Kensington (Sir B. Rhys Williams) who suggested we were being hustled over the remaining consideration of the Bill. Over the next few weeks we will eat and sleep the Social Security Bill. Important though the issues are, by the end of this month or the beginning of next month it will be pleasant to return, as far as one can in this place, to what approximates to normal life. Endless verbiage does the House no credit. The hon. Member for Ashfield spoke about mouth clamps; some voluntary mouth clamping in the Chamber on the lines of the wheel clamping regulations would be most welcome.

The Bill envisages a social security system that will be simpler and more coherent. It eliminates a number of discrepancies that have in certain circumstances the potential for abuse. It is aimed at presenting a system which is fairer, as far as one can be fairer, to the recipients of social security. It is not primarily a matter of cuts because there will not be significant reductions in overall expenditure. This measure seeks to improve the social security system and it is important that it should reach the statute book in good time for implementation in April 1988. It has yet to be considered in detail in another place and enormous administrative arrangements will have to be made to bring it into operation by April 1988. That is why I support the timetable motion.

I have one or two worries that I should like to mention to my right hon. Friend and I hope that he will be able to deal with them at Report stage. I hope that on that occasion every hon. Member will have a full opportunity to give his view about family credit and its payment through the pay packet. We had some anxious and at times agonising debates on that subject, but if at the end of the day the take-up of help for families with low incomes is improved, the reforms will be worth having. I hope that, on Report, we will receive firm assurances about the minimising of the administrative burden upon industry, especially small businesses, and also some hint that my right hon. Friend will monitor carefully the take-up of that benefit and ensure that measures are taken to improve its significance. The present take-up is 50 per cent. which is appalling; it is by take-up that the success of this measure will be determined.

I hope that my right hon. Friend will come forward with some detailed proposals about the social fund appeal. I welcomed the considerable, flexible and helpful response by my hon. Friend the Minister of State to the amendment on that matter that I moved last week in Committee. I hope that the timetable will provide adequate time between the end of the Committee's proceedings and Report stage for full and considered amendments on that matter to come back to the House. I also hope that my right hon. Friend will give us an amendment upon the face of the Bill about community care and the severely disabled, matters that we debated at length in Committee. My hon. Friend the Minister of State has given us some cause for hope and he understands and will take on board the problems of the severely disabled, who may be disadvantaged if the social fund does not operate in a flexible manner. I hope he will put forward some amendments at Report stage.

7.8 pm

Mr. Bill Michie (Sheffield, Heeley): I know that we are likely to lose the vote and that there will be a guillotine. It has already started, because I have been asked to speak for four minutes, or five minutes at the most. I have just had confirmation of that from the Front Bench. Any advance on five minutes? The hon. Member for Halifax (Mr. Galley) says we need time to make sure we get the Bill through the House and through the other place and on the statute book by April 1988. This is 1986 so that does not seem too much of a rush. Some Bills have to be rushed because of deadlines. The Local Government Bill has to be through before April to facilitate local authorities in the following year, but in this case there is too much undue haste.

It has been said that the Bill is wide-ranging and has tremendous scope, not just for pensions or for women, the unemployed, the poorly paid, the disabled, widows, the poor and the needy. The hon. Member for Bristol, North-West (Mr. Stern) said we spend a lot of time discussing strikers' families. I was a bit surprised at that, bearing in mind the impact the Bill is likely to have on families whose husbands or wives are on strike and not receiving any sort of benefit in terms of strike pay. Surely that is worth at least some time for debate in a proper and sincere manner.

I agree with the hon. Member for Kensington (Sir B. Rhys Williams) who said that the Bill affects not just one or two people but virtually the entire population in one way or another. It is essential that we are at least given an opportunity to speak on each of the remaining clauses. The Bill not only changes the concept of the social security system that we have always understood and appreciated, but will take away from people rights that they accept as such. People should not be ashamed of making claims of one form or another. If the Bill goes through in its present form it will create more poverty and turn many people into debtors who would not be debtors under the present system. It will divide families.

The Government have introduced many Bills with which I disagreed, but this one is perhaps the most dangerous; it is one of the cruellest Bills that I have seen. The effect of another measure has been to destroy the county councils. The control and democracy of local government was destroyed by the Rates Act. This Bill will destroy the lives of many people, through no fault of their own. It will take away the dignity of people, as well as their rights.

In Committee I asked the Minister how many groups and organisations support the Bill. Many of them, including the churches and the pensioner organisations and those for the disabled, to which we should pay tribute for their briefings to hon. Members and for the work that they have put into providing them, do not support it. If they are prepared to spend that amount of time helping these people, this House ought to be prepared to provide enough time for the Bill to be debated properly.

7.10 pm

Mr. Michael Meacher (Oldham, West): Although I am not a connoisseur of guillotine motions, having spoken on only two of them during the last 16 years, including this one, this must surely be among the most absurd guillotine motions ever perpetrated on the House of Commons. The Bill has 70 clauses, of which the last 30, under the headings

"Administration; Subordinate legislation; Miscellaneous, General and Supplementary."

are relatively trivial. To suggest that these clauses will take as long to consider as the first 35, as the Leader of the House stated in order to reach his contrived total of 250 hours in Committee, is sheer fantasy. Of the 41 substantive clauses, by this morning the Committee had reached nearly the end of clause 33. It is ridiculous to impose a guillotine to ensure the passage of the last remaining significant eight clauses. According to my right hon. Friend the Member for Bethnal Green and Stepney (Mr. Shore), the argument of the Leader of the House was thin. I prefer to say that it was invisible.

To put it another way, there are five central themes in this Bill which are bitterly controversial. The first is the emasculation of the state earnings-related pension scheme and the deliberate halving of pension levels over the next few decades. The second is the new income support arrangements, especially the enforcement of the payment of 20 per cent. of their rates bill by even the poorest families in the country. The third is the removal from the mother of the right to family income supplement and the switch of entitlement to this money, in the form of the new family credit, to the man.

The fourth lies in the huge, swingeing cuts of £450 million in housing benefit, on top of the cuts of £200 million last year, that are now being imposed by the Bill on pensioners and the low paid, who are mainly unemployed families, including the loss of mortgage interest payments if they were struggling to buy a house at the time the man became unemployed. The fifth is the social fund which, as a new and unprecedented device that substitutes repayable loans for grants, even for those on supplementary benefit, and that permits no independent appeal against outright refusals of aid, is anathema.

These are the five key issues in the Bill. The Committee has all but finished the fifth. There could surely be no clearer indication than that of how ludicrous it is to move a timetable motion at this point. The guillotine is being imposed at the very point in the Bill when the regulatory framework is coming under special scrutiny. It is ironic that the guillotine is being used to curtail debate on areas of such dubious constitutionality.

Furthermore, it is patently inconsistent that the Government should now be racing to put a cap on discussion of the Bill when the Committee stage has revealed all too embarrassingly on how many points the Government have still not made up their mind and have side-stepped taking a decision by shifting whole areas of policy into secondary regulations. Ministers know as well as anybody else that the Bill is littered with the phrase

"as prescribed by the Secretary of State in regulations".

In such circumstances, the Secretary of State did little to enlighten us, because on most occasions he gratified us by his absence or, when he was occasionally present, by his silence.

On such crucial issues as an internal review system for social fund decisions, the Minister of State was manifestly extemporising on key issues that clearly had not even been raised in the Department, let alone thought through. Most significant of all, the Government are seeking to impose a guillotine before they have tabled the new technical clauses that they clearly intend to present. They have not even revealed the contents of at least two major innovations that are planned: the statutory maternity pay scheme and the major alterations to the industrial injuries scheme. In the light of all that, I repeat: is it not absurd that the Government are trying to enforce an end to the debate when they have not themselves reached conclusions on key issues in the Bill?

Perhaps the most telling argument against the guillotine is that even Ministers and Government Back-Benchers —I am grateful, with one exception, for the fair-minded and generous comments that Government Back Benchers have made—have not pretended that the Opposition's tactics have in any way justified this restriction on debate. I pay a particular tribute to the hon. Member for Kensington (Sir B. Rhys Williams) for his honest and instructive recognition of this fact and for his much admired contributions to the debate. May I take this opportunity also to say how grateful I am to all of my hon. Friends, in particular to my excellent three Front Bench

[Mr. Michael Meacher]

colleagues, for what I believe was acknowledged as the universally eloquent, effective and self-disciplined manner in which they argued the Opposition's case throughout the Bill.

In that context, it is all the more remarkable — I return to what my right hon. Friend the Member for Bethnal Green and Stepney said in opening the debate— that two months ago the Leader of the House said, and his words need to be quoted again:

"we should proceed by informal agreement as far as we can. We should not rush to impose guillotines on Bills on which it is ultimately possible to reach agreement."

I do not know whether the Leader of the House is aware of the fact that absolutely no attempt was made to reach agreement on the Bill. There were discussions right at the start, but there have been no formal discussions with the Opposition. According to the Leader of the House, this guillotine is not justified. He also said:

"The Police and Criminal Evidence Bill was controversial, but completed its passage without the need for a timetable motion, despite more than 145 hours in Committee." —[*Official Report*, 17 February 1986; Vol. 92, c. 45.]

The Police and Criminal Evidence Bill took 145 hours in Committee and was not guillotined. If allowed to run, the Social Security Bill might have taken fewer than 145 hours, yet it is being guillotined.

The real reason for the Government's timetabling of this Bill is not that it is taking too long in Committee, because patently it is not, but because it is highly embarrassing for the Government for the Committee proceedings to be drawn out any longer than is strictly necessary. It is not difficult, in my view, to see why.

This Bill will bring about cuts in benefit of around £1 billion. That is on top, on an independent estimate, of the cumulative £11 billion of social security benefit cuts since 1979. It will cause losses to nearly 4 million households, 2·25 million of whom are pensioners, and nearly 500,000 of whom will suffer losses of more than £5 a week. That is a painful loss to people who are living on the margins of poverty. It will cause the biggest losses to pensioners, the unemployed and the very severely handicapped. Indeed, 2,500 of the latter, one of the most vulnerable groups of all, will lose a staggering £60 a week or more. It is scarcely surprising, therefore, that the Government are so anxious to terminate discussion of the Bill.

This measure was billed as the biggest review of the welfare state since Beveridge. In reality, the Secretary of State has managed to generate a consensus of hostility which I would have thought must be unprecedented in modern times. The CBI as well as the Child Poverty Action Group, the Law Society as well as the women's institutes, the churches as well as the pension and insurance industries, have all opposed it. To have created such unanimity of opposition is a singular achievement by the Secretary of State, yet at every stage, in the face of strong public dissent, the Government have manifested the same reaction, riding roughshod over all the opposition both in and outside the House and using their position and whipped votes to ram through their predetermined opinions regardless.

The Secretary of State hand-picked exclusively Tory Members for his review teams and then, when they gave evidence that he did not like, he overturned it. The pensions review team opposed the abolition of SERPS. The Secretary of State insisted on it for as long as he could. The housing benefit review team opposed the requirement for families on supplementary benefit who have to pay 20 per cent. of their rates bill. The Secretary of State insisted on it — or perhaps could not stop the Prime Minister insisting on it. The housing benefit review committee opposed the ending of mortgage interest cover for the unemployed for the first six months on the dole. The Secretary of State insisted on it, evictions and all.

Then the Secretary of State issued his Green Paper of the great consultation exercise. He got 7,000 replies, over 95 per cent. of them against his proposals. The only bodies that lined up behind him were the Monday Club and the Institute of Directors. I think that that speaks volumes for the Secretary of State. He then blithely disregarded every criticism or objection and produced a White Paper and a Bill which in every essential respect reproduces the Green Paper which was so universally excoriated.

Then, when the Opposition sought to amend the Bill in accordance with clear majority opinion in the country, the Government have indiscriminately voted down every single improvement. The only concessions made — members of the Committee will, I am sure, endorse this conclusion—were a handful of surpassing triviality and now, entirely consistent with the rest of the farce surrounding consultation on the Bill, the Government are imposing a guillotine.

The Government have deployed every device to hand to force through this hugely unpopular and deeply resented Bill. Today's restrictive motion is only the latest device in an infamous series, yet what the Government cannot control, and the only forum in the last resort that matters, is public opinion. On that score, the Government have irredeemably failed. It is public opinion by which the Bill stands condemned, and it is public opinion by which, in the end, the Bill will be swept away.

7.22 pm

The Secretary of State for Social Services (Mr. Norman Fowler): Among the speeches in the debate, we have had two from the Opposition Front Bench, from the right hon. Member for Bethnal Green and Stepney (Mr. Shore) and from the hon. Member for Oldham, West (Mr. Meacher).

The right hon. Member for Bethnal Green and Stepney said that this was the most controversial measure of the last seven years. If he does not mind my saying so, the point was slightly blunted by the fact that, at the stage at which he spoke, there were only six Labour Back Benchers present, and their number promptly went down to five. It may be controversial, but the right hon. Gentleman made it more controversial by misquoting the pension proposals. He talks about restricting the GMP inflation-proofing to 3 per cent. a year, but the policy is not to restrict it to 3 per cent. a year. Schemes inflation-proof GMP to 3 per cent. a year, but if inflation goes above 3 per cent., the state will fully inflation-proof over 3 per cent. a year.

The hon. Member for Oldham, West made a speech, in which he quoted and re-quoted chunks of his speech from the debate on Second Reading and basically said that a Labour Government will repeal the Bill. What he does not say, of course, is what he would put in its place. He does not say that because he does not know. Every time he gets anywhere near thinking that he does know, the right hon. Member for Birmingham, Sparkbrook (Mr. Hattersley) tells him that he cannot do it.

That has been one of the problems in Committee. We have sat for 114 hours and 23 minutes, we have debated almost 500 amendments, and still the hon. Gentleman does not know which way he is going. [HON. MEMBERS: "We did."] We started at a reasonable pace, spending 35 hours on the first 18 clauses and two schedules. Opposition Members say, "We did." If hon. Members compare my attendance in Committee on the Social Security Bill with what happened in the course of the Social Security Bill of 1975, they will find that Mrs. Barbara Castle attended four out of a possible 15 sittings and that I attended 22 out of a possible 30. Even the hon. Member for Oldham, West, on his arithmetic, must find that my attendance is better than that in Committee in 1975.

According to Action for Benefits, which has been briefing the Opposition—rightly so—we should have completed the Committee stage by Easter, Report and Third Reading by mid-April, and First Reading in the House of Lords by late April. Self-evidently we have not made that timetable. We are only half way through.

Still there is this embarrassing vacuum caused by the absence of any agreed policy from the Opposition. Indeed, there is only one thing that the hon. Member for Oldham, West finds more embarrassing than having nothing to put forward, and that is having to put forward some proposals that happen to coincide with what the Government are proposing, in which case we get even slower. On the social fund, for example, the House may remember the hon. Gentleman's foray into proposals. He put forward a scheme of his own on temporary emergency payment schemes and a scheme which implied loans, as my hon. Friend the Minister for Social Security pointed out. We have taken 30 hours debating such principles on the social fund.

I agree with the hon. Members for Caernarfon (Mr. Wigley), for Sunderland, North (Mr. Clay) and, indeed, for Ashfield (Mr. Haynes) that, to use the phrase of the hon. Member for Caernarfon, this has been a happy Committee. If I may say so, a great deal of the credit for that is due to my ministerial hon. Friends the Members for Braintree (Mr. Newton) and for Huntingdon (Mr. Major).

Equally, I do not think that anyone can seriously claim that the Government have in any way rushed to impose a guillotine. We have already debated for 114 hours. After the timetable there is provision for a further 54 hours of debate. That means that the Committee will have sat for 42 sittings and have devoted 168 hours to the scrutiny of this legislation. I must tell the House that this is longer than any consideration given to a social security measure since the beginning of social security system in 1948.

As for precedents, I heard with mounting disbelief what the hon. Member for Oldham, West was saying. I remind the House that it was almost exactly 10 years ago, in July 1976, that the Labour Government imposed five guillotines in one day. The DHSS Bill guillotined that day was the Health Services Bill, which had started its Committee stage only four weeks earlier, while another of the major Bills guillotined that day was the Education Bill, one of the Ministers in charge of which was none other than the hon. Member for Derby, South (Mrs. Beckett). I say to the House frankly that the Government are not prepared to take lectures from the Labour party on imposing guillotines.

There is no lack of precedent, nor can there be any reasonable complaint about a lack of consultation. The review of social security was started in November 1983. Views were invited through the issue of consultation notes, 4,500 organisations and members of the public responded and Ministers held 19 public sessions to take oral evidence. A Green Paper was published and over 7,000 responses were made to that. A White Paper was published in December.

Never before have a Government carried out such an extensive consultation exercise prior to introducing legislation, and rightly so. If I may say again to the hon. Member for Oldham, West, the last Labour Government certainly carried out a review of supplementary benefit, but they did it not through Ministers but by sending a group of officials round the country to take evidence. In the review before the introduction of this legislation, Ministers took evidence in person. We have taken evidence from organisations such as the Trades Union Congress and various pressure groups.

As for the future, the timetable gives another 54 hours to debate important proposals on, for example, widows, maternity and death grant, common powers and the powers of local authorities. In addition, as we have made clear, there will be new clauses on statutory maternity allowance and industrial injuries. Those proposals have been subject to very extensive consultation over the past three months.

This is an important Bill to reform a system of social security which has remained unreformed for far too long. Almost no one defends the present system. It is too complex and does not give effective support to those who need it. It helps to create unjustifiable distortions and provides insufficient encouragement to the millions who do not have a pension of their own.

The Government have proposed a new and modern system, as my hon. Friend the Member for Nuneaton (Mr. Stevens) and my hon. Friend the Member for Erith and Crayford (Mr. Evennett) have said. Under that system, everyone will have a right to a personal pension and important new opportunities for occupational schemes are being created. Through the family credit scheme, we will provide additional resources for low-income families and income-related benefits will be put on the same basis.

The Second Reading debate took place at the end of January, when the Bill received an overwhelming majority. After 114 hours in Committee the Government are entitled to move a timetable motion, particularly given the extra time that we shall devote to consideration of the Bill in Committee.

I suggest that the timetable motion does not come as any surprise or disappointment to Opposition Members. When at business questions last Thursday my right hon. Friend the Lord Privy Seal announced the Government's intention to move the timetable motion, the Leader of the Opposition was so overcome and outraged that he forgot to mention the issue in his question to my right hon. Friend. We must believe that the Leader of the Opposition was rendered speechless or that he actually thought the guillotine was no bad thing. There must be many on the Opposition Benches, not to mention Members of the Standing Committee, who share that view. Given that some of my hon. Friends helped them out last night, they might like to consider returning the compliment now and supporting the Government motion.

Whatever happens, this is an important Bill. Even with the proposed timetable that we are putting forward, the Government are providing more time for the consideration

[Mr. Norman Fowler]

of a piece of social security legislation than has been given at any time during the past 40 years. I ask for the support of the House for the motion.

Question put:—

The House divided: Ayes 280, Noes 195.

Division No. 142] **[7.35 pm**

AYES

Adley, Robert
Alison, Rt Hon Michael
Amess, David
Arnold, Tom
Ashby, David
Aspinwall, Jack
Atkins, Rt Hon Sir H.
Atkins, Robert *(South Ribble)*
Atkinson, David *(B'm'th E)*
Baker, Rt Hon K. *(Mole Vall'y)*
Baker, Nicholas *(Dorset N)*
Baldry, Tony
Banks, Robert *(Harrogate)*
Batiste, Spencer
Beaumont-Dark, Anthony
Bellingham, Henry
Bendall, Vivian
Benyon, William
Best, Keith
Biffen, Rt Hon John
Biggs-Davison, Sir John
Blackburn, John
Blaker, Rt Hon Sir Peter
Bonsor, Sir Nicholas
Boscawen, Hon Robert
Bottomley, Mrs Virginia
Bowden, A. *(Brighton K'to'n)*
Bowden, Gerald *(Dulwich)*
Boyson, Dr Rhodes
Braine, Rt Hon Sir Bernard
Brandon-Bravo, Martin
Bright, Graham
Brinton, Tim
Brittan, Rt Hon Leon
Brooke, Hon Peter
Brown, M. *(Brigg & Cl'thpes)*
Browne, John
Buchanan-Smith, Rt Hon A.
Budgen, Nick
Bulmer, Esmond
Burt, Alistair
Butcher, John
Butler, Rt Hon Sir Adam
Carlisle, John *(Luton N)*
Carlisle, Kenneth *(Lincoln)*
Carlisle, Rt Hon M. *(W'ton S)*
Carttiss, Michael
Cash, William
Chapman, Sydney
Churchill, W. S.
Clark, Hon A. *(Plym'th S'n)*
Clark, Sir W. *(Croydon S)*
Clarke, Rt Hon K. *(Rushcliffe)*
Clegg, Sir Walter
Cockeram, Eric
Colvin, Michael
Conway, Derek
Cope, John
Cormack, Patrick
Corrie, John
Couchman, James
Cranborne, Viscount
Crouch, David
Currie, Mrs Edwina
Dickens, Geoffrey
Dicks, Terry
Dorrell, Stephen
Dover, Den
du Cann, Rt Hon Sir Edward
Dunn, Robert
Durant, Tony
Dykes, Hugh
Eggar, Tim
Emery, Sir Peter
Evennett, David
Eyre, Sir Reginald
Fairbairn, Nicholas
Fallon, Michael
Farr, Sir John
Fletcher, Alexander
Fookes, Miss Janet
Forman, Nigel
Forsyth, Michael *(Stirling)*
Fowler, Rt Hon Norman
Fry, Peter
Galley, Roy
Garel-Jones, Tristan
Gilmour, Rt Hon Sir Ian
Glyn, Dr Alan
Goodhart, Sir Philip
Gower, Sir Raymond
Grant, Sir Anthony
Greenway, Harry
Griffiths, Sir Eldon
Grist, Ian
Grylls, Michael
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hannam, John
Harris, David
Haselhurst, Alan
Havers, Rt Hon Sir Michael
Hawkins, Sir Paul *(N'folk SW)*
Hayhoe, Rt Hon Barney
Hayward, Robert
Henderson, Barry
Heseltine, Rt Hon Michael
Hicks, Robert
Higgins, Rt Hon Terence L.
Hill, James
Hind, Kenneth
Holland, Sir Philip *(Gedling)*
Holt, Richard
Hordern, Sir Peter
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Howell, Rt Hon D. *(G'ldford)*
Hubbard-Miles, Peter
Hunt, David *(Wirral W)*
Hunter, Andrew
Hurd, Rt Hon Douglas
Irving, Charles
Johnson Smith, Sir Geoffrey
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Knox, David
Lamont, Norman
Lang, Ian
Lawler, Geoffrey
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lewis, Sir Kenneth *(Stamf'd)*
Lilley, Peter
Lord, Michael
Luce, Rt Hon Richard
Lyell, Nicholas
McCurley, Mrs Anna
Macfarlane, Neil
MacKay, Andrew *(Berkshire)*
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
McNair-Wilson, P. *(New F'st)*
Major, John
Malins, Humfrey
Maples, John
Marland, Paul
Marlow, Antony
Mates, Michael
Mather, Carol
Maude, Hon Francis
Maxwell-Hyslop, Robin
Mayhew, Sir Patrick
Mellor, David
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Mills, Sir Peter *(West Devon)*
Miscampbell, Norman
Mitchell, David *(Hants NW)*
Moate, Roger
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morris, M. *(N'hampton S)*
Morrison, Hon P. *(Chester)*
Moynihan, Hon C.
Mudd, David
Murphy, Christopher
Neale, Gerrard
Nelson, Anthony
Neubert, Michael
Newton, Tony
Nicholls, Patrick
Norris, Steven
Onslow, Cranley
Oppenheim, Phillip
Oppenheim, Rt Hon Mrs S.
Osborn, Sir John
Ottaway, Richard
Page, Richard *(Herts SW)*
Parkinson, Rt Hon Cecil
Patten, Christopher *(Bath)*
Patten, J. *(Oxf W & Abgdn)*
Pawsey, James
Peacock, Mrs Elizabeth
Percival, Rt Hon Sir Ian
Pollock, Alexander
Portillo, Michael
Powell, William *(Corby)*
Powley, John
Prentice, Rt Hon Reg
Price, Sir David
Proctor, K. Harvey
Pym, Rt Hon Francis
Raffan, Keith
Raison, Rt Hon Timothy
Rathbone, Tim
Rees, Rt Hon Peter *(Dover)*
Renton, Tim
Rhodes James, Robert
Ridley, Rt Hon Nicholas
Ridsdale, Sir Julian
Rifkind, Rt Hon Malcolm
Roberts, Wyn *(Conwy)*
Robinson, Mark *(N'port W)*
Roe, Mrs Marion
Rossi, Sir Hugh
Rost, Peter
Rumbold, Mrs Angela
Sackville, Hon Thomas
Sainsbury, Hon Timothy
St. John-Stevas, Rt Hon N.
Sayeed, Jonathan
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Smith, Sir Dudley *(Warwick)*
Smith, Tim *(Beaconsfield)*
Soames, Hon Nicholas
Speed, Keith
Speller, Tony
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Squire, Robin
Stanbrook, Ivor
Stanley, Rt Hon John
Steen, Anthony
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Ian *(Hertf'dshire N)*
Stokes, John
Stradling Thomas, Sir John
Sumberg, David
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Tebbit, Rt Hon Norman
Temple-Morris, Peter
Terlezki, Stefan
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thurnham, Peter
Townend, John *(Bridlington)*
Townsend, Cyril D. *(B'heath)*
Tracey, Richard
Trippier, David
Trotter, Neville
van Straubenzee, Sir W.
Vaughan, Sir Gerard
Viggers, Peter
Waddington, David
Wakeham, Rt Hon John
Waldegrave, Hon William
Walden, George
Walker, Bill *(T'side N)*
Walker, Rt Hon P. *(W'cester)*
Wall, Sir Patrick
Waller, Gary
Ward, John
Wardle, C. *(Bexhill)*
Warren, Kenneth
Watson, John
Watts, John
Wells, Sir John *(Maidstone)*
Wheeler, John
Whitfield, John
Whitney, Raymond
Wilkinson, John
Winterton, Mrs Ann
Winterton, Nicholas
Wolfson, Mark
Wood, Timothy
Young, Sir George *(Acton)*
Younger, Rt Hon George

Tellers for the Ayes:
Mr. Archie Hamilton and
Mr. Gerald Malone.

NOES

Abse, Leo
Adams, Allen *(Paisley N)*
Alton, David
Anderson, Donald
Ashdown, Paddy
Ashley, Rt Hon Jack
Ashton, Joe
Atkinson, N. *(Tottenham)*

Bagier, Gordon A. T.
Barnett, Guy
Barron, Kevin
Beckett, Mrs Margaret
Beith, A. J.
Benn, Rt Hon Tony
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Bidwell, Sydney
Blair, Anthony
Boothroyd, Miss Betty
Boyes, Roland
Bray, Dr Jeremy
Brown, Gordon *(D'f'mline E)*
Brown, Hugh D. *(Provan)*
Brown, N. *(N'c'tle-u-Tyne E)*
Brown, R. *(N'c'tle-u-Tyne N)*
Brown, Ron *(E'burgh, Leith)*
Caborn, Richard
Callaghan, Rt Hon J.
Callaghan, Jim *(Heyw'd & M)*
Campbell, Ian
Campbell-Savours, Dale
Canavan, Dennis
Carlile, Alexander *(Montg'y)*
Cartwright, John
Clark, Dr David *(S Shields)*
Clarke, Thomas
Clay, Robert
Clelland, David Gordon
Cohen, Harry
Conlan, Bernard
Cook, Frank *(Stockton North)*
Cook, Robin F. *(Livingston)*
Corbett, Robin
Corbyn, Jeremy
Craigen, J. M.
Crowther, Stan
Cunliffe, Lawrence
Cunningham, Dr John
Davies, Rt Hon Denzil *(L'lli)*
Davies, Ronald *(Caerphilly)*
Davis, Terry *(B'ham, H'ge H'l)*
Dewar, Donald
Dixon, Donald
Dobson, Frank
Dormand, Jack
Douglas, Dick
Dubs, Alfred
Duffy, A. E. P.
Eadie, Alex
Eastham, Ken
Edwards, Bob *(W'h'mpt'n SE)*
Evans, John *(St. Helens N)*
Ewing, Harry
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Foot, Rt Hon Michael
Forrester, John
Foster, Derek
Foulkes, George
Fraser, J. *(Norwood)*
Freeson, Rt Hon Reginald
Freud, Clement
Garrett, W. E.
George, Bruce
Gilbert, Rt Hon Dr John
Godman, Dr Norman
Golding, John
Gould, Bryan
Gourlay, Harry
Hamilton, James *(M'well N)*
Hardy, Peter
Harman, Ms Harriet
Harrison, Rt Hon Walter
Hart, Rt Hon Dame Judith
Heffer, Eric S.
Hogg, N. *(C'nauld & Kilsyth)*
Holland, Stuart *(Vauxhall)*
Home Robertson, John
Howells, Geraint
Hoyle, Douglas
Hughes, Dr Mark *(Durham)*
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
Hughes, Simon *(Southwark)*
Janner, Hon Greville
Jenkins, Rt Hon Roy *(Hillh'd)*
John, Brynmor
Johnston, Sir Russell
Kaufman, Rt Hon Gerald
Kennedy, Charles
Kinnock, Rt Hon Neil
Kirkwood, Archy
Lambie, David
Leadbitter, Ted
Leighton, Ronald
Lewis, Terence *(Worsley)*
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
Lofthouse, Geoffrey
Loyden, Edward
McDonald, Dr Oonagh
McGuire, Michael
McKay, Allen *(Penistone)*
McKelvey, William
MacKenzie, Rt Hon Gregor
Maclennan, Robert
McNamara, Kevin
McTaggart, Robert
McWilliam, John
Madden, Max
Marek, Dr John
Marshall, David *(Shettleston)*
Martin, Michael
Mason, Rt Hon Roy
Maxton, John
Maynard, Miss Joan
Meacher, Michael
Michie, William
Mikardo, Ian
Miller, Dr M. S. *(E Kilbride)*
Mitchell, Austin *(G't Grimsby)*
Morris, Rt Hon J. *(Aberavon)*
Nellist, David
Oakes, Rt Hon Gordon
O'Brien, William
O'Neill, Martin
Orme, Rt Hon Stanley
Park, George
Patchett, Terry
Pendry, Tom
Pike, Peter
Powell, Rt Hon J. E.
Powell, Raymond *(Ogmore)*
Raynsford, Nicholas
Randall, Stuart
Raynsford, Nick
Rhodes James, Robert
Rhys Williams, Sir Brandon
Richardson, Ms Jo
Roberts, Allan *(Bootle)*
Roberts, Ernest *(Hackney N)*
Robertson, George
Robinson, G. *(Coventry NW)*
Rogers, Allan
Rooker, J. W.
Ross, Ernest *(Dundee W)*
Rowlands, Ted
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon R.
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Short, Mrs R. *(W'hampt'n NE)*
Silkin, Rt Hon J.
Skinner, Dennis
Smith, C. *(Isl'ton S & F'bury)*
Smith, Rt Hon J. *(M'ds E)*
Soley, Clive
Steel, Rt Hon David
Stewart, Rt Hon D. *(W Isles)*
Stott, Roger
Strang, Gavin
Straw, Jack
Thomas, Dafydd *(Merioneth)*
Thomas, Dr R. *(Carmarthen)*
Thompson, J. *(Wansbeck)*
Thorne, Stan *(Preston)*
Tinn, James
Torney, Tom
Wainwright, R.
Wallace, James
Wardell, Gareth *(Gower)*
Wareing, Robert
Weetch, Ken
White, James
Wigley, Dafydd
Williams, Rt Hon A.
Wilson, Gordon
Winnick, David
Wrigglesworth, Ian
Young, David *(Bolton SE)*

Tellers for the Noes:
Mr. Frank Haynes and
Mr. Sean Hughes.

Question accordingly agreed to.

Resolved,

That the following provisions shall apply to the remaining proceedings on the Bill:

Committee

1.—(1) The Standing Committee to which the Bill is allocated shall report the Bill to the House on or before 1st May 1986.

(2) Proceedings on the Bill at a sitting of the Standing Committee on the said 1st May may continue until Ten o'clock, whether or not the House is adjourned before that time, and if the House is adjourned before those proceedings have been brought to a conclusion the Standing Committee shall report the Bill to the House on 2nd May.

Report and Third Reading

2.—(1) The proceedings on Consideration and Third Reading of the Bill shall be completed in two allotted days and shall be brought to a conclusion at Ten o'clock on the second of those days; and for the purposes of Standing Order No. 45 (Business Committee) this Order shall be taken to allot to the proceedings on Consideration such part of those days as the Resolution of the Business Committee may determine.

(2) The Business Committee shall report to the House its Resolutions as to the proceedings on Consideration of the Bill, and as to the allocation of time between those proceedings and proceedings on Third Reading, not later than the fourth day on which the House sits after the day on which the Chairman of the Standing Committee reports the Bill to the House.

(3) The Resolutions in any Report made under Standing Order No. 45 may be varied by a further Report so made, whether or not within the time specified in sub-paragraph (2) above, and whether or not the Resolutions have been agreed to by the House.

(4) The Resolutions of the Business Committee may include alterations in the order in which proceedings on Consideration of the Bill are taken.

Procedure in Standing Committee

3.—(1) At a sitting of the Standing Committee at which any proceedings on the Bill are to be brought to a conclusion under a Resolution of the Business Sub-Committee the Chairman shall not adjourn the Committee under any Order relating to the sittings of the Committee until the proceedings have been brought to a conclusion.

(2) No Motion shall be moved in the Standing Committee relating to the sitting of the Committee except by a member of the Government, and the Chairman shall permit a brief explanatory statement from the Member who makes, and from a Member who opposes, the Motion, and shall then put the Question thereon.

4. No Motion shall be moved to alter the order in which Clauses, Schedules, new Clauses and new Schedules are taken in the Standing Committee but the Resolutions of the Business Sub-Committee may include alterations in that order.

Conclusion of proceedings in Committee

5. On the conclusion of the proceedings in any Committee on the Bill the Chairman shall report the Bill to the House without putting any Question.

Dilatory Motions

6. No dilatory Motion with respect to, or in the course of, proceedings on the Bill shall be made in the Standing Committee or on an allotted day except by a member of the Government, and the Question on any such Motion shall be put forthwith.

Extra time on allotted days

7.—(1) On an allotted day paragraph (1) of Standing Order No. 3 (Exempted business) shall apply to the proceedings on the Bill for two hours after Ten o'clock.

(2) Any period during which proceedings on the Bill may be proceeded with after Ten o'clock under paragraph (7) of Standing Order No. 10 (Adjournment on specific and important matter that should have urgent consideration) shall be in addition to the said period of two hours.

(3) If an allotted day is one to which a Motion for the adjournment of the House under Standing Order No. 10 stands over from an earlier day, a period of time equal to the duration of the proceedings upon that Motion shall be added to the said period of two hours.

Private business

8. Any private business which has been set down for consideration at Seven o'clock on an allotted day shall, instead of being considered as provided by Standing Orders, be considered at the conclusion of the proceedings on the Bill on that day, and paragraph (1) of Standing Order No. 3 (Exempted business) shall apply to the private business for a period of three hours from the conclusion of the proceedings on the Bill or, if those proceedings are concluded before Ten o'clock, for a period equal to the time elapsing between Seven o'clock and the conclusion of those proceedings.

Conclusion of proceedings

9.—(1) For the purpose of bringing to a conclusion any proceedings which are to be brought to a conclusion at a time appointed by this Order or a Resolution of the Business Committee or the Business Sub-Committee and which have not previously been brought to a conclusion, the Chairman or Mr. Speaker shall forthwith put the following Questions (but no others), that is to say—

(*a*) any Question already proposed from the Chair;

(*b*) any Question necessary to bring to a decision a Question so proposed (including, in the case of a new Clause or new Schedule which has been read a second time, the Question that the Clause or Schedule be added to the Bill);

(*c*) the Question on any amendment or Motion standing on the Order Paper in the name of any Member, if that amendment or Motion is moved by a Member of the Government;

(*d*) any other Question necessary for the disposal of the business to be concluded;

and on a Motion so moved for a new Clause or a new Schedule, the Chairman or Mr. Speaker shall put only the Question that the Clause or Schedule be added to the Bill.

(2) Proceedings under sub-paragraph (1) above shall not be interrupted under any Standing Order relating to the sittings of the House.

(3) If an allotted day is one on which a Motion for the adjournment of the House under Standing Order No. 10 (Adjournment on specific and important matter that should have urgent consideration) would, apart from this Order, stand over to Seven o'clock—

(*a*) that Motion shall stand over until the conclusion of any proceedings on the Bill which, under this Order or a Resolution of the Business Committee, are to be brought to a conclusion at or before that time;

(*b*) the bringing to a conclusion of any proceedings on the Bill which, under this Order or a Resolution of the Business Committee, are to be brought to a conclusion after that time shall be postponed for a period equal to the duration of the proceedings on that Motion.

(4) If an allotted day is one to which a Motion for the adjournment of the House under Standing Order No. 10 stands over from an earlier day, the bringing to a conclusion of any proceedings on the Bill which, under this Order or a Resolution of the Business Committee, are to be brought to a conclusion on that day shall be postponed for a period equal to the duration of the proceedings on that Motion.

Supplemental orders

10.—(1) The proceedings on any Motion made in the House by a member of the Government for varying or supplementing the provisions of this Order (including anything which might have been the subject of a report of the Business Committee or Business Sub-Committee) shall, if not previously concluded, be brought to a conclusion one hour after they have been commenced, and paragraph (1) of Standing Order No. 3 (Exempted business) shall apply to the proceedings.

(2) If on an allotted day on which any proceedings on the Bill are to be brought to a conclusion at a time appointed by this Order or a Resolution of the Business Committee the House is adjourned, or the sitting is suspended, before that time no notice shall be required of a Motion moved at the next sitting by a member of the Government for varying or supplementing the provisions of this Order.

Saving

11. Nothing in this Order or a Resolution of the Business Committee or Business Sub-Committee shall—

(*a*) prevent any proceedings to which the Order or Resolution applies from being taken or completed earlier than is required by the Order or Resolution, or

(*b*) prevent any business (whether on the Bill or not) from being proceeded with on any day after the completion of all such proceedings on the Bill as are to be taken on that day.

Re-committal

12.—(1) References in this Order to proceedings on Consideration or proceedings on Third Reading include references to proceedings, at those stages respectively, for, on or in consequence of re-committal.

(2) On an allotted day no debate shall be permitted on any Motion to re-commit the Bill (whether as a whole or otherwise), and Mr. Speaker shall put forthwith any Question necessary to dispose of the Motion, including the Question on any amendment moved to the Question.

Interpretation

13. In this Order—

"allotted day" means any day (other than a Friday) on which the Bill is put down as first Government Order of the Day provided that a Motion for allotting time to the proceedings on the Bill to be taken on that day either has been agreed on a previous day or is set down for consideration on that day;

"the Bill" means the Social Security Bill;

"Resolution of the Business Sub-Committee" means a Resolution of the business Sub-Committee as agreed to by the Standing Committee;

"Resolution of the Business Committee" means a Resolution of the Business Committee as agreed to by the House.

Orders of the Day

National Health Service (Amendment) Bill

Order for Second Reading read.

7.46 pm

The Minister for Health (Mr. Barney Hayhoe): I beg to move, That the Bill be now read a Second time.

This short Bill contains provision on three health issues. All reflect the Government's underlying objective for the Health Service: a continuing commitment to promote the interest of patients while making the best use of available resources.

Clause 1 seeks to apply the food hygiene legislation to health authorities, and thus remove Crown immunity from hospital catering.

Catering in the NHS involves three cooked meals a day, seven days a week and 52 weeks a year. Most of those meals have to be served to patients in their wards, which may be far from the kitchens in which the meals have been prepared. On any day there are about 350,000 patients occupying hospital beds in England and Wales, many with special dietary needs. That is a million meals a day—over 350 million meals a year—just for the patients. Also, the staff require catering facilities throughout the day and night.

Many patients suffering from chronic or acute infections, which lower their natural resistance to disease, acquire food-borne infections more easily than healthy people. They are also likely to be more severely affected by such infections.

There can be no doubt about the difficult catering task facing health authorities and the need for very high standards of hygiene to be maintained in hospitals. This need was brought home by the tragic events at Stanley Royd hospital, Wakefield, in August 1984, which resulted in the deaths of 19 patients.

The Bill will apply the Food Act 1984 and associated regulations to health authorities in England and Wales. In Scotland, it will apply the Food and Drugs (Scotland) Act 1956 and the Control of Food Premises (Scotland) Act 1977 to health boards. This will make hospital catering subject to hygiene standards in the handling, storage and temperature control of food. Lifting Crown immunity will also give local authority environmental health officers a legal right to enter health authority premises, and infringements of the food legislation could lead to prosecution.

I want to make it clear to the House that these changes should not greatly affect the day-to-day position in the vast majority of hospitals which maintain high standards. Circular HC(77)24 gives clear guidance about the need to maintain standards, in line with food hygiene regulations. The circular sets out arrangements for open access to NHS catering. Health authorities have invited local authority environmental health officers to inspect kitchens at will and to make appropriate recommendations. Environmental health officers have not been able, because of Crown immunity, to enforce the food legislation through the courts.

Where authorities have allowed standards to slip, there will need to be some re-ordering of priorities to ensure compliance.

The Bill's provisions will change the legal relationship between health authorities and environmental health officers, but in practice it should not change the good working relationships that exist in most cases. In general, I would not expect the effects of this Bill to place any significant new burden on local authorities.

Environmental health officers, in carrying out the important task of inspecting food establishments, are engaged for the most part in giving advice and guidance both to management and staff. While they have at their disposal the very important sanction of being able to threaten legal proceedings if standards are inadequate, the use of this sanction is very much a weapon of last resort. Environmental health officers are well qualified professionals, not only in the sense of being well-versed in the principles and practice of food hygiene, but in terms of the way in which they go about their business. They are well aware that giving encouragement and sound, practical advice is far more effective in achieving good standards than the use of legal sanctions.

Mr. D. N. Campbell-Savours (Workington): The Minister will be aware that a report produced last year identified 97 hospitals as being capable of prosecution in the sense that their standards of hygiene were unsatisfactory. If at that time they were in a position to be prosecuted but could not be, may I assume that, with the passage of the Bill, they would be prosecuted? May I also assume that, if they are not prosecuted, it is because their standards have improved? Can we be assured that resources will be made available to ensure that standards are raised in each of those hospitals?

Mr. Hayhoe: Resources would not affect the decision to prosecute. The environmental health officer would decide whether to prosecute if he found infringements of the food regulations which were not being corrected.

Last autumn much publicity was given to allegations of poor standards of hygiene in the NHS. The survey conducted by the Institution of Environmental Health Officers suggested that 10 per cent. of hospitals contravened the food hygiene regulations to such an extent that prosecutions would have been pursued had they been allowed. In calling for urgent action by the health authorities concerned to deal with unsatisfactory kitchens, I also put in hand a review of the case for continued Crown immunity for hospital kitchens.

As my right hon. Friend announced on 6 February, the Government concluded that further steps needed to be taken to ensure effective management and supervision in hospital kitchens. General managers, who are responsible and accountable for these matters, are now in place. To assist them, my Department will soon be issuing revised guidance to make clear the standards which must be achieved, to emphasise the need for staff to receive proper supervision and training, and to ensure that there is no doubt about our serious intention to safeguard patients and staff in hospitals. My right hon. Friend announced that Crown immunity would be removed from hospital catering.

Mr. Allan Rogers (Rhondda): I agree with the Minister's proposition that the Health Service must be examined, especially the standard of hygiene in some

[Mr. Allan Rogers]

institutions. Will he give an assurance that, if an environmental health officer discovers that a health authority is in breach of the hygiene regulations, money will be made available to that health authority to bring the kitchens up to standard; or is the Minister saying hypocritically that he has appointed general managers, that environmental health officers will point out the problems, and the Government will urge improved hygiene without making more resources available? Will the Government say to health authorities, as they did with the nurses' pay award, "You can have it as long as you find it from somewhere else."?

Mr. Hayhoe: The position on resources has been made perfectly clear in the House many times. I repeat that additional resources of £650 million are being allocated during this financial year. Within those budgets, the health authorities must deploy their resources and give adequate priority to meeting the task. That position is entirely fair. It was made clear by my right hon. Friend the Secretary of State for Social Services when he was asked much the same questions, so I shall maintain that position.

Dr. John Marek (Wrexham): Will the Minister give way?

Mr. Hayhoe: No, I will not give way, because the position is entirely clear.

This legislation will make hospitals subject to the same food hygiene requirements, with the same enforcement powers, as apply to other premises where food is stored, prepared and served. Together with the——

Dr. Marek *rose——*

Mr. Hayhoe: —strengthened guidance, and helped by a constructive——

Dr. Marek *rose——*

Mr. Deputy Speaker (Mr. Harold Walker): Order. The hon. Gentleman must not persist. The Minister has made it clear that he will not give way.

Mr. Hayhoe: Together with the strengthened guidance, and helped by a constructive relationship with environmental health officers, it will underpin——

Dr. Marek: Will the Minister give way?

Mr. Deputy Speaker: Order. The hon. Gentleman must not persist in asking the Minister to give way.

Mr. Hayhoe: Together with the strengthened guidance, and helped by a constructive relationship with environmental health officers——

Dr. Marek *rose——*

Mr. Deputy Speaker: Order. The hon. Gentleman must not persist in defying the Chair. It is for the Minister to decide whether he gives way. It is clear that he does not intend to give way. The hon. Gentleman must not persist in ignoring instructions from the Chair.

Mr. Hayhoe: Perhaps the hon. Gentleman thinks that this is a meeting of the Finance Bill Committee, where Ministers continually give way courteously. I see no point in giving way now. The matter has been made clear many times, and no doubt the hon. Gentleman will make the point in his own way in his speech.

Our proposals will underpin management action to ensure high food standards in hospitals.

Before leaving this issue, I should like to pay tribute to my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd), whose private Member's Bill on Crown immunity helped to focus public attention on the importance of this issue.

Clause 2 of the Bill proposes to change the arrangements for retail pharmacists to take up NHS contracts. It provides powers for family practitioner committees to grant a pharmacist's application for an NHS contract in circumstances only where it is considered to be necessary or desirable for patient services.

Let me set out the background to this proposal. In 1985, after more than a year of complex and hard negotiations, between the pharmacists' negotiating body, the Pharmaceutical Services Negotiating Committee, and officials, agreement on a new NHS contract for pharmacists was reached. Both sides agreed on the desirability of early implementation. However, in the light of legal advice, the Government decided they could not proceed with the new contract until new powers in main legislation had been obtained. Clause 2 should remove doubt about the legal basis for the new contract and allow implementation later this year. The overall aim of the new contract is to develop a pharmaceutical service which will better satisfy the interests of the patient, the profession and the taxpayer.

Mr. Jim Craigen (Glasgow, Maryhill): Leaving aside the special problems that arise in London, is the Minister not concerned about the impact of these proposals on small chemists' shops in housing estates, inner-city areas and rural areas in Scotland, and indeed in England and Wales? Does he not realise that many small chemists fear that they will go out of business as a result of these changes?

Mr. Hayhoe: I do not think that is true. In fact, the small chemists in rural areas will perhaps feel that their future is more secure as a result of these proposals. From the information that has come to me, as regards the chemists' negotiating body, there is overwhelming support for the introduction of this new contract. I have received more than 300 letters from hon. Members, the vast majority urging the implementation of the contract and only a tiny handful expressing some reservations.

The new contract will enable family practitioner committees to make progress towards a more even distribution of NHS pharmacies, which will better meet the needs of patient without being wasteful of NHS resources. As things now stand anybody who owns a pharmacy can apply for an NHS contract. Except in rural areas where special arrangements already operate, that application must be granted. The local family practitioner committee has no discretion in the matter. Contractors are paid on a cost-plus basis, so every additional NHS contract automatically adds further costs to the NHS to be met by the taxpayer. Therefore, under existing arrangements, there is little to promote efficiency, innovation or improved services for patients.

Over the past five years, the number of pharmacies with NHS contracts has risen by about 150 a year net. The present rate of increase is higher still. Most of the increase has been in urban areas, where provision for NHS purposes is often already entirely adequate, if not even somewhat excessive, For example, in one part of London there are 21 pharmacies within one square mile. Therefore, the present system has developed so that the

costs to the taxpayer of providing a satisfactory pharmaceutical service are rising, without providing any real extra benefits to patients.

The proposed new arrangements on the allocation of contracts will help to bring about a better distribution of services. But this is not the only feature of the new contract.

Mr. Michael Forsyth (Sterling): Will not the effect of this new contract be to insulate pharmacies from competition? If so, will that not result in a worse service for the consumer? In the end, would it not be remarkably surprising if pharmacists were not to welcome the new contract, because it will increase the capital value of their businesses, enable them to merge with their competitors and receive substantial subsidies from the state?

Mr. Hayhoe: I do not believe that it will lead to inefficiency. What does lead to inefficiency is when anyone can establish a pharmacy and demand a contract as of right. The contract should not be there just for the having, at the taxpayer's expense. I am very surprised that my hon. Friend should be moving in that direction. Surely what he wants is that contracts between the pharmacies and the National Health Service which contain an element of taxpayer subsidy should be awarded only when they are in the interests of the NHS and of patient services. In these circumstances, the arrangements that we propose will provide a better service for patients.

The new contract, which has been negotiated as an integrated package of measures, provides——

Mr. Graham Bright (Luton, South): As the decision is to be made by the family practitioner committees, will the Government offer criteria or guidelines on which the committees can base their decisions?

Mr. Hayhoe: Broadly speaking, the family practitioner committee will make its decision in the interests of ensuring an adequate and proper service for the patients in its area. That seems to me a proper and reasonable course. If my hon. Friend wishes to pursue the detail of this matter, it wll be appropriate for him to do so in Committee.

Mr. Charles Kennedy (Ross, Cromarty and Skye): Why has the Minister's section, in common with its other branch on the social security review and the social fund, set its face so firmly against some form of proper appeal mechanism? Why is the argument being trotted out yet again that this is simply excessive bureaucracy, when there must surely be some method whereby those whose applications are unsuccessful can pursue the matter, if they feel that there has been discrimination, at a higher level —preferably at ministerial level?

Mr. Hayhoe: There will be an appeal system at local level. I do not know whether the hon. Gentleman wants this appeal system to be local, regional and national, with all the bureaucracy that that would entail, particularly since the issues are those of local need and local determination.

Another advantage of this contract is that there will be more frequent and effective inquiries associated with the annual remuneration settlement.

Mr. Michael Morris (Northampton, South) *rose—*

Mr. Hayhoe: I have been giving way rather a lot, but, knowing my hon. Friend's particular interest in these matters, I give way again.

Mr. Michael Morris: Can my right hon. Friend explain why, if the rural dispensing committee of the family practitioner committee for dispensing practitioners has a national appeal mechanism, there is not automatically an appeal for what, in a sense, is the complementary body?

Mr. Hayhoe: We are trying to reduce the amount of bureaucratic apparatus related to these matters. I would have hoped that would commend itself, at least to many Members on the Government Benches.

There will also be a new payment structure, which is simpler to understand, with incentives for efficient contractors. There will be enhanced support for essential local pharmacies in sparsely populated rural areas, which goes some way to meeting the point made by the hon. Member for Glasgow, Maryhill (Mr. Craigen).

Perhaps I should add that the committee of inquiry into pharmacy, established by the Nuffield Foundation, has recently produced a report which I have little doubt we shall all be discussing in different forums at a later stage. I note the committee's general support for the new pharmacist's contract.

Mr. Rogers: The Minister has just given way to the hon. Member for Northampton, South (Mr. Morris). I hope that he will not take too much notice of what the hon. Gentleman says, especially as, in the Register of Members' Interests, he is shown as being paid by various drug companies to represent their interests in the House of Commons. I hope that the Minister will take more notice of ordinary Members than of those on the Government Benches who are constantly interrupting him, who have strong vested interests and who receive remuneration from drug companies to represent their interests in the House.

Mr. Hayhoe: The hon. Gentleman seems to be very wide of the mark, as he was in his earlier intervention. We are talking not about the pharmaceutical industry, but about pharmacies. If, even at this stage of the evening, hon. Gentlemen do not know the difference between pharmaceutical companies and local pharmacists, I hope that they will keep their bottoms firmly on the Benches and not seek to intervene again.

I am delighted to see that the Nuffield Foundation committee's important report contains an endorsement of the new arrangement for allocating NHS contracts which, it considers, are "basically well conceived". I agree. I believe that overall the new contract represents an imaginative, comprehensive and integrated package which is, above all, fair to the patient, the profession and the taxpayer.

Clause 3 deals with the remuneration and reimbursement arrangements for the four NHS contractor professions: general practitioners, dentists, opticians and pharmacists. Since the NHS was set up, the principle underlying payments to these contractor professions has been that they should receive their average costs plus an element for profit or professional remuneration. Their true costs can only be established restrospectively, through periodic inquiries. In the interim period, payments are based on cost estimates.

Under such an arrangement, it is only fair, both to the professions and to the taxpayer, that there should be a mechanism for correcting past payments which are shown to have been inadequate — that is being fair to the professions — or excessive — that is being fair to the

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taxpayer. Payments to contractors include £2·5 billion a year to reimburse them for the average costs of the service they provide. So even small margins between estimated and actual costs can represent considerable sums due to one side or the other.

These arrangements, which have been established and operated for many years, have recently been challenged by legal action. Let me briefly explain the position.

The National Health Service Act 1977 gives Health Ministers powers to make regulations and determinations for the fees payable to the four contractor professions. In 1984, the legal basis of the long-standing arrangements was challenged by the body which represents retail pharmacists—the Pharmaceuticial Services Negotiating Committee. The High Court ruled against this challenge and in favour of the existing arrangements. But, in order to make the statutory position clear, the Government, as part of the 1984 Health and Social Security Bill, proposed to Parliament, which agreed, amendment of the 1977 Act. This amendment had a single intention: to clarify the arrangements as they have been understood and operated by the professions and successive Governments for many years.

The Government and most professional interests believed this had been achieved, but two organisations representing opticians — the Association of Optical Practitioners and the Federation of Optical Corporate Bodies—challenged the use of these powers in both the English and the Scottish courts. They questioned the Government's attempts to recover £11 million over-reimbursed for NHS spectacles. In England the court ruled that powers to reflect overpayments in future fees were too obliquely expressed to achieve the effect originally intended. In Scotland the court found that power to recover overpayments of one type of fee—for example, optical dispensing—by adjusting other fees for opticians—for example, for sight testing—was inadequate. The 1984 legislation was therefore shown to be defective in that it did not achieve what had been intended. This clause will, I hope, re-establish the position.

However, the opticians have made strong representations to me that the powers in this clause should not be used to make a further attempt to recover the £11 million which was the subject of recent court proceedings. There were indeed some special features attached to that over-reimbursement, which relates to periods that go as far back as 1977. In the circumstances, I think it is right that the opticians should not be deprived of the fruits of their court victory, and I give the clear undertaking on behalf of the Government that no further attempt to recover the £11 million will be made.

I can also give the assurance that there is no intention whatsoever to change the current system for determining the pay of medical and dental practitioners, which is based on the recommendations of their independent review body.

This clause does not represent any change in Government policy. It does not widen the powers which were thought to be available on the determination of fees for the professions, but it does seek to put beyond reasonable doubt the legal basis of the long-standing arrangements for remuneration of NHS contractor professions in the interests of both the professions and the taxpayer.

I commend the Bill to the House.

8.15 pm

Mr. Frank Dobson (Holborn and St. Pancras): I will make myself even more popular by trying to be as brief as possible to enable the maximum number of my right hon. and hon. Friends to get in. Indeed, I shall attempt to be as unprovocative as possible in order to minimise the number of interventions from the Government Benches.

In general, we welcome the proposals in the Bill, but there are many important issues which need to be clarified and changes which we believe should be made in Committee. It is necessary to follow the Minister in praising the very substantial number of people who earn their living and do a decent job of work trying to provide good standards of food for patients and other staff in hospitals all over England, Wales and Scotland. Many of them work in very difficult circumstances and we should bear in mind the difficulties they face and try to make sure that those difficulties are kept to a minimum.

One of these difficulties is that Crown immunity has prevented environmental health officers, with the full benefit of the law, from monitoring what happens in hospital kitchens. Consequently, standards have not been as high as they should be. The Bill proposes to lift Crown immunity from hospital catering, to make hospital kitchens subject to the same rules, inspection procedures and possible prosecution as other kitchens, and quite right too.

Mr. Geoffrey Lofthouse (Pontefract and Castleford): Does my hon. Friend not agree that the report on the Stanley Royd outbreak showed that the absence of Crown immunity would not have prevented the situation there? What is the position in circumstances such as those at Stanley Royd? Does my hon. Friend not agree with me that the only answer there is increased resources?

Mr. Dobson: I know my hon. Friend's close involvement with the Stanley Royd hospital, and I was going on to say that the lifting of Crown immunity is not the full answer to the problem, although I never really accepted the judgment of those responsible for producing the Stanley Royd report that the lifting of Crown immunity would not have a substantial effect. I thought that its impact on the way people behaved was minimised. It is a pity that, after all the pressure exerted by the environmental health officers organisations and the trade unions within the National Health Service it took the deaths at Stanley Royd to jolt the Government into giving way and accepting that a change in the law was necessary.

The Opposition believe that the Government should go further than they have gone and remove Crown immunity from all NHS premises and every aspect of NHS activity. In particular, they should apply the full rigours of the Health and Safety at Work etc. Act 1974 to the NHS. If the removal of Crown immunity from the kitchens is intended to give better protection to the patients, the staff are entitled to the protection that is given to the people in other places of work. We see no reason why they should be excluded, particularly as a large number of the materials and many of the processes in hospitals are intrinsically rather more dangerous than many of those in industrial premises.

The Opposition would like to praise the environmental health officers and the NHS trade unions for the pressure that they have brought to bear to create the change in the law which the Government now propose.

To return to the point which my hon. Friend made in his intervention, we do not believe that just lifting Crown immunity from hospital catering will of itself do what is necessary to improve conditions in hospital kitchens. I have said before and I will say again that we need to remember that the Stanley Royd hospital was built as the West Riding paupers lunatic asylum in 1818, when Napoleon was still alive. Yet we expected, and continue to expect, professional and ancillary workers in that hospital to provide a good standard of service. If they are to do this, a lot more money will have to be spent.

In the Stanley Royd report the highest estimate of the cost of bringing the kitchens there up to scratch was about £600,000. We believe that massive additional sums of money will be necessary throughout the Health Service to improve hospital kitchens enough to make them safe from prosecution. No one wants to lift Crown immunity so that hospital managements can be taken to court. We want to bring the statutory pressures to bear to make sure that the standards in the kitchens are raised. That is the end that every hon. Member wishes and, having willed that end, the Government must will the means.

The Government also know that their efforts to privatise hospital catering have so far not been very successful. Most catering companies will not touch these contracts with a barge pole. Hospital staff and patients will want some reassurance from the Minister tonight and in Committee that the cost of bringing the sub-standard hospital kitchens up to standard will not be used as an excuse to promote more privatisation of catering. If the lifting of Crown immunity is exploited for that purpose, any credit that the Government might justly claim for getting rid of Crown immunity will be exposed simply as cynical manipulation.

Above all, the Government must recognise that high standards in hospital kitchens, like high standards in the rest of the hospital, cost money. High standards cannot be achieved on the cheap. Whatever the learned people who produced the Stanley Royd report may have concluded, I cannot get out of my mind the fact that Stanley Royd hospital was spending £25 per patient per day for everything when the national average spending was £40 per patient per day. I believe that there are connections between what we spend and what we get. We need to go into those matters in detail in the later stages of the Bill.

I should like to deal with the proposed changes in the pharmacists' contract. Here again, the Labour party supports the Government's intention to promote the rational distribution of pharmacies by changing the current licensing system. We note with pleasure that the Government accept that only a licensing system will achieve what is required and that the free play of market forces, so precious to the hon. Member for Stirling (Mr. Forsyth) who, having made his point, has just disappeared, would result only in larger areas of the country being denuded of proper pharmaceutical services.

Here again, we have severe doubts about the detailed proposals and we wish to explore them carefully in Committee. In particular, we do not want to create the possibility of useful local pharmacies taking the Government's compensation and shutting up shop. I am not suggesting for one minute that the Government are trying to bring about the premature, unnecessary and damaging closure of useful pharmacies. However, as they presided over a massive surge of people taking redundancy payments within the NHS and then had to re-employ some of them on new contracts so that they got their redundancy money and pay as well, I think that the Department of Health and Social Security will need to look carefully at any system for compensating people who are going out of business. Basically, we want to keep the most useful pharmacies in business.

As someone representing an inner-city area, I view with concern the strict application of the proposed rule that pharmacies will be permitted to have what is called essential small pharmacy status and the income support that goes with it if, and only if, they are 2 km from the next pharmacy. That is a long way in some inner-city areas, with many main roads to cross and high crime rates, especially if the person crossing the roads or walking along crime infested streets is old or a woman, or, as in some cases, both.

We recognise the desire of the Government not to give subsidies to chains of chemists' shops which probably decide their locations and opening hours on an assessment of their prospects of selling rubber ducks or pocket calculators to tourists rather than providing a pharmacy service to local people. I suspect that the Minister was talking about my constituency when he referred to the area with the maximum number of pharmacy contracts. Underwoods has opened many branches in my constituency, particularly on Tottenham Court road and Charing Cross road. It seems to work on the principle that no Underwoods shop is safe unless it is within sight of the next one. Those shops provide a pharmacy as a peripheral activity. The bulk of their activity is in general merchandising. I think that it is eminently sensible that the Government should not want to provide them with a public subsidy.

In my constituency — not 2 km from the nearest Underwoods — I know people who value their small local pharmacy with a familiar face dispensing prescriptions who knows the family and knows the person who has come in. We believe that that sort of relationship should be encouraged. We also believe that that would be particularly important if the future of the pharmaceutical profession is to lie, as suggested in the Nuffield report, in greater and more effective collaboration with other local health care professionals.

We also welcome the possibility that pharmacies should specify the services they will provide, such as domiciliary services. I hope that the family practitioner committees will use their new powers to promote more and better pharmaceutical services geared to the needs of local people. In some areas that should include the co-ordination of opening hours with those of doctors, which does not always occur. It should also include some effort to ensure that opening hours are related, especially in rural areas, to the public transport services so that people can catch a bus, go to their doctor, pick up the dispensed prescription and get home all on public transport, if it is possible.

We would not like the Bill to do anything that puts at risk the dispensing services in rural areas, which are now protected by the Rural Dispensing Committee, introduced by the previous Labour Government. We are very keen, and we will be keen in Committee, to ensure that nothing accidentally damages the best parts of the existing local pharmacy services. We shall use the Committee to propose amendments to secure the best interests of patients and the profession of pharmacy.

Here, I shall make a personal point, rather than expressing the view of the Labour party. It has to be said

[Mr. Dobson]

that there remains an ever present conflict between the professional conduct of a pharmacy and the running of a shop. Until that is resolved it seems unlikely that society will be prepared to make as much use as it could of the potential of the pharmaceutical profession to make a bigger contribution to improvements in the nation's health.

I now turn to the proposal to legalise the clawback of overpayments to opticians, pharmacists, doctors and dentists. I will not follow the Minister's able recitation of the long and dubious history of this arrangement, dodging in and out of the courts. However, I notice that none of those responsible for the unlawful decisions which were made at one time or another were disqualified from office or surcharged for the cost of what they brought about. We have no objection to the concept of genuine clawbacks. However, it is not logically possible to claw back that which was never given in the first place. We will not support any proposals which would legalise retrospective changes in the conventions under which one lot of contract terms were originally agreed.

I said that I would be brief and I have been brief. I emphasise that we broadly welcome the proposals in the Bill. However, we would look in Committee and on Report to a constructive arrangement with the Government to ensure that all that is done brings about improvements in our hospitals and improvements in our pharmaceutical service and other family health services, and that nothing, either deliberately or accidentally, damages the good parts of what we have already.

8.28 pm

Mr. Michael Morris (Northampton, South): As always, I inevitably declare an interest on National Health Service matters — but not the interests that the hon. Member for Rhondda (Mr. Rogers) mentioned, because neither of those is relevant. The two interests I shall declare are relevant. The first is that my wife is a dispensing practitioner and, therefore, in a sense is providing a complementary service to pharmacists in the rural areas where she dispenses. Secondly, in 1985 I was an adviser to Underwoods and I am likely to be so again. Those two interests are relevant unlike the interests which the hon. Member for Rhondda tried to toss across the Floor of the House. I think that I can say that he would have to get up very early to catch me out in not declaring an interest.

Further, on clause 3, as a member of the Public Accounts Committee, I might have to declare an interest, in that that Committee is urgent in its desire to ensure that savings that are made in the National Health Service are put back into the budget of the NHS.

I should like to consider the broad principles of the Bill and pick out one or two areas on which I should like to question my right hon. Friend the Minister. It is unusual, to say the least, to find a Conservative Government setting up a cartel. There would have to be overwhelming benefit to patients for it to be totally acceptable to me and, I suspect, others of my hon. Friends. The Pharmaceutical Services Negotiating Committee has tried for nearly 30 years to set up that cartel.

My right hon. Friend the Minister said that he did not envisage the number of pharmacies declining. Most of the evidence to date is that the number is likely to decline, but let us assume for the moment that the number remains reasonably constant. It is a fact that in Britain today there are fewer pharmacies per thousand of the population than anywhere else in Europe except Switzerland. Compared with France, we have half the number of pharmacies per thousand of the population. The comparison with Germany and Italy is similar. Therefore, we are not over-endowed with pharmacies. That is the point that the hon. Member for Holborn and St. Pancras (Mr. Dobson) was making.

I thought that the distance given in the guidelines was 1 km between pharmacies. The hon. Member for Holborn and St. Pancras said 2 km. I suggest that the walk from Trafalgar square along the length of the Strand to the Law Courts, which is 1 km, is quite a long walk—not that people like me are the fittest of the population, but certainly for elderly people it is too far to walk. Hon. Members must consider that distance in Committee. There is the other dimension, that if there is to be a geographical difference, there will be more pressure on the general practitioner service. I thought that part of the Government's policy and, indeed, accepted policy across the Benches, was to reduce some of the pressure on that service.

The planned distribution proposal was rejected by the Royal Commission in 1979. The only other time in the Health Service when we have had a planned distribution service was under the Willneck committee, for medical students. We all know what happened then. We ran short of doctors, and we have only just come out of that crisis. Therefore, I do not think that the portents for planned services are that good.

There is talk of how much money will be saved. I believe that the figure started at £4 million, and it is now reckoned to be £5 million. That is to be welcomed. Anything that saves public money is to be welcomed. However, I note that already local pharmacy committees are talking about having the back-up of a secretarial service. There are about 100 LPCs. Half a secretary per LPC, at about £4,000, with overheads, pushes the figure up to £1 million before one can say Jack Robinson. That needs to be watched carefully.

I interrupted the speech of my right hon. Friend the Minister to ask him about the machinery for appeals and the reviewing of applicants. I question how it can ever be right, in a commercial world, to have an applicant reviewed by other commercial applicants. The criteria make it almost impossible for anyone to be totally objective. I see that the committees are to have three chemists and four lay people. Unless one says that there will be no traders, no one with any family links, no one who is a member of the same golf club and so on, that creates a difficulty.

I am worried about the new entrants, particularly individual pharmacists—the young man or woman who has recently qualified. Such people will have to go through the hoop to get started. They will have to go to the local authority for planning permission, find the site and make arrangements for this, that and the other. When they go to the estate agent, all that they will be able to say is that they do not have their contract yet, but they hope to get it. If they are competing with someone else in the high street for a desirable site, the odds are that they will lose it. The guidelines refer to a time scale of two months, with an appeal mechanism of perhaps three months. In a competitive environment, the young entrants will lose

those good sites. That disadvantage is not there for the multiple, which will come in and set up shop, apply for the contract and take a risk.

I refer to the large stores. How will any lay person choose between Boots, Savory and Moore and Kingswood —any of the major multiples that may be competing for a contract?

The appeals machinery is absolutely central. At the moment it is proposed that a neighbouring LPC should be involved, but that will give rise to all the problems of regional interests. My right hon. Friend the Minister already has the mechanism of the Rural Dispensing Committee. It is not bureaucratic. It works smoothly and is relatively inexpensive. Why on earth do we not have the same procedure under the Bill?

Finally, I refer to the future of chemists. The PSNC represents about 10,000 contractors and there are about 34,000 qualified pharmacists. However, this worries me. What chance is there for the 15,000 employees working in pharmacies up and down the country to set up their own business? It seems to me that everything is militating against them. What chance is there for qualified pharmacists in the hospital service or industry who want to set up their own small chemist shop? The dice are loaded against them.

I ask my right hon. Friend the Minister to think again about certain aspects of clause 2. The Nuffield report on pharmacies challenges the basis of payment. We are expecting the Green Paper on primary care any minute. I am not a betting man, but I suspect that elements of that will be contrary to clause 2.

The Minister has to look at the appeal mechanism closely. He must ensure that, whatever selection process the Committee ends up with, it is a disinterested means of selecting pharmacists. I, for one, do not know how that will be achieved.

8.37 pm

Mr. Jack Ashley (Stoke-on-Trent, South): I do not intend to follow the argument of the hon. Member for Northampton, South (Mr. Morris), if he will forgive me.

The aspect of the Bill that I want to deal with is Crown immunity. The Government have gone some way towards redeeming their reputation on Crown immunity, although it is a very short way—about 50 yards out of the mile that is necessary. The fact is that on the issue of Crown immunity we have had evasion and prevarication from the Government for years, and Ministers have refused to act until they have practically been compelled to do so.

When he opened the debate, the Minister for Health disingenuously paid tribute to the hon. Member for Aldridge-Brownhills (Mr. Shepherd), then ignored all those who actively campaigned and forced his hand. I want to leave the House under no illusion. The hon. Member for Aldridge-Brownhills did a marvellous job, and handled that Bill superbly, but the Minister was pretending that nobody else was active, by mentioning only that hon. Member. The fact is that the prime movers outside Parliament were John Edmonds of the General, Municipal, Boilermakers and Allied Trades Union and his colleagues in the union, and Clive Wadey and his colleagues in the Institution of Environmental Health Officers. They were joined in the campaign by the Royal College of Nursing, the Association of District Councils and other organisations.

That was outside Parliament. Inside Parliament, I have tabled many scores of questions, written letters to Ministers, taken deputations along to see them, tabled early-day motions, and so on. I finally drew up a ten-minute Bill, and it was that which the hon. Member for Aldridge-Brownhills took on. He did a marvellous job, but let us be under no illusion. The Government were facing tremendous pressure from all these organisations and individuals, and the media backed up those campaigns. The TV programme "World in Action", *The Guardian* and the *Daily Express* all played significant roles in alerting public opinion, but it required the deaths of 17 people and the food poisoning of hundreds of others at Stanley Royd and elsewhere to force the Government to act on Crown immunity, even though they had refused to do so hitherto. They were compelled to do so by that sense of public outrage.

The Minister now says that the Government want to act. I welcome the Bill, so far as it goes, on Crown immunity. It will end the Dickensian conditions in hospital kitchens and put pressure on the health authorities. But it is only a beginning, because hospital kitchens are only a part of hospitals. Other parts and other institutions will also have to be dealt with.

The Bill gave the Government the opportunity to put things right, but they have ducked the challenge. They have neglected the evidence of people such as pest control officers—who helped in the campaign—about the extent of the invasion of vermin throughout some hospitals. Such vermin are not merely found in the kitchens, but are all over some of our hospitals—in the wards, in the packs of sterilised dressings and even in hypodermic needles. This legislation will not prevent health authorities from neglecting those problems, just as they neglected the kitchens. It is not too late, because the Bill can be extended and changed in Committee and elsewhere. I hope that such changes will be introduced.

Equally serious is the Government's neglect of workers in the NHS. It is unfair and unjust to give such workers less protection than elsewhere. The Crown notice system is an abysmal flop, because without sanctions Crown notices cannot be taken seriously. There is plenty of evidence that the system is a flop. I warn the Government that the campaign is now beginning again. I have been informed that the British Medical Association passed a resolution at its annual representative meeting, stating;

"That this Meeting believes that Health and Safety at Work Regulations should be enforced on Crown Property".

The BMA will be joined by the GMBATU and the Institution of Environmental Health Officers, as well as by myself, the hon. Member for Aldridge-Brownhills and other hon. Members who have campaigned on these issues. We are not prepared to allow this small step forward to pose as the answer to the major problems of Crown immunity.

The Minister was deplorably evasive about resources when questioned by my hon. Friends. Money must be made available to ensure that conditions in our hospitals are put right. If that money is not made available, poor, old patients will continue to suffer. The Government should not be seen to be doing the right thing if they are not prepared to pay for it. To coin a phrase, there is no point in willing the ends if they are not prepared to provide the means. The Government should extend the provisions on Crown immunity and provide the cash that is necessary.

8.45 pm

Dame Jill Knight (Birmingham, Edgbaston): The Bill affects several parts of the Health Service, but I shall speak of its effects on only one—the opticians. I assure hon. Members that I have absolutely no pecuniary interest whatever in the Bill. However, the more I study clause 3, and the more I ponder its implications, the more worried I become. The House is tonight being asked—somewhat stealthily, in an omnibus Bill—to give the Secretary of State power to act in a way at which, had there been more publicity and had the Bill not been so complicated, there would have been howls of indignation all over the place.

Some time ago, the Secretary of State got it into his head — Lord knows why, or on what grounds — that between 1978 and 1985 opticians had been overpaid by some £14·2 million. This is a long-running saga, and on several occasions I asked for the basis of that claim. I was never given it. Others also asked, and were met by the same enigmatic silence.

In August 1985, still with no proper justification explained, the DHSS attempted, quite illegally, to recover the moneys from opticians by reducing their professional fees. I should explain that opticians get their money in two ways. First, they are paid a professional fee for sight-testing carried out by professionally trained men and women, and that fee is negotiated between the Government and opticians. There is also the question of the rates of reimbursement for providing the glasses, and the dispute was about the reimbursement, not the fee.

This debate is all the more extraordinary when one appreciates that the opticians have absolutely nothing to do with fixing the reimbursement that they should get for providing glasses. The Secretary of State fixed what they should get, and did so after consultation with the manufacturers of optical appliances.

It was neither just nor logical for the Secretary of State to say last August, "Oops, I am afraid that I fixed those fees too high. I shall just take a big slice back." The only justification ever given was that the mandarins at the DHSS decided that some opticians, not all—not even a large number—had bought frames at cut prices. The sin of it!

If one orders any commodity and agrees a price, one will pay when that commodity is ready. When presented with a bill after receiving the goods, it is totally unaceptable to say, "I think that you have paid less for the materials than you might have done, so I shall not pay what I agreed."

If the Ministry of Defence signs a contract to make 1,000 uniforms and agrees a price, it cannot, some time after the uniforms have been delivered and the bill has been paid, say, "We think that we paid too much. All of you must share in paying it back." We just cannot behave like that. Such niceties apparently do not bother my right hon. Friend — incredibly, since he is a very nice and reasoning man — because he then tried to screw the money out of the whole profession, those guilty of buying job lot frames and those not guilty of buying them. He decides all must be punished for the enterprise of some.

Mr. Campbell-Savours: There is a precedent in defence contracts for the taxpayer being rebated, where the whole procedure of post-costing provides that where excess profits are made they be returned to the Exchequer.

Dame Jill Knight: In this case, there is a legal contract. The sum I am talking about was fixed by my right hon. Friend the Secretary of State, not by the people who actually received it. At this point, justice reared its head, because my right hon. Friend was taken to court, and he lost. Mr. Justice MacPherson, who adjudicated on the matter, said:

> "In my judgment there is here an indentifiable illegality . . . in that the Secretary of State has not acted within his legal powers in the process of deciding what is the fair determination of fees for sight-testing and dispensing."

He added that he was comforted by the conviction

> "that this result is just since the opticians played no part in fixing the payments for appliances over the relevant years and, if there was fault or failure in the assessment of those payments, it was the fault or failure of the DHSS and thus the Secretary of State."

The DHSS lodged an appeal, and then thought better of it. I suppose that someone read the judgment carefully and decided, "Why bother to go to court when you can change the law and make what was illegal suddenly legal. Why bewail losing a game when you can change the goalposts and retrospectively claim that the ball was in?"

I referred earlier to clause 3. There is no doubt that the legal interpretation of that clause is, first, to give the determining authority power to recover at any time moneys which on further thought it considers to have been overpaid, however long ago the alleged overpayments occurred and without the agreement of the professions concerned. That cannot be fair. Money can be recovered despite the fact that every part of such money must have been paid under a determination of the authority itself. It can be despite the fact that such determinations gave individual contractors who rendered services relying on such determinations as part of their contracts a right at law to be paid such moneys. The authority is to able to recover such moneys, not specifically from the persons who actually received them, but by way of adjustment or reduction of future fees for work to be done by them or others — and that seems extraordinary — and to do so despite the fact that such a system must inevitably produce at least one result which Mr. Justice MacPherson described as unjust and unfair, that is, that part of the moneys allegedly overpaid would be recovered from people who did not receive some part, or indeed any, of the soi-disant overpayments.

All that has to be shown, under clause 3, by the determining authority is that, if the earlier determination had been made at the date of a later determination, it would have been made on the basis of different information. This seems to be regardless of whether the persons to be penalised had any responsibility for the fact that the determining authority did not have that information or even any knowledge of it.

I have tried to make a brief speech on matters I judge to be of grave concern, because the law is being changed to achieve something that is now widely acknowledged to be grossly unfair.

When my right hon. Friend spoke at the beginning of this debate, I understood him to give an assurance that this Bill would not be used to get back the money to which the court said the DHSS had no entitlement. I want to be absolutely clear that I have understood my right hon. Friend correctly, and I ask him one question. He mentioned the sum of £11 million, but the sum mentioned earlier, which was the matter of a court determination, was £14·2 million. What happened to the extra sum? Is that somehow magically outside the circle of protection? I

would not wish this small Bill, which contains the possibility of such grave injustice, to pass without at least one hon. Member stating her reservations.

8.55 pm

Mr. Charles Kennedy (Ross, Cromarty and Skye): Without following entirely the specific clauses and aspects of the Bill dealt with by the hon. Member for Birmingham, Edgbaston (Dame J. Knight), I wish to say briefly that, when she described this as an omnibus Bill, that was an accurate description. As it has developed, it has become something of a Pandora's box. It is worth recalling its background.

Originally, the Government negotiated a new contract with NHS pharmacists in relation to the distribution of pharmacists and, rather uncharacteristically, tried in another place to tag it on to the back of a law reform Bill relating to that part of the new distribution procedure for pharmacists that would relate to Scotland. That was a bizarre approach. When we consider the *Official Report*, perhaps the Minister will appreciate it if I put the case even more strongly. For whatever mischievous, malevolent or merely misconceived reasons the other place may have defeated the Government on that occasion, a Government who manage to get Lord Bruce-Gardyne, Lord Harris of High Cross — their general views make the *Daily Telegraph* look like a tabloid—Lord Kilmarnock, Lord Ross of Marnock, and Lord Tordoff all into the one lobby have achieved an exercise in coalition politics that even the alliance could not hope to emulate.

A furore greeted that slap in the face to the Government, with the announcement of the Minister of State some time later that he could not see that any legislative time could be made available to introduce the contract. Then petitions were presented at Downing street by the Pharmaceutical Services Negotiating Committee and so on. The Government then came forward with this fairly wide-ranging Bill, as it has become. It is worth remembering why this has happened. It has partly been because of a degree of maladministration, if not political incompetence.

The window of opportunity that presented itself to the DHSS came in some ways for the saddest of reasons—an outbreak of food poisoning at Stanley Royd hospital. There followed the Secretary of State's statement in the House on 21 January, and thereafter the general build-up of pressure to have some fairly drastic and definite action taken to remove Crown immunity from hospitals. That was followed by the legal challenges to the DHSS in the courts north and south of the border, which led to the measures in clause 3.

There are positive reasons for the introduction of the entire measure, but negative pressure led to individual provisions being presented in their present shape and form. I echo the general views on Crown immunity and the need to set up a more satisfactory system with a rational distribution of pharmacies. Most people think that is desirable. My hon. Friend the Member for Roxburgh and Berwickshire (Mr. Kirkwood) and I welcome and support the idea of setting up that system.

The Secretary of State gave a categorical commitment on the remuneration and reimbursement arrangements for NHS contractors. Like the hon. Member for Birmingham, Edgbaston (Dame J. Knight), I hope that it remains a categorical commitment. We welcome it. Without being churlish, I point out that time and again the DHSS is finding that its actions on remuneration, clawback affecting opticians, and board and lodgings payments have been against the law. The hon. Member for Edgbaston rightly referred to the steps taken by the DHSS to alter the arrangements so that it does not fall foul of the procedures. I am glad that the Department has had the good grace to say that it will not exercise the powers it will be given under the Bill and seek to claw back money.

It would be nice if the measures abolishing Crown immunity were extended. Hon. Members on both sides of the House have received material from the Consumers Association, various local authorities, and so on, arguing for an extension of Crown immunity. I hope that that aspect will be explored in Committee.

A more rational system of distribution of contracts for pharmacists is necessary and desirable. I echo the points made by the hon. Member for Holborn and St. Pancras (Mr. Dobson), although his constituency contrasts dramatically with mine. Tie-ins with local transport in rural areas are obviously not matters for the Bill, but I hope that we can move towards that end.

I am disappointed by the Government's dog-in-the-manger attitude to the appeals mechanism. Recently I received a letter from a pharmacy in a small town in my constituency which summed up the logic of the Government's actions with respect to a distribution pattern. He said that 70 per cent. of his pharmacy's turnover came from prescriptions and that he was faced with the prospect of a pharmacy moving in next door. It is questionable whether there is room for both pharmacies in that community. I am concerned with the Government's move to set up a regulatory system.

The Highland health board has referred to the pharmacy practice sub-committee, which will comprise four lay members and three pharmacist or chemist contractors appointed by the health board after nominations submitted by the area pharmaceutical committee. The health board stated:

"In effect, this committee will comprise three chemists drawn from the Health Board area"—

the same will apply south of the border—

"who may find it difficult to be wholly impartial when considering applications for inclusion in the pharmaceutical list"—

the conclusion contains the most telling point—

"and probably even more difficult to convince unsuccessful applicants that they have been."

"Objective" decisions may be made, but inevitably allegations of vested interests, or at least competing interests, will be made. It is therefore not satisfactory for the Government to say that nothing can be done.

The Government estimate that £4 million will be saved, £2 million of which will go direct to the DHSS. I am not against that, and I hope that that sum will be reinvested in other health care. It could also be used to improve pharmacy. The other £2 million will be directly earmarked under the "incentive payments" for the development of pharmacy and the development of the up-front role of the pharmacist and his contribution to general primary care.

If an extra £2 million is coming to the DHSS, I cannot honestly believe that there will be so many cases of appeal and of Ministers having to make second judgments on decisions taken locally or regionally that all that money and savings will disappear simply in the administration of the scheme. There is either a sense of bureacratic inertia

[Mr. Charles Kennedy]

within the Elephant and Castle or there is a lack of political will on the part of Ministers. We will return to this in Committee.

I welcome the assurance given by the Minister of the status of the NHS contractors. Many hon. Members were concerned, when the Government broke the opticians' monopoly, about the subsequent effect that that would have on opticians' services.

Recently I attended a seminar in Edinburgh. I learned from that and from contacts with other opticians that there is a great malaise stemming from the lack of morale in the opticians' service. There is an economic question mark over the distribution of that part of the Health Service. The Minister has assured us that he will back off, but it will take a little more to restore the position. We give the Bill our general support but will seek amendments at a later stage.

9.7 pm

Mr. John Hannam (Exeter): The hon. Member for Ross, Cromarty and Skye (Mr. Kennedy) represents the Highlands, whereas I represent an urban seat in the lowlands of Devon. However, I follow the approach he has outlined in supporting the Bill.

First, I should like to declare two interests. One is, as the vice-president of the Institution of Environmental Health Officers. That organisation has campaigned strongly for the removal of Crown immunity from NHS hospitals. My other interest is as an adviser to the Pharmaceutical Society of Great Britain. That body has wide responsibility for the operation of the pharmacists profession.

I congratulate my right hon. Friend the Minister for Health on tackling the Crown immunity issue. I was the sponsor of a private Member's Bill of my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) which preceded, if not prompted, Government action to deal with the growing problem of unsatisfactory food hygiene standards in our hospitals.

I shall quote a couple of examples which were given at the last environmental health officers congress. They will explain my concern and that of the environmental health officers. Last September, a paper was presented to the congress. The following examples were given:

> "The kitchen at a leading teaching hospital had jelly containing bird droppings, rice coated with bacteria, infestations of ants and several large dead oriental cockroaches. Sparrows were flying around the restaurant at Charing Cross Hospital London, slicing machines were thickly coated in grease and gulleys in the washroom were choked with debris and slime".

So reported the Hammersmith environmental health officer, Mr. David Rowley. He continued:

> "A cutting board was on the floor next to a dead cockroach and mouse droppings littered a disused oven. Live cockroaches were near the washing machines and a week after the management was asked to bring in pest controllers, the place was still infested."

Those examples underline the need for the proposed action.

As a result of my experience in the world of catering, I am sure that the problem is one of management failure to instil proper standards. I have always argued that legislative action is needed to give teeth to the efforts of hospital managers to instil necessary hygiene discipline. I fully endorse clause 1.

As for clause 2 and the pharmacists' contract, I welcome the speed with which my right hon. Friend has carried out his promise to reinstate the new contract for community pharmacists. That was agreed in May 1985 and originally intended to be introduced by regulation, but the Department decided that it did not have the necessary powers.

I know that there are some people such as my hon. Friend the Member for Northampton, South (Mr. Morris) who are not entirely happy that control of entry into the pharmacists' profession is being introduced, and I understand their anxiety. The excessive costs incurred in a proliferation of small pharmacists dispensing NHS prescriptions had to be dealt with, and a better system of distributing pharmacies was worked out between the DHSS and the pharmacists' negotiating committee.

The bunching of pharmacies in the high street, each with an NHS contract, and the resulting shortage of rural pharmacies will, I believe, be resolved by the new contract. I fully support it, although I take on board the reservations about the 2 km distance which has been laid down.

The Pharmaceutical Society feels strongly that a national appeal body is required. Like my hon. Friend the Member for Northampton, South, it has always argued that appeals should be considered by a panel convened by, but independent of, the local family practitioner committee. It is felt that there should be a national appeal procedure, as is the case with the regulations that implement the Clothier agreement.

There would be more confidence in a central appeal body. A local one might easily be prejudiced. A central appeal body would also help to provide uniformity throughout the country. The Bill proposes that the local appeals panels would consist of three non-pharmacists and three pharmacists, or pharmacy contractors, with a lay chairman. Although they would not be drawn from any FPC which has already commented on an application, they would be from near enough at hand to allow for the suggestion that their local knowledge could have influenced their decision. That is all the more likely when the non-pharmacists are medical practitioners with a vested interest in the subject, if not the case.

Contractors are likely to start from the point of view that a new contract should not be granted where there is already a contracted pharmacy. Such dangers would be averted if a wider based non-local appeal body were established. I hope that my hon. Friend the Minister will consider the strong representations that have been made about them. I sincerely thank my right hon. Friend for presenting the Bill and, subject to such changes as I have described being made in Committee, I should like to give it my full support.

9.13 pm

Mr. Gordon Oakes (Halton): I also support this useful little Bill. I should like to declare my interests, which are almost a mirror image of those of the hon. Member for Exeter (Mr. Hannam). I am an honorary vice-president of the Environmental Health Officers Association, and have been for many years, and I advise the Pharmaceutical Society of Great Britain. It is a professional body that looks after the standards and registration of pharmacists.

I should like to deal first with clause 1. The Environmental Health Officers Association has battled for years against the ludicrous concept of Crown immunity.

Crown immunity is a legal fiction which held that the Queen or the King could do no wrong and that therefore a Department of State could do no wrong. There have been recent terrible incidents in old people's homes or in hospitals for old people, and in hospitals that care for the mentally ill. Those are people who are least able to cope and need the greatest protection from the state. Things have gone badly wrong, people have suffered illness and many have died. The Bill is an advance against Crown immunity and I congratulate the Minister for taking what all hon. Members have said is but one small step.

Prisons are not within the province of the Minister but people in prison do not have the power held by the rest of us to object to something and prisons ought to be inspected by environmental health officers. Indeed, I would feel happier if environmental health officers from Westminster council came to this place and had a look at our kitchens from time to time. The concept of Crown immunity is nonsense and the sooner it disappears from the law the better.

The Minister is to be congratulated on clause 2. For years the pharmaceutical profession had negotiated with the Government about a new contract. Agreement was reached last year but in the autumn it looked as if all was in jeopardy because the Government were doubtful about the legality of introducing the new contract and said they did not think they had time to deal with it in this Session. There was utter despair in the pharmaceutical profession, bearing in mind all the work that had been carried out. I congratulate the right hon. Gentleman and his Under-Secretary of State on finding the time and adding clause 2 to the Bill. That is greatly appreciated by pharmacists.

The new contract will help a number of people. It helps the Government and creates necessary savings, but as the hon. Member for Ross, Cromarty and Skye (Mr. Kennedy) said, at least half of those savings will go back to the profession to improve standards, especially in areas that are short of pharmacists. It helps the profession because the people running many small pharmacies can retire only with great hardship, and the provisions of the Bill will allow such people to retire with some decency and lessen the numbers in the profession.

It is not generally recognised in the House that a small pharmacy dealing with fewer than 16,000 prescriptions per year is not only costly in an administrative sense but receives an enhanced payment for the number of prescriptions it issues. A small pharmacy is not necessarily a small shop. It may be a big shop but the pharmaceutical side of it may be small. As the hon. Member for Exeter said, that is what happens when chemists bunch up and there are four or five pharmacies almost within yards of each other. In housing estates and suburban areas, the Bill will encourage new pharmacies to open and all hon. Members have wanted that for a long time.

In my constituency there is a housing estate in a place called Upton. It is about two and a half miles from the centre of the town. Many old people live in Upton. There is a very dicey bus service between Upton and the centre of the town. Although there are two doctors in Upton, there is no pharmacy. It is very difficult to persuade a pharmacy to open there, because pharmacists rely not only upon their pharmaceutical prescriptions but upon the sale of other goods. Therefore, it does not pay pharmacists to open in Upton. The Bill may encourage them to set up in areas like Upton where there is no pharmacy. It would help to get rid of the system under which four, five or six pharmacies operate virtually cheek by jowl.

I echo what was said about the appeals procedure by the hon. Members for Exeter, for Ross, Cromarty and Skye (Mr. Kennedy) and for Northampton, South (Mr. Morris). I do not like the arrangement whereby a neighbouring family practitioner committee makes a decision on appeal. I dislike it because it is too near. The FPC will make a decision not about the inclusion or exclusion of a pharmacy in its own area but about the inclusion or exclusion of a pharmacy in a neighbouring FPC area. There will be jealousies and vested interests.

I agree with the hon. Member for Exeter that a national procedure is needed. I do not think that it would be abused. It would lay down national standards. It may be slightly more expensive, but justice is never cheap. Justice must be seen to be done. If a pharmacist appeals, he must not feel that he has been done down by neighbouring pharmacists, who may be situated only a mile or two from where he has his business.

I listened with care to what the hon. Member for Birmingham, Edgbaston (Dame J. Knight) had to say about clause 3. I received a letter from the opticians. I thought that they were being unjustly treated by the Bill. The Minister for Health gave a specific and clear undertaking that clause 3 is not an attempt to overrule by back door methods the October 1985 judgment. There is one discrepancy. The Minister referred to £11 million, but the hon. Lady referred to £14·5 million. I hope that when he replies to the debate the Under-Secretary of State will explain that discrepancy. All aspects of the Bill do a service to the public of this country. Therefore it is to be welcomed by both sides of the House.

9.22 pm

Mr. Roger Sims (Chislehurst): If I confine my remarks to clause 2, it is simply in the interests of time, and not because I underestimate in any way the importance of the other clauses in the Bill. I echo the congratulations enunciated by the right hon. Member for Halton (Mr. Oakes) to both sides on having negotiated this agreement. In particular I congratulate my right hon. Friend the Secretary of State for Social Services on having ensured that that agreement is to be turned into legislation in the form of this Bill. There were certain difficulties about that.

If anybody sets up in business as a chemist, he can apply to the family practitioner committee for the right to prescribe under the National Health Service. The FPC is obliged to grant the contract, provided only that the premises are registered with the FPC and that a qualified pharmacist is in attendance. The chemist is then immediately entitled to a basic practice allowance of £3,000 plus negotiated fees for each prescription that is dispensed.

This might have been a justifiable arrangement when there were relatively few chemists and when chemists were shops of the traditional type that old hon. Members will remember, but now it is very different. There are many more chemists and there are many more shops where dispensing is only a very small part of the business. We are all familiar with Boots and we know that, although having a large dispensing business, it is involved in expensive activities, retailing a large range of consumer goods. We are also familiar with other multiple stores, one or two of which have been mentioned in the debate, that

[Mr. Roger Sims]

have come on to the scene in recent years and offer an even larger range of consumer goods attractively priced and presented. I make no criticism of the business that they run —it certainly meets a need.

Although they offer a dispensing service, that is only a tiny part of their business and they do not pretend that it is otherwise. Indeed, one of the major chains estimates that only 3 per cent. of its turnover is in dispensing, yet each of those stores is entitled to a £3,000 basic allowance. This produces a ridiculous situation in which in theory at least a store could dispense only 10 prescriptions a year and would be costing the National Health Service £300 per prescription. The new contract will introduce a far more straightforward and understandable reimbursable scheme based on the cost plus basis. It will also introduce a scheme whereby in areas where there are more pharmacists than are strictly necessary some can now relinquish their contracts on a reasonable basis of competition.

There will be control of the number of pharmacies that are to be given a contract. This does not, of course, prevent anybody from setting up a pharmacy if he or she wishes. It simply controls the number of pharmacies that can be given the right to dispense NHS prescriptions. The mechanism is to be by a pharmacy sub-committee of the family practitioner committee which will decide whether and where new pharmacies are necessary and desirable. The details are not in the Bill. I appreciate that the details of the mechanism are to be incorporated in regulations that will be issued by the Secretary of State subsequent to the Bill becoming law.

Although I realise that many of these details will have been the subject of internal discussion, I hope that the Minister in his wind-up may have time to say a little about the appointment and composition of these sub-committees and the criteria that they will use, or are likely to be invited to use, when they are considering whether to approve new pharmacies.

I consider that both the new cost structure and the scheme to allow rationalisation of the provision of pharmacies is eminently sensible, it has been negotiated with the Pharmaceutical Services Negotiating Committee and it has the support of the National Pharmaceutical Association, an association that numbers 7,500 people collectively owning more than 8,600 pharmacies, and representing 98·5 per cent. of all pharmacy proprietors. The association says:

"We believe that the new contract, as negotiated between the DHSS and the PSNC, will be to the ultimate benefit of the health service, to patients and to community pharmacy as a whole."

I strongly endorse that view and hope that the House will do the same.

9.28 pm

Mr. D. N. Campbell-Savours (Workington): I wish to declare an interest. I am a sponsored member of the Confederation of Health Service Employees. I want to make clear what that means. I receive no personal remuneration at all, I do not claim any expenses from the trade union involved and the moneys that it pays are paid directly to my constituency party to fund a service and advice bureau for the general public who have problems.

The Bill is of importance to the Confederation of Health Service Employees. It is a Bill that in part the confederation has sought vigorously over the years in so far as COHSE members are in the front line of arguments and problems that arise over the whole question of Crown immunity. The union has a reservation. The Bill is a disappointment in that it does not remove from the National Health Service its immunity to the full enforcement procedures for breach of the Health and Safety at Work etc. Act 1974. The union looks forward to further legislation to deal with that.

Over the years, members of the union have seen a grave deterioration in standards within the NHS arising directly out of an absence of resources and not just a deficiency in legislation. They saw the report produced by the Institution of Environmental Health Officers in 1978 which identified 1,000 hospitals as unsatisfactory and which stated that 100 hospitals warranted prosecution and would have been prosecuted if they had been in the private sector. Members of the union then saw the report of 1985 which identified 60 per cent. of National Health Service hospital kitchens as breaking the current health regulations and identified 97 hospitals as warranting prosecution.

That brings us back to the Stanley Royd affair. It might be worth spending a minute examining what has happened. In that hospital, where I am told that 26 elderly people unfortunately died, contaminated beef was served to patients, mouldering vegetables were found in the kitchen, liver with fluke was found in the catering department, kitchens were infected with cockroaches, dirty drains were found, kitchen procedures and handling practices were likely to spread contamination and appalling cooking facilities and food storage deficiencies were also identified.

I cannot understand how the report which was produced dealt with those problems. In relation to those deficiencies it said:

"All the environmental health officers we heard"—

that is, those who were carrying out the inquiry—

"agreed, perhaps surprisingly in the light of the contents of their reports and despite strong pressure to say otherwise, that the conditions at Stanley Royd, though sometimes far from ideal, at no time would have justified a prosecution. The Chief Environmental Health Officer for Wakefield was supported by all the EHOs called before us in saying repeatedly that there was nothing in the kitchen at Stanley Royd that would have warranted taking legal action. Their visits were uninhibited and they did all that they regarded as being necessary."

In paragraph 230 the report said:

"We think that, if the reports had been in stronger terms"—

that is, the reports by the environmental health officers—

"the kitchen would have been improved at an earlier date, but that the environmental health officers did not regard the kitchen as giving rise to any imminent risk of danger to health or as justifying stronger criticism . . . the evidence given to us by the professional environmental health officers was to the effect that the sanctions of the criminal law would not have been employed in respect of the kitchen at Stanley Royd, even if they had been available."

That is a remarkable statement in the light of the report on conditions in that hospital. It focuses our attention on whether the law, as it stands, is sufficient and whether, even with powers, environmental health officers will have the necessary power available to them to ensure that higher standards are imposed.

The 1977 arrangements have not worked. Certainly some hospital authorities have ignored the very important recommendations made by environmental health officers. The question now is, will the environmental health officers of local authorities do their job? Will they push for

prosecutions? Some may not, due to pressure from local authority members who want to use precious health resources within their health district for their pet projects. Political pressure may be exerted through environmental health committees and local authorities on environmental health officers not to go into certain hospitals and not to draw up reports but only to ensure that money earmarked within those health districts for particular projects is not taken aside to be used on upgrading certain facilities. All that arises not because of any deficiency in the professionalism of environmental health officers but because of a deficiency in resources available to district health authorities for these important works.

Conversely, some, for reasons of promoting privatisation, may wish vigorously to pursue higher standards in National Health Service provision. An unholy conspiracy might develop, with private enterprise contractors wanting to get into certain hospitals contacting sympathetic people in the local authorities who sit on environmental health committees, and demanding that they insist that local authority environmental health officers be required to attend district health authority premises and produce reports which contain expensive recommendations and which demand more and more resources from Health Service budgets, forcing up the costs and values of in-house tenders. I see dangers in every way.

This brings us back to the question of resources and the need for the Government to ensure that where moneys are necessary for raising standards in this area there should be some way of earmarking cash for such work.

Will environmental health officers be able to be thoroughly objective? I know that they will want to be professional, but will they be allowed to press the recommendations of the British Pest Control Association, which recommends that every hospital should have a person who is suitably trained and responsible for pest control measure? It says that it is not acceptable that only one in seven hospitals has someone who has attended a DHSS course in pest control awareness. I would like to think that EHOs have the power to ensure that district health authorities appoint those people, because only by reciprocation within district authority facilities will their jobs be possible in the difficult resource circumstances.

I have confidence in environmental health officers as a profession, and in the institution to which they belong. I am worried that, as the Bill goes through and when the legislation is enacted, we shall see increasing political attempts to meddle with them, but I know that they will stand up to such pressure professionally and will protect the objectivity of their positions.

9.38 pm

Mr. Neil Hamilton (Tatton): The chief Opposition representative of the Committee of Public Safety, the hon. Member for Rhondda (Mr. Rogers), has just re-entered the Chamber. I am sure that I can satisfy him by saying that I have no interests which might affect what I say in this debate, unlike the hon. Gentleman, who I see, from a cursory glance at the Register of Members' Interests, is, like the hon. Member for Workington (Mr. Campbell-Savours), sponsored by the Confederation of Health Service Employees. As he has chosen to leave this debate to the tender mercies of hon. Members such as my hon. Friend the Member for Stirling (Mr. Forsyth) and me, that union may decide that it is not getting value for money, and reconsider the arrangement.

The hon. Member for Rhondda, who is amiable and whom I like very much, is normally foremost in condemning private contractors, where they have been allowed to work in the National Health Service, for having reduced standards and for visiting all sorts of unimaginable horrors upon the system. What does he say to the comments of the hon. Member for Workington about the laxity in food hygiene standards in National Health Service hospitals, the overwhelming majority of which are staffed by members of unions such as COHSE and the National Union of Public Employees, which are implacably opposed to private enterprise coming into the system?

I join other hon. Members in welcoming the Government proposals on Crown immunity, which will remedy a long-suffered injustice, and will be greatly to the benefit of the National Health Service.

I shall, however, confine my remarks to clause 2 and the restrictions that the Government propose to place upon new pharmacies being set up as a result of the new contracts which will be imposed.

The aim behind the Government's proposal is laudable. They seek to establish a more rational system of location of pharmacies, which will be welcomed by everyone, not least by the pharmaceutical profession. That is why the six leading pharmaceutical associations have agreed, and set out in a joint statement, that, by means of financial incentives and disincentives, the deficiencies of the present system might be remedied. Several suggestions in the joint statement have been welcomed by the Government. Owing to pressure on time, I shall not go into great detail on that point, save to say that I welcome whole-heartedly the central assertion of the joint statement.

The aim of the six leading pharmaceutical associations is encapsulated in two sentences:

> "If financial incentives were implemented, a better distribution of pharmacies would result, with an improved advisory service in adequately-staffed premises. It would also avoid an increase in unit costs, except in those areas where there is an overriding need for a service and for a subsidy to be paid."

As the pharmacists and pharmaceutical bodies had embarked upon a means of providing, by voluntary agreement, what the Government seek to achieve by compulsion, it is a shame that the Department has gone down the road of coercion and restriction, which I would have thought goes against the grain of what we are seeking to achieve in other areas of policy.

The negotiations were conducted behind closed doors between the DHSS and the Pharmaceutical Services Negotiating Committee, whose 25 members were forbidden to report back to those whom they are supposed to represent. On 14 May, last year, the Department presented it with a fait accompli when it revealed an unprecedented proposal to control entry to the National Health Service pharmaceutical list. That proposal is contained in clause 2(1)*(c)*, under which a proposed entrant must satisfy a sub-committee of the family practitioner committee that it would be "necessary or desirable" to grant it a licence.

As my hon. Friend the Member for Northampton, South (Mr. Morris) said so eloquently, those committees which comprise three local pharmacists and three non-pharmaceutical members, who might be closely but not directly connected with the phramacists, might give less than open-minded consideration to the applications for new entrants to the profession. The proposals in relation

[Mr. Neil Hamilton]

to appeals, as the hon. Member for Ross, Cromarty and Skye (Mr. Kennedy) and others said, leave much to be desired. I hope that amendments will be introduced to remedy those deficiencies. The best way to remedy the deficiencies would be to strike out the clause altogether. I can see no reason why newcomers to the trade should be restricted so as to confer a monopolistic benefit upon existing pharmacists.

The Government propose to fossilise the existing pattern of pharmacies and to freeze out young pharmacists wishing to set up in business and, therefore, encourage the concentration of ownership by the large multiples. There are examples from other countries of the baleful effect which such systems have had. In France, the licensing system has had the effect of driving up prices of a wide range of other goods that pharmacists can sell.

The Government's aim in this ill-considered proposal is to rig the market and to deny qualified individuals the right to set up shop. That will happen in effect if not in law, because on average 70 per cent. of pharmacists' income comes from NHS prescribing. Of course, my right hon. and hon. Friends on the Front Bench will argue that this is something which the profession itself wants because the conference of local pharmaceutical committees in June 1985 agreed with the Government's proposal and, therefore, it should be acceptable. It would be very surprising if the conference had not agreed because it was directly in its members' pecuniary interest to do so. We might remember the wise words of the great Scottish moralist and economist, Adam Smith:

"People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public, or in some contrivance to raise prices."

What the Government propose in this Bill is to create a closed shop among pharmacists and to save the derisory amount of £2 million out of a total dispensing bill which now exceeds £500 million——

Mr. Kennedy *rose*——

Mr. Hamilton: I am reluctant to give way because I know that we ought to finish this debate relatively quickly.

We do not address ourselves to the real reasons why the dispensing bill has got out of control—the cost-plus system of pricing which is employed. From my discussions with members of the Government, it does not seem that we intend to address the areas where we could make massive savings on the NHS bill—by introducing compulsory tendering and contracting out, so as to provide a better service at a lower cost for patients and taxpayers.

The president of the Pharmaceutical Society, writing in *The Pharmaceutical Journal* last year, denounced the Government's proposals. He said:

"The recent proposals strike at the basis, structure and operation of the entire pharmaceutical profession."

That is quite an indictment, and one that I am happy to endorse.

The hon. Member for Ross, Cromarty and Skye said that this was not the first canter that we had had over this field. It happened in another place last year on two occasions, the first of which was in an unstarred question put down by Lord Harris of High Cross. The dangers which are inherent in the Government's proposal were adequately ventilated, so adequately that the other place threw it out of the Law Reform (Miscellaneous Provisions) (Scotland) Bill which passed in the last Session.

I am pleased to say that two of those who assisted in the gutting of that Bill, in respect at least of this provision, were my predecessor in this place, my noble Friend Lord Bruce-Gardyne, who was the Member for Knutsford which I now represent, and Lord Tordoff, a former Liberal candidate, unsuccessful, but nevertheless a candidate, for the same constituency. I am pleased, therefore, to endorse my predecessors' views on this Bill and to advise the Government that the opposition that they faced last year will be there once again, if this provision is not removed from the Bill.

As we now know that Whips are merely invitations to attend and to go no further, I have the endorsement of the Patronage Secretary for the action that I shall take in due course if what is recommended is not taken up by the Government. As with the Shops Bill yesterday, I can warn the Govenment that in the new mood of militancy among Back Benchers, although I was a keen supporter of the Government yesterday I cannot promise that I shall be able to support them in future. So I counsel my right hon. and hon. Friends to be true to the principles of our party, and to remove this clause from the Bill.

9.48 pm

Mr. William Cash (Stafford): I was a sponsor of the Crown Immunity Bill. I want to congratulate my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd). I believe that the Government should be congratulated on bringing the Crown Immunity Bill proposals into this Bill. This, however, applies only to food legislation. In the case of Wood v. Leeds Area Health Authority 1974, it was made clear that area health authority employees were and are Crown servants. Against this background, what worries me is that, effectively, what we have here is half a crown.

In my own constituency, Stafford, we had the disastrous and tragic occurrence of legionnaires' disease, and my constituents are gravely concerned about it. We would like the removal of Crown immunity to be extended to the whole of an area health authority's activities. We see no real reason why it should be confined to food.

There is also a great deal of confusion in the law relating to Crown service and Crown immunity, and this Bill could make the position more complicated because, effectively, hospitals will be in a half-Crown position, not exempt and immune in respect of food, but exempt and immune in respect of other activities.

I therefore ask that the provisions of this Bill be extended to all aspects of area health authority work.

9.51 pm

Dr. John Marek (Wrexham): We have had a very useful debate and many hon. Members have made a number of very useful comments. My only regret is that they have been very much shorter than they could have been, and I am quite sure that we could have debated for a whole day.

Apart from what was said by the hon. Member for Tatton (Mr. Hamilton), I have agreed with nearly every point that Back-Bench Members have made. I have not said that I agree with what the Minister said, and I shall say why.

The problem is, of course, that the Government trot out their propaganda and try to make the country believe that there has been real growth in the Health Service, that services are better than before and that there is no need to put any more money in beyond the extra money which the Government are supposedly putting in at the moment.

My attention has been drawn to the British Medical Association scientific meeting at Oxford recently. One of the speakers there, Dr. John Ledingham, put it in a nutshell. He made four points in his speech. He said:

"Figures showing a 12 per cent. increase in the number of patients treated between 1978 and 1983 did not distinguish between new patients and patients readmitted for further treatment."

This is symptomatic of the way in which the Government seek to beguile and mislead the nation. There could be readmissions because the patients had not been properly treated originally, then the readmission counts as a new patient and the Government wrongly interpret this as an advance in the Health Service.

The doctor then said:

"Another Government claim that 11,000 new hospital beds opened between 1980 and 1984 does not mention that the total number of hospital beds available dropped in fact by 12,900 in the same period."

That is a typical Government misrepresentation about the National Health Service. He went on to say:

"Official figures showing a large rise in the number of nurses also failed to mention that the nurses' working week had been cut."

Of course, we in the House know the truth of the matter, but the Government misrepresent it and proclaim that the patient in the National Health hospital is better served.

The fourth point is very important and it is one that the Minister made in opening the debate this evening. Dr. Ledingham said:

"Government figures also showed that hospital spending would rise by 6·7 per cent. in the coming year when inflation would be only 4·5 per cent., but they omitted to emphasise that half the extra money had to be found by health authorities themselves from greater efficiency in the use of resources."

It is no wonder that the Minister did not give way to me earlier this evening, because he knew that he was perpetrating a misrepresentation. He hoped that the people of this country would swallow it and believe that the Government in their munificence had provided extra services and extra provision for the Health Service. But the Government are not doing that above the rate of inflation, they are doing it below the rate of inflation and hospital service administrators will have to find the money from cost-efficiency savings.

How do they find it? There are not that many savings that hospital administrators can make now. They do it basically by cutting ancillary staff, because they want to preserve patient-care services. They cut down on cooks, cleaners and maintenance, in particular in kitchens. There we have the problem, and now the Government have been forced to bring forward this Bill in order to try to improve the conditions in hospitals, but it says on the first page of the Bill:

"Clause 1 has no implications for public expenditure."

Some of my hon. Friends and some hon. Gentlemen have given vivid, graphic descriptions of beetles, oriental cockroaches, lice and so on in almost every hospital in this country. I do not pretend for one moment that this is something that has grown up since 1979, but it has been made very much more serious since this Government took office. It will not do simply to say in this Bill that we can apply the Food Act 1984 to hospital premises and there will be no revenue consequences.

Like my hon. Friend the Member for Holborn and St. Pancras (Mr. Dobson) I welcome the general tenor of the Bill. It will need extra finances and extra resources if it is to be meaningful and not just something on paper. We do not want a statute that lacks the power to provide sufficient environmental health officers to inspect the kitchens and, even if the kitchens are inspected, the hospital authorities do not necessarily have the money to put things right.

I agree with my right hon. Friend the Member for Stoke-on-Trent, South (Mr. Ashley) and my hon. Friend the Member for Workington (Mr. Campbell-Savours) that the Bill should be extended. The Health and Safety at Work etc. Act 1974 should be taken account of in hospital premises. Crown immunity should be removed from the premises that are covered, environmental health officers should be given powers to issue enforcement notices under the food hygiene laws, which they already have under the Health and Safety at Work etc Act 1974 and the food hygiene laws should be amended so that employee representatives receive the same information from enforcement officers as they do under section 28(8) of the Health and Safety at Work etc. Act 1974.

I hope that the Opposition will table appropriate amendments in Committee—I am sure that we shall—in order to seek to broaden the scope of the Bill so that we may have an Act with teeth and so that when any member of the public goes into an NHS hospital they know that they will not catch any disease or become more ill as a result of bad conditions in the hospital.

Clause 2 talks about the pharmacists' contract. We generally welcome that. However, we are worried about certain matters, for example, the distance of 2km between pharmacies in urban areas might be too large. It may be that the small pharmacists will sell out because of the money on offer. It may be that large companies will take over small pharmacies, perhaps even in urban areas. We are worried that regulations may not be drawn wide enough to allow pharmacies to expand their functions with time, and we are worried about the appeals machinery.

I must say that if the Conservative Back Benchers who have spoken in this debate find themselves on the Standing Committee I suspect that the Minister will be powerless and we would have a national appeals machinery. I sympathise somewhat with the Minister. A national appeals machinery could be time consuming and expensive and involve much paper work. However, I wonder whether we could have a national appeals machinery which overturns decisions only if they were manifestly unreasonable when initially made. I hope that there is possible scope here for discussion and compromise.

I welcome the Minister's statement that he will not try to claw back any payments to opticians. Opticians have suffered as a result of the Government's legislation over the past few years. There is a certain amount of lost professionalism for opticians and there will be more difficulties for them. I do not think that the situation is right and I would like to see further legislation for opticians. If the Government do not provide that the next Labour Government will do so. However, I must give credit where it is due. The Minister made a welcome

[Dr. John Marek]

statement that there will be no clawback. Will he write that into the Bill? Clause 1 clearly says that there will be no retrospection. Perhaps we could do that for clause 3.

I should like to make one small point. I hope that the powers that the Government are taking will not mean that they will meddle with the arrangements that have been worked out on a year-to-year basis between the various professions. I hope that they will not come along every two or three months and say that they have new information and that there will have to be readjustment payments or that there has been an overpayment. That should be ensured by provisions in the legislation, certainly in the regulations if there are to be any, so that incessant meddling will not be allowed. It does not make for good government. I am not accusing the Government of doing that, but they could be doing it and subsequent governments could have the opportunity to do it. There should be as much certainty as possible for the professions and the public, and I hope that the Government will take that on board.

I am short of time. The Opposition will not divide the House on the Bill. We are not happy with all of it, but we generally welcome what it is trying to achieve in all its three clauses.

9.59 pm

The Parliamentary Under-Secretary of State for Health and Social Security (Mr. Ray Whitney): In the constructive spirit in which the debate has been conducted, I shall attempt to emulate the unaccustomed brevity of the hon. Member for Wrexham (Dr. Marek).

I welcome the response from both sides of the House to the positive approach that the Government have demonstrated by deciding, at long last and after much public debate under Governments of both persuasions, to do away with Crown immunity, following the extraordinary and disastrous affair of the Stanley Royd hospital at Wakefield.

It being Ten o'clock, the debate stood adjourned.

BUSINESS OF THE HOUSE

Ordered,

That, at this day's sitting, the Motion relating to the National Health Service (Amendment) Bill may be proceeded with, though opposed, until any hour.—*[Mr. Malone.]*

Question again proposed, That the Bill be now read a Second time.

Mr. Whitney: I welcome the support for that and I am sure that in Committee we shall be able to make sure that all the details are well worked out.

I shall try to cover as many of the points that have been made as possible in the time available, but if I cannot do so, and if they are not likely to be covered in Committee, I shall write to the hon. Members concerned.

The hon. Member for Holborn and St. Pancras (Mr. Dobson) referred to the Health and Safety at Work etc. Act. He feels that the Crown notice arrangements are inadequate. In fact, they are working well. Although 300 notices have been issued since 1980, in no case was it found necessary to take action. We believe that that shows that, in that area, the NHS has a good record.

The problem of the 1 km or 2 km distance was of concern to several hon. Members, among them my hon. Friend the Member for Northampton, South (Mr. Morris). When a decision on awarding a new contract is made, there are no distance rules at all. That decision rests entirely on the needs of the local people and what is reasonable in the circumstances. The 2 km rather than the 1 km rule is a qualifying condition only for the additional support paid to essential small pharmacies. Under the scheme, the intended effect is that small pharmacies in sparsely populated areas remain viable and continue to provide the service that we are seeking.

Hon. Members have asked whether Crown immunity should be removed from other premises. That problem was of concern to the right hon. Member for Halton (Mr. Oakes). I thank him for his generous remarks on the content of the Bill. That is a matter for other Departments than the Department of Health and Social Security, but at the moment the Government are satisfied that the arrangements for checking on food hygiene standards in their own premises are satisfactory. To check that inspection arrangements were adequate, validation exercises were carried out in 1983 and 1985, and it is intended that others will take place in future years. Therefore, that area will be monitored and considered on its merits by the Department concerned.

The right hon. Member for Stoke-on-Trent, South (Mr. Ashley) was uncharacteristically ungenerous in his comments on the removal of Crown immunity, saying that we have gone 50 yd in a one-mile walk, and that we are helping evasion. I reject that charge. I believe that our proposals will satisfy all the anxieties that we all feel about the standards in some, by no means all, Health Service hospitals. I endorse the tribute that my right hon. Friend the Minister for Health paid to the vast majority of people who work in the NHS and NHS hospitals.

My hon. Friend the Member for Birmingham, Edgbaston (Dame J. Knight) raised several points about opticians. It is a cost-plus contract — plus the understanding that the costs will be repaid, whatever they are. The actual costs incurred can, by definition, be determined precisely only in retrospect. Meanwhile, the contractors are paid on the basis of a forecast. It is only fair to adjust those forecasts when the real figures are known, whichever way the error goes. In the past, we have paid back large sums of money under these arrangements, and the clause does no more than provide for the present arrangements.

I confirm what my right hon. Friend has already said, that we have undertaken not to recover the £11 million from the opticians. The £14·2 million was the sum that we believed was due. Recovering £11 million would have left the opticians with an element of profit and would have kept the repayment period to a reasonable time. However, we decided not to try to recover either the full amount or the £11 million. I hope that that satisfies my hon. Friend.

My hon. Friend the Member for Exeter (Mr. Hannam) is very experienced in health matters, and has a record of fighting for the elimination of Crown immunity. He regaled us with the horrors of bad kitchens. I endorse the point he made, that very often it is a question of management failure. I believe that the approach that we have now adopted and the institution of general management within the Health Service is contributing significantly to the improvements of those standards.

A number of hon. Members expressed concern about the appeals system in the award to pharmacists and said that there was no national appeal. This was one of the

details that were negotiated in the settlement reached with the pharmacists' representatives, and it was discussed very thoroughly at the time. We believe that the issue to be determined is one of local need. It seems right that it should be determined locally.

The FPCs are charged with the duty of planning local services, and this decision falls fairly and squarely within that remit. We do not think that a national appeal would bring any understanding of the local circumstances. Analogies are drawn with the Rural Dispensing Committee and appeals against its decisions, but the circumstances are not identical. The RDC is a single special health authority. There are no similar bodies with similar experience. When the RDC was set up, FPCs were not separate health authorities to which such tasks could be delegated. We believe that this is a suitable solution, but I undertake that we shall monitor it carefully.

The main burden of concern for some of my hon. Friends—particularly my hon. Friend the Member for Tatton (Mr. Hamilton) and my hon. Friend the Member for Northampton, South — related to the effects of limiting competition in the pharmaceutical services. I totally share their commitment to the free market and to the operation of market forces, but we must understand that in this area we are not talking about the pure operation of market forces. We are talking about an NHS contract and the award of a benefit. Therefore, we are not restricting the establishment of a pharmacist in a practice. The pharmacist can set up a practice without an NHS contract. He can also practise in a hospital pharmacy, in industry, in the private sector or in education. It is illogical to argue that, just because someone has an appropriate qualification, he is entitled to be supported in that profession at public expense, despite the needs of patients or the taxpayer. That is a balance that we must strike in our management of NHS resources.

That brings me to the favourite hobby horse of the hon. Member for Wrexham (Dr. Marek), who now seems to have found a new ally in seeking to suggest that this Government are not devoting new and very substantial resources to the Health Service. As the hon. Gentleman well knows, the increase in Health Service resources this year will be 24 per cent. compared with 1978-79. *[Interruption.]* I know that this is unwelcome news for hon. Members opposite, but it is a fact. This year, an additional £650 million will be available in the Health Service and, if it is necessary, part of that money will be available to use for the upgrading of the National Health Service hospitals. Therefore, I submit that these measures are beneficial to the Health Service, and that the resources we have made available will enable that benefit to be realised.

Question put and agreed to.

Bill accordingly read a Second time, and committed to a Standing Committee pursuant to Standing Order No. 42 (Committal of Bills).

NATIONAL HEALTH SERVICE (AMENDMENT) BILL *[MONEY]*

Queen's Recommendation having been signified—

Resolved,

That, for the purposes of any Act resulting from the Rates Bill, it is expedient to authorise the payment out of moneys provided by Parliament of—

(a) any administrative expenses incurred by the Secretary of State in consequence of that Act; and

(b) any increase attributable to that Act in the sums payable out of such moneys under any other Act.—*[Mr. Lennox-Boyd.]*

Legal Aid and Advice

10.10 pm

Mr. Nicholas Brown (Newcastle upon Tyne, East): I beg to move,

That the Legal Aid in Criminal Proceedings (General) (Amendment) Regulations 1986 (S.I., 1986, No. 274), dated 17th February 1986, a copy of which was laid before this House on 19th February, be revoked.

It may be for the convenience of the House if we take at the same time the following motions:

That the Legal Advice and Assistance (Amendment) Regulations 1986 (S.I., 1986, No. 275), dated 17th February 1986, a copy of which was laid before this House on 19th February, be revoked.

That the Legal Aid (Assessment of Resources) (Amendment) Regulations 1986 (S.I., 1986, No. 276), dated 17th February 1986, a copy of which was laid before this House on 19th February, be revoked.

That the Legal Advice and Assistance (Scotland) (Amendment) Regulations 1986 (S.I., 1986, No. 254), dated 14th February 1986, a copy of which was laid before this House on 19th February, be revoked.

That the Legal Aid (Scotland) (Assessment of Resources) (Amendment) Regulations 1986 (S.I., 1986, No. 253), dated 14th February 1986, a copy of which was laid before this House on 19th February, be revoked.

That the Legal Advice and Assistance (Amendment) Regulations (Northern Ireland) 1986 (S.R.(N.I.), 1986, No. 47), dated 17th February 1986, a copy of which was laid before this House on 19th February, be revoked.

That the Legal Aid (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 1986 (S.R.(N.I.), 1986, No. 46), dated 17th February 1986, a copy of which was laid before this House on 19th February, be revoked.

Mr. Speaker: If the House agrees, so be it.

Mr. Brown: I am grateful for the opportunity to discuss the Government's cuts in legal aid eligibility thresholds. In order to facilitate the contributions of other hon. Members, my remarks will be brief. I understand that the Solicitor-General intends simply to reply to the debate rather than make an opening speech. That is perfectly acceptable to me, and I acknowlege that no discourtesy is intended.

This is the first time since the inception of the legal aid scheme in 1950 that people have been taken out of the scheme by legislation. The Government are reducing by one sixth the sums allowable in respect of spouses, children and dependent relatives when calculating the disposable income of an applicant for legal aid. The present figure of 50 per cent. above the supplementary benefit allowance is being reduced to 25 per cent. above that allowance. Perhaps it will be helpful if I set out how disposable income is calculated, and then the House will more readily understand the cut.

The method of calculation of disposable income is to take gross household income, deduct tax and national insurance contributions, add any child benefits received and then deduct a sum equivalent to 50 per cent. of the supplementary benefit allowance in respect of certain categories. That figure of 50 per cent. is being reduced to 25 per cent. by the regulations we are praying against. The categories of dependants fall into two subsections. First, in the case of the non-earning spouse the cash figure per week is being reduced from £34·50 to £28·75. There are four separate categories for a child or a dependant; separately they are all being reduced. For a child under the age of 11 years, the sum of £15·50 is being reduced to £12·91. For a child aged 11 to 15 years, the figure of £22·65 is being reduced to £18·88. For a child aged 16 to 17 years, the sum is being reduced from £27·30 to £22·75. For a dependant over the age of 18 years, the sum of £35·40 is being reduced to £29·50 per week.

When these deductions have been made, the calculation continues by deducting rent and mortgage repayments and rates and work-related expenses. If this figure is above the annual sum of £5,415, the applicant will no longer be eligible for legal aid. If the sum is below £2,255, he will be eligible for free legal aid. In betweeen those two figures, he will be asked to pay a contribution towards his costs of about a quarter of his disposable income above the sum of £2,255.

The principle under which the separate orders have been made is the same for Scotland, and indeed Northern Ireland, as it is for England and Wales. I know that my hon. Friends the Members for Falkirk, East, (Mr. Ewing) and for Middlesbrough (Mr. Bell) hope to say something about these matters later. The Government will argue that, nevertheless, these cuts will mean that families will still receive an allowance in excess of the supplementary benefits allowance. As far as that goes, it is true.

The charge against the Government is twofold: first, substantial numbers of people who are entitled to free legal aid will have to make a financial contribution; and, secondly, people presently entitled to legal aid, albeit with a contribution, will become ineligible.

Mr. Patrick Nicholls (Teignbridge): I am sure that the hon. Gentleman will correct me if I am wrong, but I understand that about 250,000 people will have to pay a contribution towards legal aid and that another 1,000 will effectively be disqualified from legal aid. That is a reduction of only 0·5 per cent. Surely that is not a large reduction compared with the number of people entitled to legal aid.

Mr. Brown: The hon. Gentleman may or may not be correct, because he is talking about what will happen. The figures are not so wide of the mark in terms of those who need to take the advice of a solicitor and apply for legal aid. For every person who needs to make an application to a solicitor for legal aid, a much larger number have a potential need for legal aid. That may concern the overwhelming majority of our citizens. It is like saying that only one person claims on his house insurance but many more people are insured. Every potential user of legal services, as well as the much smaller number who use those services, is affected by the cuts.

The cuts will obviously affect families with children, and, perhaps less obviously, a married couple where one spouse is a non-earner. They will affect a single person with a child and a single or married person with a dependent relative. In some cases, the people who are treated most harshly will be those who are taken out of the system altogether, because they will lose the protection of the upper thresholds on contributions under the present scheme.

This is all being done to save money. The Attorney-General told my right hon. and learned Friend the Member for Aberavon (Mr. Morris) that about £7·5 million in a full year is involved. It speaks volumes of the Government that this cut is made in this way. Criticisms of the legal aid scheme have reached such a pass that the Lord Chancellor

has been sued collectively by the Bar in his own courts. Many skilled practitioners have expressed fears for the system's survival. It is no longer possible adequately to cross-subsidise legal aid work with other work, nor do I see why firms should have to do so.

Instead of taking money out of the system, the Government should have examined some of the false economies, bureaucratic delays and inefficiencies in the court system which increase the costs to the legal aid scheme and the client. The Lord Chancellor shows no inclination to look at those matters or at anything else that does not suit him.

The legal profession has expressed strong opposition to the cuts, not least because the extra expense will undoubtedly deter some people from seeking the professional advice that their situation requires. The profession has been outspoken in its criticism of the Government on this issue, but I shall conclude by cheering up the Solicitor-General by reading him some criticism, naturally unfounded, of the Opposition Front Bench on this issue. An article on 4 April in the *New Law Journal* refers to our deliberations. It is headed "Lords criticise legal aid cuts" and states:

"The recent cuts in legal aid eligibility have been criticised in the House of Lords but allowed through the Commons on the nod as the Opposition failed to mount a challenge."

It continued:

"The Commons did not consider the cuts at all. The Law Society, which has taken the lead in fighting the Government measures, is disappointed at the failure of the Opposition to arrange time for a debate. The Shadow law officers, John Morris QC and Nick Brown, had both indicated that they were against the new regulations."

Apart from anything else, I would not want readers of the *New Law Journal* to get the idea that I arranged debates in the Commons, although it would be satisfying to do so. Those who purchase that journal have a right to expect that the criticism in it is based on fact. Our prayers against the regulations were tabled a month before the article appeared. It is blatantly dishonest and an insult to the House, both Government and Opposition, to suggest that such an issue would not be considered by the Commons. Our objections were a matter of record, as was the Government's intention to find time—Government time, I hasten to acknowledge—for a debate.

I urge the Government even at this late stage to withdraw these cuts and instead to take a different direction, giving more measured consideration to the recommendations of the Lord Chancellor's advisory committee on legal aid and taking an overall view of all the legal aid system's problems rather than just filching money from it.

10.19 pm

Mr. Norman Miscampbell (Blackpool, North): I wish to make a short speech. I will not follow the speech we have just heard in detail. There are occasions on which I would argue that we are not facing up to our responsibilities on certain aspects of legal aid.

There are difficulties in the payment of lawyers appearing in court at a junior level. However, I wish to make one simple point and it ought to go out from the House tonight—we are not reducing legal aid. Since 1979 legal aid has doubled in real terms.

Mr. Stuart Bell (Middlesbrough): So what?

Mr. Miscampbell: One may equally ask what other aspects of Government expenditure have doubled in real terms since we have been in office.

Mr. Harry Ewing (Falkirk, East): What about unemployment?

Mr. Miscampbell: That is what I would describe as a good cheap point. This year we are spending £380 million on legal aid, which is an increase of 15 per cent. All those who have argued today—there has also been argument about the guillotine motion — about social security would be happy if there had been a 15 per cent. increase for other social services. This increase is five times what the Government have given to other areas.

The rise in the value of legal aid, which has occurred in the past six years, is in total contra-distinction to what happened under the last Labour Government. I do not wish to go back and back, but all the way through the seventies legal aid was starved. The only substantial increase occurred in the Labour Government's last months of office in 1979.

Nobody wants cuts of any kind and we would all argue against them. However, we have to face the fact that our resources are not limitless. We often listen to those who claim that Socialism is the language of priority, but Opposition Members are not facing-up to the fact that in spite of the difficulties—they know that I am prepared to argue the corner of education and social services—funding of the service has doubled. It has been recognised that only about 1,000 people are affected.

Mr. Alex Carlile (Montgomery): Does the hon. and learned Gentleman accept the Law Society's estimate that 9,000 people will be required to make a contribution to Legal Aid who were not previously required to do so? That is, a 20 per cent. increase in that category. What is his comment on that?

Mr. Miscampbell: I will certainly not argue on matters of detail. In principle, I accept what the hon. and learned Gentleman has said.

A quarter of million people receive legal aid. This issue must be put into perspective. At the top end of the scale, before one receives any legal aid, one is earning £13,000 a year and has two children. With four children, the level is as high as £16,000 a year. Of those who receive legal aid, 80 per cent. make no contribution.

We have heard of the calculations and reductions that are made. Although the Government are technically seeking reductions in certain areas we are applying our minds to our limited resources. In the past seven years we have doubled the value of legal aid in real terms. We are not in any realistic sense cutting legal aid.

10.24 pm

Mr. Alex Carlile (Montgomery): I hope that we can agree about the purpose of legal aid—it is designed to ensure access to the courts for those who cannot otherwise afford it. I am pleased to see the Solicitor-General nodding in agreement with that proposition. The regulations are evidence of the fact that the Government are choosing to dilute that principle.

I would welcome the Government reforming or rationalising the legal aid system to make it more efficient, effective and available to those who need it. That is

[Mr. Alex Carlile]

especially true for industrial tribunals, an area in which there is manifest injustice because of the problems of cost faced by applicants.

We welcome the opportunity to debate the regulations. The problem with them is that they attack the intended beneficiaries of legal aid. As the hon. Member for Newcastle upon Tyne, East (Mr. Brown) said, the regulations cut eligibility for legal aid for the first time for 36 years. The consequences are serious.

The regulations hit applicants with families—often those who, perhaps because they have dependants, have the greatest need of legal aid to right wrongs. A person might have been injured in a motor accident and be unable to maintain his previous level of work and support for his family. Such a case would be typical of those who will be affected by the cuts.

The cuts mean that people with dependants will find it more difficult to obtain their rightful legal remedies. They will be obliged to make larger contributions to their legal aid. The number of people who will have to contribute to their legal aid will increase, according to the Law Society's estimate, by as many as 9,000, or 20 per cent.

Mr. David Ashby (Leicestershire, North-West): If I heard the hon. and learned Gentleman correctly, he is suggesting that the typical person who will be affected is injured and out of work. Such a person would always get legal aid because he would not be earning and would probably be on supplementary benefit.

Mr. Carlile: The hon. Gentleman will know that there are many people whose livelihood, although not totally lost, is seriously affected by accidents such as I have mentioned. The hon. Gentleman knows from his experience in legal practice that claims for continuing loss of earnings are made in such actions. Many people might fall into that category and be affected by the changes.

Dependants' allowances, which are used in the assessment of financial eligibility, are to be cut by 16·6 per cent. and the annual allowance for a child of 16 or less will be reduced from £1,420 to £1,183. Perhaps the Government have found some miraculous means of bringing up children more cheaply. Is this a part of the Conservative economic miracle? If it is, perhaps the Solicitor-General would be kind enough to let the rest of us, who find that the cost of keeping our families is increasing, into the secret. I hope that the Solicitor-General will have the grace to admit that the effect will be felt exclusively by families with children, and that the larger the family, the harder it will be felt. The changes will affect especially families with three or four children and damage civil legal aid and the green form scheme.

As a London solicitor, an experienced legal aid practitioner and an expert on legal aid, Mr. Glasser, has said, the longer-term effect of this decision gives great cause for concern. The next supplementary benefits uprating has been announced and it will be just over 1 per cent. If average earnings continue to rise by over 5 per cent., next year there is likely to be a drastic fall in eligibility for legal aid in the foreseeable future, perhaps returning us to the situation that existed in the 1970s and which, it has to be said, was partially attributable to Labour Governments.

By making an important cut now in allowances for family groups most vulnerable to a drop in eligibility, the Lord Chancellor has ensured that, as the upper limit effectively drops towards the level around which most family incomes are distributed, the loss of eligibility for these family groups will be more rapid and sharp.

Mr. Derek Spencer (Leicester, South): The hon. and learned Gentleman used the "cut". Does he agree that, even after the present adjustment, the annual increase will be about 15 per cent.? Is not "cut" a rather curious word to describe that?

Mr. Carlile: I disagree entirely with the hon. and learned Gentleman. If one accepts the premise that legal aid is intended to give access to the law to those who would not otherwise have it, yet one is making the law less accessible to people who are on the income margins affected by these regulations, and if one is depriving some of them of legal aid altogether, then there is indeed a cut, as I am sure the hon. and learned Gentleman will understand, in the number of people who are having their rights wronged by the court. I spoke earlier of the Law Society's figure of 9,000 extra people required to make a contribution for the first time to their legal aid. There is a danger that we are talking not just about 9,000 people but about 9,000 potential injustices which those people will not be able to afford to have put right.

It is surprising that the Government are choosing this route of cutting legal aid for certain groups when similar savings might have been made by simplifying the method by which assessments are administered. The Rayner report suggested as far back as three years ago that that sort of simplification should take place. These regulations are in direct contradiction to the recommendations last year in the 34th report of the Legal Aid Advisory Committee, which recommended that there should be wider financial availability of legal aid and advice. It is not the first time that the Government have ignored the objective advice of advisory committees, and one fears for the future of that committee too. No wonder the Government tried to rush through these regulations when nobody was looking by laying them on the Table nearly two weeks before they were published by Her Majesty's Stationery Office.

These cuts are another example of cuts without consultation. One would have thought that the litigation about criminal legal aid fees that was recently before the courts, would have taught the Government a lesson about making cuts without consultation with the professions and agencies that help those who have to go to law or feel it necessary to go to law. Apparently the Government have not learnt the lesson of the need for consultation.

I am afraid that, however the Solicitor-General—I am sure with his usual style and elegance—dresses up the cuts in the regulations, he will be applying only thin wrapping. The hon. Member for Newcastle upon Tyne, East (Mr. Brown) correctly castigated the *New Law Journal* for one of its frequent inaccuracies. Perhaps I read it more often than he does and for that reason I am almost immune to the effect of those inaccuracies. Yet the *New Law Journal* rightly described the damaging effect of these changes. The Government ought to recognise that effect and withdraw the regulations because of their result for the ordinary people of this country.

10.35 pm

Mr. John Browne (Winchester): Before I begin my speech I should like to take this opportunity to congratulate

my hon. and learned Friend on the outstanding work that he has done since taking up the office of Solicitor-General. My brief experience of the law leads me to have nothing but enormous admiration for the work that he has done.

As the hon. and learned Member for Montgomery (Mr. Carlile) just said, legal aid is about justice. Justice is the greatest product that our nation has given to the world. The great problem with which the Lord Chancellor always has to contend is the price that has to be paid for justice. A very difficult balance has to be struck. I wish my hon. and learned Friend all good luck in continuing to assess this balance.

I should like to draw attention to two vital aspects in drawing this balance. The first is the impact of legal aid on the carriage of justice. The second is false claims.

I know of a case where a fraudulent claim almost resulted in a grotesque miscarriage of justice. My hon. and learned Friend will readily understand that access to legal aid can have a very distorting effect upon justice. If it is given only to one party to a legal dispute, effectively it provides an open cheque book to that party. If that party to the dispute decides to play a delaying game, it can outlast the other party. A gross miscarriage can occur, even before the case reaches the court, let alone comes before the court. Some thought must be given to this problem.

As for false claims, I understand that it is very difficult to examine the statement of means of an applicant for legal aid, at least before the trial. As I have already said, miscarriage of justice can often take place before a case comes to court. In order to examine statements of means, access should be available to both sides, or to Law Officers, before the trial. There are examples of people with very considerable assets who have filed claims. Either they have property or, what is less common but equally unfair, they have access to funds that may even take the form of overseas trusts. Surely they should be considered as part of the available assets in trying to aim for justice in allocating legal aid.

Legal aid offers considerable access to justice to people who are poor, but justice should not be offered to the poor alone. Justice must be available to all. That is the most important criterion that the Lord Chancellor's office must observe in the administration of legal aid.

10.38 pm

Mr. Stuart Bell (Middlesbrough): I am always grateful for the opportunity to follow the hon. Member for Winchester (Mr. Browne). I listened with some interest to his very kind remarks about his hon. and learned Friend the Solicitor-General. When he referred to the outstanding work that he has done, I thought that he was referring to the Westland affair. His sterling work reflects great credit upon him and his Department. I say that in all seriousness and with a great sense of purpose, though with not a little mischief.

The points that have been made on these prayers are important. Although I shall confine my remarks to the orders that relate to Northern Ireland, the fact is that the hon. and learned Member for Blackpool, North (Mr. Miscampbell) referred to the fact that legal aid cases since 1979 had doubled.

As a general rule I think it is right to say that we are following a pattern in the United States, where there is more litigation than there used to be and there are more people seeking to enforce their legal rights. As a consequence, it is not surprising that legal aid has had this increase—I think the figure has double since 1979. That is not necessarily such a bad thing. It means that more poeple are seeking to redress their grievances and are availing themselves of the legal aid system. Therefore, while the Government must look at this aspect of public expenditure, they must look at it in relation to the law as a whole.

I refer now, if I may, to the two statutory instruments concerning Northern Ireland. In the case of Northern Ireland, there is a great deal of concern, notably of such bodies as the Committee on the Adninistration of Justice, that with lower living standards in Northern Ireland and more numerous families any change in the formula by rmulawhich legal aid is calculated will harder hit those particularly in need. I will not go through the formula, because my hon. Friend the Member for Newcastle upon Tyne, East (Mr. Brown) has done that in his able speech in opening the debate.

It is as well in this instance to restate the principle on which aid is granted. The hon. and learned Member for Montgomery (Mr. Carlile) touched on that in his speech. In the first instance, when we are dealing with civil proceedings, the plaintiff must show that he has a case and that on its merits it is worthy of pursuit in a court of law. In the second instance, one has to calculate the basis on which legal aid is to be granted. It may well be that there is nothing in the regulations that prevents legal aid from eventually being granted, only it places the bar somewhat higher for poorer people. It may take some of them out of legal aid altogether. They will have been pushed through what is known as a threshold, that is, the eligibility limit. It may mean that their own contribution to the cost of the case is such that they cannot proceed.

Mr. Nicholls: On eligibility, a married man with four children would have to be earning in excess of £16,108 before he was deprived of legal aid entirely. That would mean that a Member of the House would qualify for subsidised legal advice out of the taxpayers' money. I know that the hon. Gentleman will admit that there has to be some priority in the spending of taxpayers' money. Can he in his heart of hearts be satisfied with a situation where a person can be earning that amount of money and still qualify for subsidised legal advice?

Mr. Bell: The essence of legal aid is to provide funds for those who need them before a court. There was a recent case of a murder trial where an airline pilot had an income of £100,000. Nevertheless, he was able to be given legal aid. The principles of the calculation of legal aid and its attribution are complex. What we are dealing with tonight is a clear principle of a clear reduction coming from the Lord Chancellor's Department from 50 per cent. to 25 per cent. based upon a supplementary benefit contribution. We are trying to narrow the debate to how it will affect people at the bottom end of the social scale.

When I was referring to the fact that the people who come forward for legal aid have a case and that is accepted when the legal aid is granted, what is to happen to those who find themselves unable now, because they have in a sense fallen off the bottom end, to get legal aid? Their sense of grievance, the grievance that they seek to redress, they can no longer take to the court. What are they to do with it—are they to spend the rest of their lives with a

[Mr. Bell]

sense of bitterness that they could have gone to a court and, now that the criteria for legal aid have changed, they are not able to prosecute their case before the courts?

In 1984-85 there were 14,500 applications for civil legal aid in Northern Ireland. That was, indeed, a 16 per cent. increase in the previous year. Criminal legal aid is treated differently in Northern Ireland from the way in which it is treated in the rest of the United Kingdom, like so many other things. The applicants for criminal legal aid are not asked to make contributions once they have satisfied a so-called means test.

In the past in Northern Ireland lawyers, interest groups and legal aid groups have been involved in an advertising campaign to try to persuade people to seek legal aid and advice. They emphasised that access to such advice was easy. It is hardly surprising that the increases in eligibility levels undermine the image that those groups are trying to create—that legal aid is there for all with a grievance, with the minimum restriction on calculating disposable income. Equally, the increases in the eligibility levels reinforce the prejudice against legal institutions which the pressure groups were trying to break down.

It is felt equally that the cuts will have a more severe effect on women in Northern Ireland, many of whom need legal advice on marital breakdown and who need to take out matrimonial injunctions. Of course, women are more likely to find themselves in a low pay structure and will be less willing to seek advice because their contributions to legal fees will inevitably increase.

The changes which the Government propose also inflict a penalty on those who work. The unemployed in Northern Ireland will still mercifully be able to receive free legal aid, but those on low wages, who stay off the dole, are also likely to have legal problems. They too will have to make a higher contribution towards legal fees.

My hon. Friend the Member for Newcastle upon Tyne, East (Mr. Brown) has dealt with the effect of the orders on certain categories. For example, a married couple with three children would qualify for free aid if their income is £4,847; now the level will be £4,442. A single parent with two dependants would qualify for legal aid with an income of £5,529; this level has been reduced to £5,240.

What is all this about? Conservative Members who have intervened in the debate to try to explain that this is not a cut have shown a kind of psychosis. Of course, it is a cut. The hon. and learned Member for Montgomery made the point that it is designed to save the Exchequer money. *The Times* quoted a figure of £7·5 million a year. It is the long arm of the Treasury reaching out to reduce legal aid because expenditure on it has increased since 1979. Anyone would think that money spent on legal aid was going abroad. After all, since 1979, if that is to be our benchmark, £70,000 million has gone abroad and the Government congratulate themselves on that figure. Every penny spent on legal aid not only assists those who are in pursuit of justice but never leaves our shores and is part and parcel of the economy.

My hon. Friend the Member for Newcastle upon Tyne, East said that it is all to do with saving money. The Lord Chancellor has said that legal aid cannot be considered in isolation from the many other competing demands on public expenditure. His remarks in another place have found an echo in this Chamber tonight. It is useless for the Government to argue that public expenditure is for ever on the increase when they nitpick their way to reductions by hitting the very people who have no need to be hit—the people at the lower end of the social scale who are as much entitled to legal aid as anyone else who can meet the criteria on disposable income.

The Law Society has been mentioned in this brief debate. It is on record as saying tht the cut would hit particularly poorer married couples with children. The Legal Aid Advisory Committee, which is the Lord Chancellor's legal watchdog, has said that the cuts would "hit people least able to protect themselves".

One studious commentator has described the moves of the Lord Chancellor's Department as "a rationing device".

I draw my remarks to a close with a series of general observations. The order before the House tonight is a financial device — no more or less. It is aimed at reducing the amounts paid out in legal aid, and the entire legal aid budget has been estimated at £320 million a year. The purpose and intent of this money is to assist those who wish to appear before the courts. Their actions or defences cannot be regarded in purely financial terms. The money is there to assist in the redress of grievances.

I would hesitate to criticise the Lord Chancellor. We all know the profound regard that he has for our legal traditions and the law of the land, but his profession has had to keel haul him before the Lord Chief Justice on a matter of payment of legal aid to barristers. To add insult to injury, the Treasury has demanded from his eminent Lord Chancellor's purse a £7 million reduction in legal aid.

The cuts must mortify the Lord Chancellor, as they do the Members in the Chamber tonight. In the end, it is the small things that count. To be sure, the Government will one day be judged on their wider record, but for this evening they shall be judged on their erosion of the principle of legal aid, their attack on vulnerable people who need all the help that they can get before the courts, and on their disregard for justice and desire to deny it to all. Drop by drop, they say, the cup is filled. For this Government, the cup must be close to running over.

10.53 pm

Mr. David Ashby (Leicestershire, North-West): I must declare an interest as a lawyer. The legal aid fund is being increased by £380 million, which is a 15 per cent. increase on previous years, and five times the budget rate of increase in Government expenditure nationally. Money circulates. When it goes into legal aid, part of it comes back into the lawyers' pockets in one form or another. Of course, all those who have spoken, including the hon. and learned Member for Montgomery (Mr. Carlile), will benefit to some extent from this.

I understand the Government's deep concern, because since 1979 expenditure on the legal aid scheme has doubled in real terms. That is a worrying figure. If we consider it as against other Government expenditure—realising that legal aid is not different from education or anything else and is part of the national cake—we must conform with other expenditure. It cannot go on for ever expanding. There are other competing interests in Government expenditure, and we must be worried about that. That worry is exemplified in the regulations. There have been sensible and good reasons for some of that expenditure. Formal arrangements, such as the duty solicitor scheme in magistrates courts, have been introduced. The Police and Criminal Evidence Act

introduced the 24-hour duty solicitor scheme for suspects in custody. That will be an expensive scheme. Another example is the extension device for proceedings in the mental health review tribunal.

As the hon. and learned Member for Montgomery said, the purpose of the legal aid scheme is to provide access to the courts for those who would be unable to have that access but for legal aid. That is a noble and proper purpose.

I hope that my record in the House in speaking on matters of concern and civil rights is matched by the Opposition. They have no right to claim that they are the only ones who are worried about civil rights, any more than Conservative Members do. We have spoken many times on the subject. It is wrong for us to think that there is equality before the law as obviously there is not.

For the very poor or for those who are not very wealthy, there is access to legal aid and to the courts. The very wealthy also have access to the courts. However, the vast number of people in the middle have to think long and hard before they have access to the courts. They must pay for advice and go some way down the line before they settle their cases as they simply cannot afford the costs or the risk of going to litigation. Those people are not and have never been eligible for legal aid.

Under the legal aid scheme a man with two children can earn a little more than £13,000 before losing his entitlement to legal aid and the limit for a man with four children is £16,000. Those figures represent middle incomes. While I accept that there may be some people who will lose out as a result of those limits—and my hon. Friend the Member for Teignbridge (Mr. Nicholls) referred to 1,000 people being affected—a large number of people, the silent majority which we always hear about, cannot in civil proceedings afford to have easy recourse to the courts.

Mr. Humfrey Malins (Croydon, North-West): While I entirely accept my hon. Friend's point that the civil courts are a venue which present some difficulty to some middle income earners, does my hon. Friend agree that there is still a good system of legal aid operating in the criminal courts and that it is rare to find a man on a charge before a criminal court who is unfairly treated in the granting of legal aid? Does he also accept that there is much to be said for telling the huge international concerns which come to this country to use our courts that it is time that they paid their way in our courts?

Mr. Ashby: As I have been discussing civil matters, I agree that this country is often selected as a venue for commercial court matters as ours is the best law and we should be justly proud of that. In a sense, such actions are importers of money to this country and they act as an invisible earner. However, there is a case for a charge on the use of the courts by such international concerns. There is, of course, to some extent already a charge as the writs are costly. But some of these actions go on for some considerable time, and that aspect could be examined. That could have extensive ramifications as hitherto access to the courts—not to the lawyers but to the use of the courts—has been an undeniable right of everyone. Any changes in such matters would be fundamental and must be given very careful consideration.

I wanted to discuss the criminal legal aid scheme because I have considerable experience of its workings. I am appalled at the way in which legal aid is sometimes doled out by the courts. There is inadequate investigation of those who are granted legal aid. I frequently represent people who I discover during the trial are rather wealthy. Often the criminals know how to manage their affairs so that their wives and girl friends technically own property which belongs to the criminals. There are insufficent resources to investigate those who are granted legal aid to discover whether they are truly eligible for it. Too often, the word of the criminal is taken at face value.

It would be valuable if those who grant legal aid sat in court and heard what criminals say when they give evidence, because frequently they let the cat out of the bag. Recently, a client of mine said, "I was not there at the time; I was on my motor yacht." The fact that he had a motor yacht did not appear on his legal aid form. Judges are too slow to pick up such evidence. Judges should examine legal aid applications when they hear such evidence and refer them straight back with a transcript so that the matter is corrected.

Mr. Spencer: Does my hon. Friend agree that, 20 years ago, the privately paid case in the criminal courts was comparatively common? Nowadays it is comparatively uncommon, but defendants are much better off.

Mr. Ashby: I could not agree more. However, too often, legal aid is granted, the assessment is made later and people might be assessed almost to a 100 per cent. contribution. Those people should not be on legal aid at all. They are not eligible for legal aid, but it is doled out without too much thought.

Recently, a court in north London started to examine carefully all legal aid applications, but what happened? The court was picketed by Left-wing lawyers, who would not allow the court to do its proper job. They urged that legal aid be made freely available to all, regardless of their financial means. That is another example of the difficulty of administering the scheme.

Courts should take a strong line; they should examine legal aid applications minutely and they should be ready to reject applications. That would increase the amount of money available to those who need it, which is how the legal aid system should work.

Another example that has been mentioned in the debate is divorce. In divorce cases, legal aid is freely available to both parties. Couples fight tooth and nail in the courts and wil l not settle or accommodate each other. They can afford to be unreasonable because they both receive legal aid. The Law Society should examine more carefully some of those cases and should be more prepared to withdraw legal aid if the parties are being unreasonable. That would save the legal aid fund a great deal.

More money is being spent on legal aid, but great savings could be made if legal aid was granted with more care.

11.3 pm

Mr. Harry Ewing (Falkirk, East): The hon. Member for Leicestershire, North-West (Mr. Ashby) has put the debate in a nutshell. The debate is about the Government's attempt to save money on legal aid. The hon. Gentleman said that he favoured the proposals because they would lead to a saving in the money spent on legal aid, which reinforces the point made by my hon. Friend the Member for Newcastle upon Tyne, East (Mr. Brown) in opening the debate.

[Mr. Harry Ewing]

The hon. and learned Member for Blackpool, North (Mr. Miscampbell) said that expenditure on legal aid had doubled since 1979. That is simply because there are far more poor people now than there were in 1979; more people qualify for legal aid than did in 1979; there are more people with legal problems than there were in 1979. In many ways, the reason why legal aid expenditure has doubled since 1979 lies in the Government's policies, which have inflicted all these problems on people from Land's End to John O'Groats. The cost of legal aid has, of course, escalated in line with the increase in the problems faced by people throughout the country.

The hon. Member for Winchester (Mr. Browne) made a point that I just do not believe can be substantiated. It does not stand examination — the idea that, because someone has access to legal aid, somehow or other it could lead to a miscarriage of justice or a wrong verdict.

I have found that, in my years here, debates on legal aid——

Mr. John Browne *rose*——

Mr. Ewing: I shall give way in a minute.

Debates on legal aid have been made up of lawyers and those of us who, like myself, bring common sense to these matters. I just make the point that legal aid is not for the lawyers; it is for the clients. These statutory instruments tonight are not damaging the lawyers, they are damaging the clients.

Mr. John Browne: I did not mean to insinuate that judges would make a wrong decision because of legal aid. I have the very highest respect for the judiciary. What I was saying was that a miscarriage of justice could occur even before the case got to court because the person without legal aid could be frozen out: he could not afford to let matters escalate along with the one who had access to legal aid. It was not a question of the judge but of justice in the absolute.

Mr. Ewing: I am grateful to the hon. Member for Winchester for that extended explanation, that a miscarriage of justice might occur because the litigant without legal aid would be frozen out.

Turning briefly to the two instruments dealing with Scotland, I am sure that the Minister will appreciate that it is a tragedy that these instruments have been introduced at a time when we have a Legal Aid Bill, which attempts to reform the legal aid system in Scotland, which has just passed its stages in the other place and which is about to come to the House for our consideration and then go into Committee. The Government, and particularly the Scottish Office, have got it absolutely wrong in introducing these instruments, which will deny access to legal aid, if the figure of 9,000 for England and Wales is correct, for about 1,000 people in Scotland.

That is a not significant number. I know that hon. Members are inclined to suggest that 1,000 people is not many, but it is a very high percentage of those who find themselves before the court. The true percentage is related not to the total population but to the number of those who find themselves before the court.

Right hon. and hon. Members who represent English and Welsh constituencies will appreciate that the legal aid system in Scotland is different from that in England and Wales. For instance, criminal legal aid in Scotland is granted by the court on the first appearance of the accused before the court. We have had recent instances where the court has refused legal aid because of the criteria used —the criterion of means and the criterion of whether it is in the interests of justice. There have been recent cases in Scotland where the court has refused to grant legal aid because, in the view of the court, it would not have been in the interest of justice to grant it.

The position is different in respect of civil legal aid, where the application goes before the legal aid committee. An attempt is being made in the Bill that will shortly come before the House to submit applications for criminal, as well as civil, legal aid to the legal aid committee. A number of other changes in the legal aid procedures are also proposed in that measure.

My hon. Friends and I regard it as a tragedy that these instruments should have been introduced to apply throughout the United Kingdom, because they will mean that people who do not now make a contribution to legal aid costs will have to contribute in future. But for Scotland, this is a particularly inopportune time to introduce such provisions, when we are about to consider a piece of legislation that will radically alter the legal aid procedure in Scotland.

We condemn what the Government propose tonight, and that is why we shall vote against the proposals tonight.

11.11 pm

The Solicitor-General (Sir Patrick Mayhew): Although this has been a short debate — or perhaps because of that — important and succinct points have been made by hon. Members on both sides of the House. I am grateful to the hon. Member for Newcastle upon Tyne, East (Mr. Brown) for understanding my desire not to speak immediately following him but to reply to the debate, thus enabling more hon. Members to take part.

I was overwhelmed by the compliment paid to me by my hon. Friend the Member for Winchester (Mr. Browne). Law Officers are always grateful for any such compliments that come their way. He made another serious point when he said that the real question was the price that had to be paid for justice. It is indeed difficult to determine whether there is a right price.

My hon. Friend's main point is a matter of great seriousness in some instances. He pointed out that the grant of legal aid could, if not granted following proper scrutiny, constitute or give rise to injustice. Those with practical knowledge of the courts will agree that a legally aided plantiff with a nil contribution can exercise what does not fall far short of a blackmailing power over somebody with a good defence because he has nothing to lose in a pecuniary sense. I will draw to the attention of the Lord Chancellor my hon. Friend's plea for greater scrutiny of applications for legal aid.

That point was also made, though in a different context, by my hon. Friend the Member for Leicestershire, North-West (Mr. Ashby), who spoke of dishonest applications for legal aid. It is not sufficiently understood that if somebody believes, perhaps as a party, that a fraudulent or dishonest application for legal aid has been made and has succeeded, it is open to him to draw the attention of the Law Society, the DHSS or the Lord Chancellor's Department to his suspicions, and they will be investigated. Indeed, information of that kind would be welcomed.

Mr. John Browne: The access to the information or the instigating of an inquiry seems to occur after the trial. Is it possible that that opportunity would occur before or during a trial?

The Solicitor-General: That can be done at any time.

The hon. Member for Middlesbrough (Mr. Bell) said something very kind, for which I am grateful. However, he proceeded to a discussion of the conditions in Northern Ireland. The essence of what he said was that in Northern Ireland there was a disproportionate number of people on lower living standards and that they would be harder hit by the effect of these orders. All that I can say that has any relevance to tonight's discussion is that traditionally Northern Ireland has followed Great Britain in the financial limits for legal aid. If there is a discrepancy now, it is probable that there was a discrepancy previously. The hon. Gentleman may want to raise that question on a future occasion, but, with respect, I do not think that it is at the centre of what we are discussing tonight.

The hon. and learned Member for Montgomery (Mr. Carlile) twitted the Government. He said that what we are doing is contrary to the recommendation of the legal aid advisory committee and that there were numerous instances of the Government failing to follow the objective advice of independent committees. I remember that last night we spent some time on the discussion of the rectitude or otherwise of the Government following the advice of an independent committee. The hon. and learned Gentleman is very versatile in his criticisms. I discovered that he voted against the Government last night and voted against the Auld report. However, we have to do what we can. We try to please some of the people some of the time. I am grateful for all the other contributions to the debate, and I shall come to them shortly.

It is true, and it would be idle to deny, that the change represented by the regulations is unwelcome. Of course it is unwelcome. It would be equally idle to deny that there is any reason for it except a financial one. Of course that is the reason. However, I think that the House would want to assess fairly the merit or demerit of the change made by the regulations. If it is to do that, it will want to see the change in its context.

The context is the very swift acceleration in the cost of the legal aid scheme each year. Of course we have to acknowledge that the change is in part because it is demand-led. That point was made by the hon. Member for Falkirk, East (Mr. Ewing). In one sense, I think that it is a tribute to the Lord Chancellor's very effective programme for the increase in the number of courts. Each year so many more legal aid cases are being disposed of and that increases the cost. However, as my hon. and learned Friend the Member for Blackpool, North (Mr. Miscampbell) said, after the change has been made which came into force on 12 March, we shall be spending £380 million on legal aid in this financial year. That is twice the amount spent in 1979, after allowing for inflation.

I shall be coming to the improvements we have made to the legal aid scheme. Although part of the cost is due to its being demand–led, part is also due to the improvements we made but our predecessors did not.

Mr. Alex Carlile: I think that I heard the hon. and learned Gentleman mention the increase in the number of courts. Some Conservative Members said that what we are discussing tonight is not cuts. In the context of those comments and of what the Solicitor-General has just said about the increase in the number of courts, is he aware that on the Wales and Chester circuit, which covers the whole of Wales and Cheshire, there is to be a cut of about 20 per cent. in the number of Crown court sittings in this financial year because the Lord Chancellor's Department has been ordered by the Treasury to make cuts in its budget? The result of those cuts on the circuit will be that one fifth of the court sittings will cease. Is that consistent with the boast the hon. and learned Gentleman makes about the Government providing more courts?

The Solicitor-General: The hon. and learned Gentleman will want to raise that — perhaps he has already done so — with the Lord Chancellor. The administration of each circuit is a matter for him. It is indisputable that there has been a substantial increase in the number of courts and court cases over the past five years, and that has played its part in the cost of the legal aid scheme.

The increase in what we shall be spending in legal aid is 15 per cent. this year over last year, five times the projected increase in Government spending on a national scale, as a whole. Such a rate of increase could not be permitted to go unrestrained, especially when, as my hon. Friend the Member for Leicestershire, North-West said, so many of the competing demands on Government expenditure on social budgets, among other things, are very worthy in their nature. If the House is being fair, it will acknowledge that it is impossible for legal aid to be looked at in isolation from other demands made upon public expenditure.

I believe that my hon. Friends and I have already said enough in this short debate to establish that we are not cutting spending on legal aid. We can argue about whether we are cutting legal aid, and I suppose that if one narrows to any extent the eligibility in any single class, however narrow, it can be said that one is cutting legal aid. What matters is whether there is any cut in the expenditure on legal aid. Far from it. All that there is is a reining in on the rate of increase, to save £7·5 million.

I have acknowledged, because it is fair to do so, that legal aid is demand-led, but a further reason for increased expenditure is that the Government have substantially extended the scheme; hence its cost. I was disappointed to find that the Government were being painted by the Opposition Front Bench as being anti-legal aid. I fear that that charge compels me to make a comparison between the record of this Government and that of their predecessor. The hon. Member for Falkirk, East made no mention of any improvement, but mention has been made on the Conservative Back Benches.

My noble Friend the Lord Chancellor has introduced formal arrangements for the duty solicitor scheme in magistrates' courts and he has set up the 24-hour duty solicitor scheme for suspects held in custody, and found the resources. The scheme is making steady progress in Birmingham where there is 100 per cent. coverage. Coverage is 60 per cent. in most of the country. It is my noble Friend who has made provision for interim payments for legally aided work, for counsel and solicitors; it is he who has extended assistance by way of representation to proceedings in the mental health review tribunals; it is he who has increased the capital allowance for ABWOR, as it is horribly called, to £3,000 from £800——

Mr. Nicholas Brown: Small beer.

The Solicitor-General: Well, why was that not done before?

Our predecessors never charged the legal aid scheme with those desirable things. One understands why — because they are expensive, and no doubt the Labour Government had other priorities for their expenditure. It is just that we have found the will and the way.

Mr. Malins: Small beer may be mentioned, but does my hon. and learned Friend accept that professionals are deeply grateful to the Government for the work done for the green form legal aid scheme? The extension and general improvement of the scheme has made an enormous difference and improvement to members of the public who need the scheme and to lawyers. It is a magnificent advance.

The Solicitor-General: I am grateful to my hon. Friend, who is a distinguished practising solicitor. I know that what he says is true.

I therefore suggest to the House that, for a Government supposed to be hostile to legal aid, we seem to have developed a most wayward habit of extending it. By a corresponding paradox, the Labour party, which one understands to be very much in favour and so well disposed towards the scheme, contrived when it was in office, consistently, year after year, to overlook the opportunities that we have been able to take.

This year we have felt obliged to rein in on the extra cost of legal aid. We could have done it by reducing the scope of the scheme. That would have been much more damaging and highly regrettable. We could have reduced the remuneration of practitioners. The Lord Chancellor is hardly noted for a lavish attitude towards fees at the moment, and that would have been self-defeating. We could have made a general reduction in financial limits. That would have affected vastly more people than have been affected by the regulations.

The effect of the measures was described by my hon. Friend the Member for Teignbridge (Mr. Nicholls). A thousand or fewer people out of 250,000 who annually apply for legal aid will be taken out of the legal aid net altogether — less than 0·5 per cent. They will all be people who would have been paying contributions at the higher rate. Eighty per cent. of people who receive legal aid in civil matters pay no contribution. We estimate that that percentage will decrease, but not below 75 per cent. The 5 per cent. affected by the change will be required to pay a small amount.

The hon. and learned Member for Montgomery said that about 9,000 people will be affected, Our best estimate is that it will be about 4,500 people. Anyone on supplementary benefit or anyone whose income is around the supplementary benefit level will still pay nothing. Even those who will be brought into contribution who now receive free legal aid, as well as those who pay contributions and will pay slightly more, have the right, if necessary, to pay by instalments. Frequently, legal aid contributions of £10 a month are paid over two years. That effectively and considerably softens what has been painted as a crippling blow.

There is no self-evidently right level for the relationship between eligibility levels for legal aid and those for supplementary benefit. We have to try to follow the principle that no one should contribute more than he can reasonably be expected to afford. I do not make any apology on the Government's behalf for the fact that the poorest members of society have top priority for legal aid. That is the spirit in which the regulations were formulated and in which I commend them to the House.

Question put:—

The House divided: Ayes 107, Noes 176.

Division No. 143] **[11.25 pm**

AYES

Adams, Allen *(Paisley N)*
Alton, David
Ashdown, Paddy
Atkinson, N. *(Tottenham)*
Beith, A. J.
Bell, Stuart
Benn, Rt Hon Tony
Bennett, A. *(Dent'n & Red'sh)*
Blair, Anthony
Boothroyd, Miss Betty
Boyes, Roland
Brown, Gordon *(D'f'mline E)*
Brown, Hugh D. *(Provan)*
Brown, N. *(N'c'tle-u-Tyne E)*
Caborn, Richard
Callaghan, Jim *(Heyw'd & M)*
Campbell-Savours, Dale
Canavan, Dennis
Carlile, Alexander *(Montg'y)*
Clark, Dr David *(S Shields)*
Clarke, Thomas
Clay, Robert
Clelland, David Gordon
Cook, Frank *(Stockton North)*
Cook, Robin F. *(Livingston)*
Corbett, Robin
Corbyn, Jeremy
Craigen, J. M.
Cunliffe, Lawrence
Davies, Ronald *(Caerphilly)*
Davis, Terry *(B'ham, H'ge H'l)*
Dewar, Donald
Dixon, Donald
Dobson, Frank
Dormand, Jack
Douglas, Dick
Dubs, Alfred
Duffy, A. E. P.
Eadie, Alex
Eastham, Ken
Evans, John *(St. Helens N)*
Ewing, Harry
Fatchett, Derek
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Foster, Derek
Foulkes, George
George, Bruce
Godman, Dr Norman
Golding, John
Hamilton, James *(M'well N)*
Hardy, Peter
Haynes, Frank
Hogg, N. *(C'nauld & Kilsyth)*
Home Robertson, John
Howells, Geraint
Hoyle, Douglas
Hughes, Sean *(Knowsley S)*
Hughes, Simon *(Southwark)*
John, Brynmor
Johnston, Sir Russell
Kaufman, Rt Hon Gerald
Kirkwood, Archy
Lamond, James
Leadbitter, Ted
Lewis, Terence *(Worsley)*
Livsey, Richard
Lloyd, Tony *(Stretford)*
Lofthouse, Geoffrey
Loyden, Edward
MacKenzie, Rt Hon Gregor
McNamara, Kevin
McWilliam, John
Madden, Max
Marek, Dr John
Marshall, David *(Shettleston)*
Martin, Michael
Maxton, John
Michie, William
Miller, Dr M. S. *(E Kilbride)*
Morris, Rt Hon J. *(Aberavon)*
Oakes, Rt Hon Gordon
O'Brien, William
Patchett, Terry
Pendry, Tom
Pike, Peter
Powell, Raymond *(Ogmore)*
Radice, Giles
Raynsford, Nick
Redmond, Martin
Robertson, George
Robinson, G. *(Coventry NW)*
Rogers, Allan
Rowlands, Ted
Short, Mrs R. *(W'hampt'n NE)*
Silkin, Rt Hon J.
Skinner, Dennis
Stott, Roger
Strang, Gavin
Thomas, Dr R. *(Carmarthen)*
Thompson, J. *(Wansbeck)*
Wallace, James
Wareing, Robert
Wigley, Dafydd
Winnick, David
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Chris Smith and
Mr. Allen McKay.

NOES

Alison, Rt Hon Michael
Amess, David
Arnold, Tom
Ashby, David
Aspinwall, Jack
Atkins, Rt Hon Sir H.
Atkinson, David *(B'm'th E)*
Baker, Nicholas *(Dorset N)*
Baldry, Tony
Batiste, Spencer
Beaumont-Dark, Anthony
Bellingham, Henry
Benyon, William
Best, Keith
Blackburn, John
Blaker, Rt Hon Sir Peter
Boscawen, Hon Robert
Bottomley, Mrs Virginia
Bowden, A. *(Brighton K'to'n)*
Bowden, Gerald *(Dulwich)*
Boyson, Dr Rhodes
Brandon-Bravo, Martin

Brooke, Hon Peter
Brown, M. *(Brigg & Cl'thpes)*
Browne, John
Budgen, Nick
Bulmer, Esmond
Burt, Alistair
Butcher, John
Carlisle, John *(Luton N)*
Carlisle, Kenneth *(Lincoln)*
Carlisle, Rt Hon M. *(W'ton S)*
Carttiss, Michael
Cash, William
Chapman, Sydney
Clark, Dr Michael *(Rochford)*
Clark, Sir W. *(Croydon S)*
Clarke, Rt Hon K. *(Rushcliffe)*
Colvin, Michael
Conway, Derek
Cope, John
Corrie, John
Couchman, James
Cranborne, Viscount
Currie, Mrs Edwina
Dorrell, Stephen
Dover, Den
Durant, Tony
Dykes, Hugh
Eggar, Tim
Evennett, David
Eyre, Sir Reginald
Fairbairn, Nicholas
Fallon, Michael
Fletcher, Alexander
Forsyth, Michael *(Stirling)*
Garel-Jones, Tristan
Goodlad, Alastair
Gower, Sir Raymond
Grant, Sir Anthony
Griffiths, Sir Eldon
Grylls, Michael
Hampson, Dr Keith
Hannam, John
Harris, David
Hayward, Robert
Heseltine, Rt Hon Michael
Hind, Kenneth
Holland, Sir Philip *(Gedling)*
Holt, Richard
Howarth, Gerald *(Cannock)*
Hubbard-Miles, Peter
Hunt, David *(Wirral W)*
Hurd, Rt Hon Douglas
Lawler, Geoffrey
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lord, Michael
Luce, Rt Hon Richard
Lyell, Nicholas
McCurley, Mrs Anna
MacKay, Andrew *(Berkshire)*
MacKay, John *(Argyll & Bute)*
Major, John
Malins, Humfrey
Malone, Gerald
Marlow, Antony
Mates, Michael
Mather, Carol
Maude, Hon Francis
Mawhinney, Dr Brian
Mayhew, Sir Patrick
Mellor, David
Merchant, Piers
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Miscampbell, Norman
Mitchell, David *(Hants NW)*
Moate, Roger
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morris, M. *(N'hampton S)*
Moynihan, Hon C.
Neale, Gerrard
Neubert, Michael
Newton, Tony
Nicholls, Patrick
Norris, Steven
Osborn, Sir John
Ottaway, Richard
Page, Richard *(Herts SW)*
Patten, Christopher *(Bath)*
Pawsey, James
Pollock, Alexander
Portillo, Michael
Powell, William *(Corby)*
Price, Sir David
Raffan, Keith
Raison, Rt Hon Timothy
Renton, Tim
Rhodes James, Robert
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Ridsdale, Sir Julian
Rifkind, Rt Hon Malcolm
Roberts, Wyn *(Conwy)*
Robinson, Mark *(N'port W)*
Roe, Mrs. Marion
Rossi, Sir Hugh
Ryder, Richard
Sackville, Hon Thomas
Sayeed, Jonathan
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Shersby, Michael
Sims, Roger
Skeet, Sir Trevor
Soames, Hon Nicholas
Speed, Keith
Speller, Tony
Spencer, Derek
Spicer, Jim *(Dorset W)*
Squire, Robin
Steen, Anthony
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stradling Thomas, Sir John
Sumberg, David
Taylor, John *(Solihull)*
Terlezki, Stefan
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thurnham, Peter
Townend, John *(Bridlington)*
Trippier, David
Twinn, Dr Ian
Viggers, Peter
Waddington, David
Waldegrave, Hon William
Walden, George
Waller, Gary
Ward, John
Wardle, C. *(Bexhill)*
Watson, John
Watts, John
Wheeler, John
Whitfield, John
Whitney, Raymond
Wilkinson, John
Winterton, Nicholas
Wolfson, Mark
Wood, Timothy

Tellers for the Noes:
Mr. Archie Hamilton and
Mr. Tim Sainsbury.

Question accordingly negatived.

Members' Interests

Ordered,

That the Standing Order of 16th December 1983 relating to the nomination of the Select Committee on Members' Interests be amended, by leaving out Mr. Patrick McNair-Wilson and inserting Mr. Michael McNair-Wilson.—*[Mr. Lennox-Boyd.]*

Chorley Hospital

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Lennox-Boyd.]*

11.37 pm

Mr. Den Dover (Chorley): I rise to raise a most important matter that concerns my constituency—the utterly inadequate hospital facilities at Chorley. My hon. Friend the Member for South Ribble (Mr. Atkins) may well join us, but he has a heavy cold.

The Royal Preston hospital has been built to the north of Preston at a cost of many tens of millions of pounds. Local inhabitants believe that it was built in entirely the wrong position. It might have been put there to provide some Lancaster university medical school teaching facilities, but the population growth has been to the south of Preston, in the boroughs of Chorley and South Ribble. The population in those boroughs is now more than 190,000, as compared with the town of Preston's 120,000 and the adjacent West Lancashire district council's 120,000.

We believe that the Royal Preston is in the wrong place. Spending on hospital facilities, in accordance with the Central Lancashire new town plan, should have been south of Ribble and Preston. When launching the new town, Richard Crossman said that all the basic infrastructure should and would be provided during the life of the new town, which has just been disbanded. All the infrastructure —roads, sewers, gas and electricity—is there, except proper hospital facilities in the southern part of the Central Lancashire new town.

The population in the boroughs of Chorley and South Ribble is rising, whereas it is falling in every other district health authority in the north-west. Why do we not have adequate hospital facilities in Chorley and in South Ribble? A few years ago, when we reorganised the Health Service along the lines of district health authorities, the Minister of Health was helpful and Chorley and South Ribble health authority was formed in April 1982. At that date we expected the start of the major phase 3 work at Chorley to be about now, four years later, but the current date is 1989-1990 and I have reason to believe it may have been put back to 1991 or 1992 or even later.

The new district health authority was set up against massive opposition from the north-western region which did not want us to be separated from Preston. Lancashire area health authority, a remote body, did not want Chorley and South Ribble splintered off. I have already said that our population is now more than 50 per cent. larger than both Preston and South Lancashire, the two adjacent boroughs. The Department of Health has been fair in the allocation of resources to the north-west over the last five or ten years. It has used the resource allocation working party to feed additional percentage resources into the north-west.

My complaint is about the attitude of the north-western regional health authority to the districts. Large conurbations in the Greater Manchester area have over-provision of health authority services and there is under-provision in the shire county of Lancashire. I want to speak about that imbalance. Believe it or not, in Chorley we have no medical beds. We have no orthopaedic beds, no pathology services and totally inadequate X-ray facilities.

This is a new district health authority catering for some 190,000 people. West Lancashire, which is next to us, has had all the facilities for several years and is getting a new major phase of work which is basically designed to renew those facilities. Areas in which there are no facilities should be served first before we set about renewing facilities in other areas.

As I have said, in some areas of Greater Manchester there is massive over-provision of health facilities. I should like to compare the number of beds provided per 1,000 of population. In Chorley and South Ribble, the figure is 129 beds for 190,000 people; West Lancashire, 400 beds for 120,000 people; and Preston more than 1,000 beds for the same number of people, 120,000. That is a massive imbalance. One might say that we have the Royal Preston hospital and have spent tens of millions of pounds on it. What should we do? We do not want inadequate usage of those facilities, but we should be changing its role slightly so that it becomes a regional specialty centre, perhaps moving cardiology from Blackpool to Preston. That is the sort of role that the Royal Preston should play in future, rather than asking people from Chorley and South Ribble to go through or around Preston to go to it.

Access to the Royal Preston is appalling. Many of my constituents have a round trip of up to 30 miles and that takes them two to two and a half hours by public transport in each direction. As well as the cost, especially if more than one member of the family goes there, and of course people visit every day, that is unacceptable in today's world where we are saying we want a local health service run locally for the benefit of local people.

The region has a 10-year strategy programme. That is set out in a well-produced document and on page 20 the overall aims in the 10-year programme are summarised. Two of those aims are:

"(iii) To correct major deficiencies in the availability of health care

(iv) to ensure a more equal access to services by people throughout the region, no matter where they live;"

I have already highlighted the inadequacy of some parts of the provision of health care. As for access, in the Greater Manchester area nobody is more than six minutes from a major hospital. That has to be contrasted with Chorley and South Ribble, where one is at least 15 to 20 minutes, at speed, away from the Royal Preston hospital, the nearest major hospital.

The capital spending allowances in Chorley and South Ribble are inadequate. It has the lowest revenue budget expenditure per 1,000 members of the population. Last summer, the region changed its priority criteria and said that it would allocate capital spending if districts are able to make revenue savings. We cannot do so. Chorley and South Ribble has the lowest revenue budget of all. It would do so if it could, but it is impossible for it to make savings.

A summary of the situation shows that in the last seven years since this Government came to power the starting date of 1984-85 or 1985-86 has been pushed back to 1991-92. That shows that, every seven years, the starting date is being deferred by seven or eight years. If those trends are projected forward, by the year 1992-93 the starting date for the major upgrading, phase 3 works, costing about £20 million, will have been put back to the year 2000. In other words, the works may not start until the next century.

The people of Chorley and South Ribble will not accept that. There have been marches of 20,000 people and petitions galore. There have also been all sorts of hospital

crusades. I applaud the efforts of those who have complained about the lack of facilities. The casualty service is now open each day from 9 o'clock in the morning until 8 o'clock at night, but Ormskirk and the Royal Preston are open for 24 hours a day. This imbalance in hospital services is unfair.

After the Minister for Health visited the north-western region last July, he wrote a letter to the regional chairman in which he said:

"You told me of your planned capital developments which are fundamental to resolving the problems of equality of access and confirmed that the capital programme has this as a prime objective."

As a back-up—paragraph 2(iv)—he said that the region was going to

"Submit a full 10 year Capital Programme reflecting the policies and priorities contained within the Regional Strategic Plan and in particular show how this will take into account the need to address the current imbalance of service provision to facilitate equality of access."

I have referred to the unfortunate imbalance in access and to the lack of facilities. They are the matters that I am raising in this debate.

One might say that it is up to the region to allocate priorities between its various districts. I accept that but, as in so many other aspects of a Member of Parliament's job, there are appeal procedures. Every time that these matters are raised with the region, we face the same brick wall, the same stone wall, the same nil response. An officer from the Department of Health and Social Security should take a look at this as an independent observer. Chorley and Ribble could give evidence and the region could give evidence. I am sure that the observer would accept what I have said this evening and would say that something should and must be done about the lack of medical facilities and the lack of reasonable access.

As a fall-back, the provision of private funding ought to be looked at. Too often we say that this must be met by Government spending—in other words, by the taxpayer. Is it right and proper that although many Government Departments rent office accommodation throughout the country, the private sector is not allowed to provide buildings and rent them to us? Something happened a few years ago in Sussex. Perhaps Chorley should follow that model.

We will do everything possible to achieve the earliest possible starting date for the Chorley upgrading work. I hope that the Under-Secretary of State will at least keep an open mind and not turn down the possiblity of somebody coming along and taking an independent look at the problem.

11.49 pm

The Parliamentary Under-Secretary of State for Health and Social Security (Mr. Ray Whitney): I am glad to have the opportunity to respond to my hon. Friend the Member for Chorley (Mr. Dover) and to congratulate him on using the possibilities of the debate to bring before the House the problem of the expansion and upgrading work of Chorley hospital. My hon. Friend's assiduity in pursuing the interests of his constituents, particularly in the health sphere, is well recognised, and it was certainly well demonstrated in his remarks tonight.

It will not be possible for me to respond in detail to all the points that my hon. Friend has made, because it would not be fair to him for me to give an instant response particularly to one or two of the interesting proposals that he has made. However, I assure him that I will consider them most carefully in conjunction with my right hon. Friend, and carry them further in due course.

I recognise the justified concern which my hon. Friend has about the delays in starting work on phase three of Chorley district general hospital. Phase three is a major development which is likely to cost something of the order of £21,295,000 which will transform Chorley hospital into what we all understand as a proper district general hospital.

As my hon. Friend has told the House, at present his constituents in Chorley and south Ribble district have to look to the new Preston royal hospital for acute services. This is a fine £22 million hospital which was opened in 1983 by Her Royal Highness the Princess of Wales. This arrangement remains since before 1982 when Preston, Chorley and South Ribble were one district. My hon. Friend understandably wants Chorley to have its own hospital and for his constituents to enjoy the same access to health services as people in other parts of the region which are undoubtedly better provided for.

In regard to the north-west as a whole, my hon. Friend recognised that we have, indeed, increased massively the health services in the north-west region as a whole under this Government. It is better funded and managed, and treating more patients than ever before. Since 1978-79, health service spending in the region has increased from £380 million to £809 million in 1984-85. That in real terms represents a growth of 19·6 per cent. Taken together with the region's allocation for 1985-86 and 1986-87, the current financial year, the expenditure in real terms in the region is forecast to rise by some 21 per cent.

As regards capital allocation, there is a good story to tell. I recognise the point that my hon. Friend makes about allocation within the region, but it is important to set that in context. The north-west region has the second highest capital allocation in England, amounting in 1986-87, the current financial year, to £71·52 million. On a per capita basis, the region's basic capital allocation works out at £14·89 for every man, woman and child in the region compared with an English average of £12·70. However, the problems and inequalities exist.

My hon. Friend drew the attention of the House to the question of access. In this respect, his constituents in Chorley and the people in South Ribble fare poorly compared with the better-off districts in the north-west region, notably Manchester and Trafford. I have to say that that they are not the worst off, and their access rate for all surgical specialties is slightly above the regional average because of their closeness to the new Preston royal hospital.

The region says—with which I hope my hon. Friend will agree—that it must build to make it possible for people to have better access. Hospitals have to be in the right place. Over-bedded districts must yield up resources for developments in deprived districts. I believe that this is happening and that, recognising as I do the disappointments, across the region great progress has been made. In particular, acute beds are being rationalised from Manchester. Indeed, Ministers are openly supporting the authorities in Manchester who are carrying through this change so that all the people, no matter where they live in the region, can have more equal access to health services.

The key to the whole process is making better use of existing buildings. But the region has found that in order

[Mr. Ray Whitney]

to do this it will need to build in some already comparatively well-off districts. If the new buildings are cheaper to run than the old and if revenue and capital resources will be released, this makes sense. This is why, when the capital programme was drawn up last year, the highest priority was given to schemes releasing a considerable level of revenue savings, at least £100,000 per annum. So, the region has been told that Ministers will agree to such developments only if, first, it can be shown that the resources released will benefit deprived districts and, second, it is monitored by the region and the Department. The region has accepted that.

I can appreciate my hon. Friend's concern, as phase 3 at Chorley appears to have slipped back in time. I understand that what has happened is that the region's capital programme was drawn up with some over-commitment built into the early years. The regional health authority took the view that for planning reasons over-commitment can act as an incentive to progress and assist in ensuring that the regional health authority can respond to slippage, so that maximum use is made of capital allocations. On this basis, the date previously shown for Chorley's hospital was the earliest possible date, if other things did or did not happen. I understand that everybody at Chorley, and in other districts, appreciated that there was over-commitment in the early years.

After a year's experience Sir John Page, who recognises fully the problems and concerns voiced so well by my hon. Friend, decided that this was not sound resource management or the best way to cope with slippage. Instead, the region is now to publish a 10-year programme which is affordable and realistic and in which the over-commitment will be eliminated as far as practical. The regional health authority is shortly to consider a new capital programme on this basis. Phase 3 is now proposed for 1990-91. I understand that this does no more than confirm the realistic starting date for the scheme, were there to have been no slippage under the old programme. I am assured that my hon. Friend now has no need for further conjecture on future delays—there is no question of it being the year 2000. Chorley phase 3 has a fixed priority in relation to other schemes which will not be changed.

To complete the picture, I should say that my officials are considering with the Treasury the region's plans for phase 3. This is a clear indication of the regional health authority's commitment to the scheme. I assure my hon. Friend that no unnecessary delays will stand in the way of formal approval in principle for the scheme.

What I have been able to say will by no means have satisfied my hon. Friend, but I hope that he accepts that the north-west region and Ministers have a deep concern to establish a capital programme soundly based on the regional strategy. That strategy is committed to reducing the inequalities of access throughout the region. My hon. Friend should recognise that, to achieve this, resources must be released from comparatively well-provided districts to facilitate developments in relatively deprived districts. That is happening. I assure my hon. Friend that we shall continue, in co-operation with the regional and district health authorities to ensure that that progress continues. I shall study the proposals which my hon. Friend has made to the House and will be in touch with him shortly.

Question put and agreed to.

Adjourned accordingly at two minutes to Twelve o'clock.

House of Commons

Wednesday 16 April 1986

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

TRADE AND INDUSTRY

Airbus

1. **Mr. Colvin** asked the Secretary of State for Trade and Industry if his Department has had any further discussions with British Aerospace about the proposed new Airbus programmes.

The Minister for Information Technology (Mr. Geoffrey Pattie): Discussions between my Department and British Aerospace about the proposed new Airbus A330 and A340 programmes are continuing. Much work on the market assessment, technical definition and costings of the proposed new programmes is currently being done within Airbus Industrie and the partners. The Airbus Industrie supervisory board will review progress when it next meets in June, and on the basis of the decisions then reached it will be for the board of British Aerospace to make a final decision on participation.

Mr. Colvin: If and when my hon. Friend is called upon to consider launch aid for future Airbus projects, will he bear in mind the $47·5 billion of support which the American aerospace industry has received from American Government agencies over the past 13 years?

Mr. Pattie: Yes, indeed. My hon. Friend makes a useful point. It is not often appreciated, or the United States aerospace industry chooses not to draw attention to the fact, that expenditure of the sort that my hon. Friend mentioned, usually channelled through the Department of Defence, is made to the United States aerospace industry.

Mr. Stern: Will my hon. Friend ensure that when the figures are available for the new Airbus programmes, both in terms of estimated market share and of costings, as compared with the launch aid that will be applied for by British Aerospace, they will be published, because my constituents and those of my hon. Friend the Member for Kingswood (Mr. Hayward) and others in the Bristol area will be more than anxious to look at those figures in detail?

Mr. Pattie: It would be unwise of me to give my hon. Friend a guarantee at this stage that market forecasts that the company may wish to maintain on a confidential basis will be published, but I am sure that both my hon. Friends will be involved in whatever consultations the company chooses to have at that time.

Mr. Park: May we take it that those discussions will not be protracted unnecessarily and that we shall have as quickly as possible a decision on whether the Government will assist Airbus?

Mr. Pattie: Indeed, I can give the hon. Gentleman and the House the assurance that he seeks. I hope that he understood or heard the chronology that I set out in my first answer—that the Airbus Industrie supervisory board has not yet taken a formal decision. The partners are working on the proposal.

Mr. Wilkinson: Is not a new favourable factor the fact that the Rolls-Royce engine—the five-nation consortium V2500 power plant—could be available for the A-330 and A-340 as it is for the new Airbus A-320, and, as the Government have put launch aid into the V2500, will my hon. Friend seek by his policies to maximise the return on that investment?

Mr. Pattie: That will always be our aim, but the Airbus Industrie consortium will be looking at the engine options as plans are drawn up for those two possible new aeroplanes.

Mr. Geoffrey Robinson: Is the Minister aware that it is widely acknowledged throughout the industry that the project will go forward and that, while the technical and market assessments are proceeding as they are, there is no doubt in the mind of Airbus Industrie that this is a crucial project on which a commitment will be needed, and that by the middle of this year British Aerospace will be required to say not merely that it intends to continue with its part of the project, but that it has the finance available to do it? In that context, will he make it clear to the House today that the Government will consider and back on its merits an application, which is sure to be forthcoming from British Aerospace, and will not exclude it from serious consideration by the Department?

Mr. Pattie: We have already said what the hon. Gentleman is asking us to say, but I am glad to repeat it. Of course we would consider such a proposal. However, I was hoping to give the impression that we are going further than that by not waiting for British Aerospace to put the proposal into us. At this stage we are working with British Aerospace in the development of the assessment and the proposals.

Sir Anthony Meyer: Will my hon. Friend consider the project not only on its own considerable merits but as the best example of European co-operation to withstand industrial competition from the United States of America?

Mr. Pattie: That is one of the bases for the Airbus Industrie consortium and it underpins the marketing of its products.

Gomba Holdings

2. **Mr. Foulkes** asked the Secretary of State for Trade and Industry what action he is currently taking in relation to assistance to Gomba Holdings or any of its linked companies; and if he will make a statement.

The Parliamentary Under-Secretary of State for Trade and Industry (Mr. Michael Howard): I am not at present taking any action in relation to assistance.

Mr. Foulkes: Given the fiasco over the ownership of Wembley stadium and the strange circumstances

surrounding the move of Gomba-Stonefield from Cumnock to Rochester just before it was declared an enterprise zone, and, above all, given the very strange circumstances of the £21 million loan from Johnson Matthey Bankers to Gomba, should there not be a departmental investigation into Gomba's affairs? Is pressure from the chairman of the Conservative party stopping such an investigation?

Mr. Howard: I note that the hon. Gentleman wrote to my predecessor, my hon. Friend the Member for Edinburgh, Central (Mr. Fletcher), about this matter as long ago as 11 March 1985. The hon. Gentleman was then asked to provide my hon. Friend with any information that he thought relevant to an inquiry, but declined to do so.

Mr. Foulkes: The Minister has had it.

Mr. Howard: The House will treat the latter part of the hon. Gentleman's question with the contempt that it deserves.

Mr. Skinner: Does the Minister not realise that this matter needs to be treated a little more seriously? We are talking about a man called Shamji who, on behalf of Gomba companies, went to the constituency of my hon. Friend the Member for Carrick, Cumnock and Doon Valley (Mr. Foulkes) and promised to find work for hundreds of people in his area. The Government gave Shamji taxpayers' money to assist in that matter, but he then decided not to do any such thing, pocketed the money and went off to an enterprise zone. Incidentally, he was the first man in Britain to know that an enterprise zone was to be established at Strood, near Rochester. How did he discover that information? This is a scandal of such proportions that it is time the Department had a proper investigation to see what is happening to taxpayers' money.

Mr. Howard: Any information that merits an inquiry will be taken into account, but not the sort of matter to which the hon. Gentleman has referred.

Mr. Skinner: Do not kid us all. Stand up Tebbit's friends!

Mr. Speaker: Order. I will ask hon. Members to stand up.

Mr. Skinner *rose*——

Mr. Speaker: Order. Stand up Mr. Alan Clark.

Mr. Skinner: They are not all Tebbit's friends. The hon. Member for Harrow, East (Mr. Dykes) is not one.

Multi-fibre Arrangement

3. **Mr. Patchett** asked the Secretary of State for Trade and Industry if he will make a statement on the current state of negotiations on the multi-fibre arrangement.

6. **Mr. Waller** asked the Secretary of State for Trade and Industry if he will make a statement about the outcome of the general agreement on tariffs and trade textiles negotiations at Geneva.

The Minister for Trade (Mr. Alan Clark): On 11 March the Community agreed on a negotiating mandate for renewal of the MFA. There was a meeting of the GATT textiles committee in Geneva on 3 April. Further meetings will be held with the objective of concluding negotiations before the end of July. I shall continue to keep in close touch with the industry and other interested parties as the negotiations progress.

Mr. Patchett: Why has the EEC agreed a negotiating mandate that allows an increase in imports of between 4 and 6 per cent. when it is anticipated that there will be a mere 1 per cent. increase in domestic growth? Will that not affect jobs in the British textile industry?

Mr. Clark: I am confident that the negotiating mandate that has been agreed still gives our industry a very considerable measure of protection. In my consultations with the industry, both before and since, I have been satisfied that it is reasonably content with that. But the two percentages that the hon. Gentleman has set against each another are not at all comparable. Consumption is increasing by 1 per cent. The hon. Gentleman quoted the figure of 6 per cent., but quota imports account for only 10 per cent. of consumption.

Mr. Waller: Is my hon. Friend aware that the United States Administration appear to be taking a much more restrictive approach to the negotiations than is the European Community. What assessment has he made that frustrated MFA exports to the United States may be diverted to the much more open Community market, and what action does he believe the Community should take in response?

Mr. Clark: It remains to be seen whether the posture of the United States Government is translated into action in their attitude to this question. I am satisfied that the Community's position is as restrictive, if that is the word that the hon. Gentleman welcomes, as we could have expected and as we could have achieved. It is within those confines that any diversion of imports from the United States would be restricted.

Mr. James Lamond: Does the Minister recall that in his article in *The House Magazine*, which was a little belated—no doubt that was not his fault—he hinted that some sort of trade-off had been done when the mandate was agreed and that we would allow more imports into this country in return for greater access by our exports to other countries? May I remind the Minister again that many tens of thousands of jobs have already been lost in the textile industry and that large numbers are still at risk if we do not get a proper, good and strong multi-fibre arrangement?

Mr. Clark: Yes, I fully accept what the hon. Gentleman said. I am well aware of the jobs that are at stake in this area. However, I must point out that domestic production, United Kingdom consumption and United Kingdom exports have all increased. It would not be realistic, and it was never envisaged when the multi-fibre arrangement was first set up, that it should be set in its existing form indefinitely. I think that it is useful for us to have the possibility of setting progressive, selective liberalisation of the arrangement against increasing the prospects of British exporters in other markets and other sectors.

Mr. Nicholas Winterton: Is my hon. Friend aware that his last answer will be very disappointing to those of us who have put a great deal of confidence in his good sense and national interest in the British manufacturing industry? Does he not agree that he has indicated that there has been a sell-out of our textile and clothing industries on the altar of high technology industries? Those high

technology industries do not employ the very large numbers of people who are employed in textile and clothing, which are excellent industries. Will he perhaps, even at this late stage, ensure that the interests of a substantial employer are safeguarded in the ultimate MFA agreement?

Mr. Clark: Naturally I am sad to have disappointed my hon. Friend, whose robust pronouncements, on these topics I always welcome. I caution my hon. Friend that to use the words "sell-out" to describe what I regard as a very satisfactory solution, given the pressures and possibilities that were originally envisaged, is using ammunition that he may well have found more useful and effective under conditions that did not eventuate. It is wrong to attempt, without discrimination, to safeguard industries simply because they are old fashioned, have not modernised or have a high employment content when it is our business to open the possibilities for British exporters in every sense. I would not for one moment accept the inference that the industry is being sold out. My hon. Friend is using language that is not justified by the facts.

Mr. Ashdown: As the Minister has just hinted, there will be pressure at the forthcoming lateral trade negotiations to ensure that the regulation of textile trade is brought back within the GATT procedures after the end of MFA 4 in return for an extension of GATT rules to the service sector. Will he make it clear that if such a move were to be made it would be Her Majesty's Government's intention to use article 19 of GATT and to require the renegotiation of article 11 of GATT to be brought into operation in such a way as would protect our most vulnerable sectors?

Mr. Clark: I cannot predict the course of the GATT negotiations, in which both concession and advantage will be traded with the interest of the United Kingdom industries at every level in the market.

Mr. Brandon-Bravo: In balancing our domestic objectives with a desire to help the Third world, does my hon. Friend agree that the purchasing power of our people, of which employment in the textile trade plays a large part, is a factor in our ability to buy products from the Third world? Does he agree that any damage to our employment base would not help the Third world or us?

Mr. Clark: I entirely agree with my hon. Friend. That was very much at the forefront of our minds in concluding the form in which the mandate has been settled.

Mr. Madden: Is the Minister not aware that the Government's undue haste in agreeing the negotiating mandate has given rise to extensive suspicions within the industry that it is being sold out? Does he not recognise that the British textile and clothing industries are together our fourth largest manufacturing concern, employing more than half a million men and women, many in areas of high unemployment, and that their export efforts are excellent? Will the Minister give a clear undertaking that the British Government will in no way sacrifice the interests of these very important industries for any other considerations whatsoever?

Mr. Clark: Again, the hon. Gentleman is using the language of hyperbole, which is not justified by the situation. He says that the industries suspect that they are being sold out. I have been in consultation with them both before and since, and no one has ever used that phrase, or anything like it, to me. Indeed, people have expressed their satisfaction with the form that the mandate has taken.

Mr. Sims: Will my hon. Friend confirm that within the Community context the British Government represent the interests of the Hong Kong Government? Will he bear in mind that Hong Kong offers an open market to goods from the United Kingdom and in the past has made a considerable sacrifice of quota, which has not in fact given any benefit to undeveloped countries?

Mr. Clark: Yes, one of the central elements in the mandate has been that exporting countries which have liberal regimes and do not restrict our imports have been treated more generously than those which still retain restrictive barriers.

Mr. John Smith: Does the hon. Gentleman not understand that the industries' concern arises from what appears to be a virtual abandonment of safeguards, and a permitted quota growth six times higher than the projected market growth in some of the most sensitive sectors? There is also the possibility of the United States taking a very tough line. Does the Minister not realise that the fears are justified, and that the earlier optimism about his personal stand is being eroded day by day as he continues to mouth the viewpoint that he once derided from the Back Benches?

Mr. Clark: I am amazed that the right hon. and learned Gentleman can speak as he does. If he considers the facts, and considers what actually appears in the mandate—he knows that I cannot disclose the whole of the mandate on the Floor of the House, but I shall be perfectly prepared to discuss it with him—and if he discusses the matter with industries he will find that the mandate has been negotiated on a basis that is relatively restrictive—and much more restrictive than was originally conceived.

Mr. Spencer: While the industry in Leicester looks forward to a sensible new arrangement, is my hon. Friend aware that there are textile manufacturers in my constituency who export to Hong Kong, and does he not agree that no amount of protectionism is a substitute for enterprise?

Mr. Clark: Yes, that is absolutely true. I drew the attention of the House to the achievements of the industry. When I told my hon. Friend the Member for Macclesfield (Mr. Winterton) that it was not our purpose to protect old-fashioned industries, I did not intend to include the textile industry generically. The arrangement is a safeguard within the cover of which the whole industry can modernise. Its achievements in that field are reflected in the very things that my hon. Friend has mentioned.

Steel Industry

4. **Mr. Michie** asked the Secretary of State for Trade and Industry if he will make a statement on the current performance of the steel industry.

The Minister of State, Department of Trade and Industry (Mr. Peter Morrison): I am greatly encouraged by the improvements in performance achieved by the steel industry, which is now among the most efficient in Europe.

Mr. Michie: Will the Minister accept that there have been about 40 per cent. of job losses in the United

Kingdom as compared with the EEC? The new Phoenix 3 in Sheffield has shed 50 per cent. of its jobs. This morning the Sheffield city council reported 24 per cent. unemployment in Sheffield. Is the Minister satisfied with that? Will he assure us that the industry will no longer be subject either to the EEC regime or to the Government's policy?

Mr. Morrison: I accept what the hon. Gentleman says. However, if he considers the alternative, I hope that he will commend to the country the enourmous increase in productivity that has taken place in the steel industry. Productivity has increased by nearly 100 per cent. since 1979. That ensures jobs rather than the reverse. That is how we should view the position.

Mr. Michael Brown: With reference to the latter point, will my hon. Friend contrast the current performance of the steel industry with its performance in 1979?

Mr. Morrison: As my hon. Friend probably knows, in 1979-80 the steel industry lost about £538 million, and today it is in profit. That is a remarkable achievement, for which I pay tribute to the work force and the management.

Mr. Crowther: Does the Minister recall that during the long Phoenix 2 negotiations some engineering companies, which then had two choices of supplier, said that they would probably have to look overseas for second sourcing if a United Kingdom monopoly were established? Now that this has happened in the form of United Engineering Steels Ltd, will his Department monitor the position to establish whether there is any loss of orders to overseas companies?

Mr. Morrison: I gladly concede the hon. Gentleman's point. Equally, I hope he will accept that it is important that United Engineering Steels Ltd. is as competitive as possible so that the dilemma which may be faced does not arise.

Mr. McQuarrie: Does my hon. Friend agree that the labour force at Ravenscraig steel works has continued to carry out its work efficiently and effectively in the light of the loss of Gartcosh? Will he assure the labour force at Ravenscraig of the Government's confidence and of their guarantee that the steel works will continue to exist beyond the two years which the British Steel Corporation has guaranteed?

Mr. Morrison: I accept what my hon. Friend said about the labour force at Ravenscraig. As he knows, the future of the Ravenscraig works is secured unitl 1988. That is the present position.

Mr. Williams: Obviously, the Opposition welcome the improvement in the steel industry. The Minister has just said that the industry must be as competitive as possible. How does he reconcile that objective with the fact that the Government have endorsed the new EEC steel regime, under which the British Steel Corporation loses its direct state assistance, but Continental countries will continue their indirect subsidy? As the BSC gets only £1 for every £6 received by the Italian steelmakers, and for every £8 received by the French and the Germans, he must accept that that makes the corporation immediately less competitive. At the same time, the Minister has agreed to the removal of minimum pricing, so removing the safety net. On the eve of Brussels pressing for even more cuts in steel capacity, what are the prospects for British Steel as a result of his action?

Mr. Morrison: I am surprised at the right hon. Gentleman's question, not least because the British Steel Corporation would tell him that the deal which was secured in Europe was successful and satisfactory to the corporation. Having said that, I agree with him that it is important to ensure—the Commission agrees with this—that there is fair trading.

Takeovers and Mergers

5. **Mr. Dykes** asked the Secretary of State for Trade and Industry if he will outline the Government's takeover and merger policy in the wake of the recent spate of large-scale takeover and merger attempts by British and foreign companies in the United Kingdom.

The Secretary of State for Trade and Industry and President of the Board of Trade (Mr. Paul Channon): Our policy on takeovers and mergers is that references to the Monopolies and Mergers Commission should be made primarily on competition grounds. This has been our consistent policy since it was announced by my right hon. Friend the then Secretary of State in July 1984 following a review of mergers policy.

Mr. Dykes: I thank my right hon. Friend for that answer. With the recent spate of takeovers, notwithstanding considerations of size, keeping jobs, expanding jobs and the percentage concentrations of products, does he agree that there is a need for further clarification, if possible? Is there not all the difference in the world between genuine takeovers and mergers that are undertaken for reasons of improved management, building up assets, genuine investment and increasing employment and those large-scale financial takeovers that appear to be undertaken only for financial reasons, asset-stripping, or City rapaciousness of one sort or another? Does that not give the whole business a bad name? Conglomerates are getting bigger for its own sake—for reasons of empire-building. Will my right hon. Friend try to guide the House towards providing a more coherent policy?

Mr. Channon: I think that the policy is coherent. We had a review of this in 1984, and I think that it is right. The policy that has been consistently followed is that references to the commission should be made primarily on competition grounds and not inevitably, but nearly always, on the advice of the Director General of Fair Trading. That is the policy that I have followed, as have my two predecessors.

Mr. Benn: Will the Secretary of State consider referring Mr. Rupert Murdoch's empire for examination under the criterion of competition? Mr. Murdoch owns nearly 30 per cent. of British newspapers, *The Sun, News of the World, The Times* and *The Sunday Times*. He has acquired American citizenship since he bought those papers to permit him to make a further acquisition in the United States. He then sacked 6,000 print workers, who had made him a profit of £50 million in the previous year. He is able to rely upon hordes of policemen, paid for by the taxpayer, every night to enforce his will, and increase his profits, which he is then able to export abroad. Is that not a case for further investigation?

Mr. Channon: I understand the right hon. Gentleman's views, but he will not expect me to share them. I have no plans for such an investigation.

Mr. Fletcher: Is it not a fact that competition policy has evolved in recent weeks so that companies are now given several bites of the cherry over the prospect of reference to the MMC? If that is the case, will my right hon. Friend explain to the House how companies should react to this new situation, because previously the competition authorities were dealing with merger references in a different way?

Mr. Channon: My hon. Friend has great experience in this matter, but I have to disagree with him. It has always been possible to obtain confidential guidance from the Director General of Fair Trading, in appropriate cases, and, just as when he was dealing with this matter, the decision whether to refer a case to the Monopolies and Mergers Commission is nearly always taken in accordance with the advice of the Director General of Fair Trading, and is almost always, if not always, to do with reasons of competition. Nothing has changed in that regard since my hon. Friend played such a part in this area.

Mr. Wrigglesworth: Does the Secretary of State agree with his hon. Friend the Member for Harrow, East (Mr. Dykes) that the spate of takeovers and mergers that is going on at the moment is offensive to many people and has no logic or justification in terms of benefit to consumers or to those working in the enterprises? Will he consider a change in competition policy to make the machinery much more streamlined than it is, placing the burden of proof for the justification for the merger on those proposing it, and giving individuals and companies the right to take anti-competitive practices to the courts?

Mr. Channon: There is a case for a general review of competition policy that might cover mergers policy as well. I do not accept what the hon. Member says about the recent spate of merger activity. By following the policy that I have outlined, the Government have been consistent and have not, as has been alleged, acted arbitrarily in any way. There has been a consistent policy, which in the long term has been in the interests of all concerned.

Mr. Maples: Regarding a possible takeover of parts of BL, can my right hon. Friend explain what vital national interest is at stake in keeping Land Rover in British ownership?

Mr. Channon: There is another question on the Order Paper about that specific subject. My hon. Friend referred to the Monopolies and Mergers Commission. If there were to be a relevant sale of Land Rover, that would have to be considered by the Director General of Fair Trading, and I would have to consider his advice.

Mr. John Smith: Does the Secretary of State not understand that the public are puzzled at the Government's lax and complacent view as merger mania proceeds apace? Is it not a marked characteristic of the present state of affairs that companies are driven to go for short-term profits, rather than for long-term investment, so as to fob off predators who are after them? As these are mainly takeovers rather than mergers, would not a much tougher takeover policy assist not only wider choice in this country but a much stronger industrial strategy, bearing in mind that the Government do not have one?

Mr. Channon: The right hon. and learned Gentleman will not expect me to agree with that. His case would be stronger were it not for the fact that the volume of total fixed investment in this country has risen to an all-time high. Last year it was a record £60 billion. That included non-oil business investment which rose also by 7·5 per cent. last year to reach an all-time high. So there is no evidence whatsoever that there is insufficient fixed investment in this country.

Mr. Speaker: We are making very slow progress. May I ask for brief questions and briefer answers?

Alnwick and Amble

8. **Mr. Beith** asked the Secretary of State for Trade and Industry whether he has any new proposals to assist industrial development in the Alnwick and Amble area.

Mr. Peter Morrison: At present, no, Sir.

Mr. Beith: How long are these communities to suffer rates of unemployment higher than in many assisted areas while not gaining the benefits available to assisted areas? Now that the vice-chairman of the Conservative party has joined the chorus of those who believe that it was a mistake to exclude the areas from benefit, will the Minister realise that this is a special case and consider it again?

Mr. Morrison: The hon. Gentleman has pushed the case of Alnwick and Amble very sincerely over a long period. I am aware of the position. I am aware also that the level of unemployment has risen in that part of the country.

Industrial Development

9. **Mr. Pike** asked the Secretary of State for Trade and Industry when he next proposes to meet the Trades Union Congress to discuss industrial development.

Mr. Channon: I and other Ministers of my Department meet representatives of the TUC at meetings of the National Economic Development Council, where such questions arise regularly.

Mr. Pike: Will the Government take positive steps with the TUC to encourage industrial growth and get people back to work, recognising the importance of manufacturing industry to the economy and recognising that many people feel that the TUC and the Labour party have better policies than the Government to deal with the problem?

Mr. Channon: There are not many of those.

Mr. John Smith: What about Fulham?

Mr. Channon: We shall see. I shall resist the right hon. and learned Gentleman's provocation and answer the question. The hon. Member for Burnley (Mr. Pike), who referred to manufacturing industry, will be pleased to know that manufacturing investment has risen considerably, as have manufacturing output, manufacturing productivity and manufacturing exports. The pospects for growth in the economy are very good.

Mr. Richard Page: When my right hon. Friend meets the TUC, will he go out of his way to point out that low inflation and stable prices will do more for industry than anything else? Will he remind the TUC of the effect of

high inflation at 20 per cent. plus when the Labour party was in power and of the consequent problems for British industry?

Mr. Channon: Yes, Sir. If there were to be a Labour Government, which God forbid, there would be rising inflation, worse competitiveness, increased taxation, fewer incentives, less profitability, more state intervention, more burdens and less enterprise.

Mr. Williams: Will the Secretary of State tell the House whether manufacturing investment or manufacturing production has yet reached the level that his party inherited when it came to office?

Mr. Channon: I can only say to the right hon. Gentleman, as I have told him before, that since the depth of the recession, manufacturing productivity is up 34 per cent., exports are at a new record, output is up and investment is up. All that good news is what the right hon. Gentleman and his colleagues hate to hear.

Japan

10. **Mr. Phillip Oppenheim** asked the Secretary of State for Trade and Industry what measures are being taken to encourage Japan to increase imports of manufactured goods and processed agricultural products.

Mr. Alan Clark: Both the Government and the European Community, the latter with our encouragement and full support, have welcomed recent Japanese measures to increase their imports, but are pressing for more urgent implementation of these measures and for a forecast of their impact.

Mr. Oppenheim: Now that the Government have accepted the principle of reciprocity in financial services, will my hon. Friend consider extending that principle to other areas, such as telecommunications?

Mr. Clark: Yes; my hon. Friend's suggestion is useful. Each case has to be considered on its merits and we have to weigh the advantages and disadvantages.

Mr. Neil Hamilton: Is my hon. Friend aware that Japanese overseas trade missions apparently have instructions to encourage imports into Japan? Can my hon. Friend suggest any reason why, in contrast to the aggressive success of their export drives, those who are charged with responsibility for encouraging imports from western European countries into Japan seem to have such little success?

Mr. Clark: There are two obstructions. There are social factors and the attitude of importers in Japan, and there are obstructions of a tariff and non-tariff kind. There is a rather slower approach to what can be done about the former compared to what can be done about the latter. It is the latter to which we are directing our attention.

Mr. John Townend: Can my hon. Friend tell me what progress, if any, has been made about removing discrimination against Scotch whisky in the Japanese market?

Mr. Clark: Very little.

Regional Development

11. **Mr. Dixon** asked the Secretary of State for Trade and Industry what steps he proposes to take to improve industrial development in the regions.

Mr. Channon: The best prospects for industrial development in the regions lie in the Government's economic policies, which are creating conditions for sustainable growth in jobs and output. In addition, many parts of the regions are eligible for regional assistance in recognition of their specific difficulties.

Mr. Dixon: As a result of the economic policies of the Government and the cuts in regional grants, the northern region has the highest level of unemployment in Great Britain. Will the Minister and the Secretary of State ensure that the newly formed Northern Development Company will have adequate resources and positive ministerial support to get on with the job?

Mr. Channon: I do not agree with the first part of the hon. Gentleman's question. As my hon. Friend said a few moments ago, the combination of a low rate of inflation and increased growth provide the best base for the economic prospects of the country. It is too early to comment about the Northern Development Company, but I shall certainly study what the hon. Gentleman said about that.

Mr. Fallon: Does my right hon. Friend accept that the worst proposition for the northern region would be any kind of enhanced role for local government, whose record has been one of high rates, poor quality housing, haphazard commercial development and a general lack of interest in any kind of enterprise economy?

Mr. Channon: That is a helpful contribution and I shall study it carefully.

Mr. Dormand: Does the Secretary of State agree that in regions such as the northern region, where there is a successful employment agency, it is either best left alone or given further encouragement by the Government? Is he aware that the Department of the Environment is proposing to abolish the three new town corporations in the north-east? They have an excellent record and have produced thousands of new jobs in the last six or seven years. Will he consult his colleagues and use his influence to stop this nonsense of abolition?

Mr. Channon: The hon. Gentleman will not expect me to comment on that. It is a matter for my right hon. Friend and I shall discuss it with him in the light of what the hon. Gentleman has said.

Mr. Conway: The progress made by the Government's regional development policy surely cannot be challenged, but will my right hon. Friend bear in mind that the emphasis in the regions must be on inward investment and that the nation does not benefit by the movement of investment away from constituencies such as mine in Shrewsbury to development areas. That certainly does not help the national economy.

Mr. Channon: I understand my hon. Friend's views about that. As he says, it is important for us to try to encourage inward investment. I am glad to say that in the north-east there are one or two cases which I hope will be significant.

Mr. Gordon Brown: Why will the Minister not give funds to the Northern Development Company when even the Institute of Directors is now supporting Labour's policy of a northern development agency? Are not the Minister's bland reassurances about the economy contradicted by today's unemployment figures, which

show that unemployment is rising twice as fast in the depressed areas as in the rest of the country? Will the Minister explain to the House how a 20 per cent. cut in regional aid this year and a 40 per cent. cut in the next two years will do anything to assist the regions, which are not enjoying economic revitalisation, but are suffering from social disintegration?

Mr. Channon: I have not said that I will not give any money to the Northern Development Company. I said that I would consider it, as the House and the hon. Gentleman would expect. Any effective organisation for the promotion of industrial development in the regions is to be welomed, and I shall study any application that comes to me. That is a perfectly reasonable stance for me to take. It is perfectly reasonable for me to examine such applications, and that is what I propose to do. I do not agree with the second part of the hon. Gentleman's question. The economic policies followed by the Government are most likely to increase prosperity throughout the country as a whole.

Departmental Telecommunications Division

12. **Mr. Sumberg** asked the Secretary of State for Trade and Industry how many persons work in the telecommunications division of his Department; and what are their responsibilities.

Mr. Pattie: Responsibility for all aspects of my department's work with the telecommunications industry and the Post Office rests with the telecommunications and posts division. This numbers 52 people in all.

Mr. Sumberg: Should not one of the responsibilities of the employees who work for my hon. Friend be to pick up the telephone to contact the Director General of British Telecom and tell him to stop the children's line chat show in Greater Manchester, which encourages youngsters, unknown to their parents, to run up large and unaffordable phone bills? Is that service not totally unnecessary, and will my hon. Friend do something to stop it?

Mr. Pattie: As my hon. Friend has already indicated, the content of British Telecom's services is a matter for that company. But I share my hon. Friend's concern for parents in my part of the country whose children, unknown to them, are likely to incur large telephone bills. I understand that British Telecom has put into operation an automatic cut-off after 10 minutes on all such teenage talkabout calls. The Director General of Telecommunications is already discussing this with British Telecom, and I hope that he can arrive at a satisfactory solution.

Mr. Terry Lewis: Will the Minister go further and condemn the practice of using the telephone lines for this ridiculous service? Will he take account of the fact that at least three of my constituents are saddled with bills of at least £500 because of the avarice of British Telecom? That is not on, and the Minister should condemn it.

Mr. Pattie: I would not be very keen on any member of my family, of any age, running up a large telephone bill. It is easy to condemn practices of that sort, but the important thing is that British Telecom should get a service in place that is not open to this kind of abuse. That is what we want to see.

Mr. Pawsey: Is it any part of the duties of personnel employed by this division to persuade British Telecom to purchase System X, which is manufactured by GEC and Plessey, in preference to equipment that is made by Swedish companies?

Mr. Pattie: It is not part of their responsibility to try to persuade British Telecom one way or the other. It is their responsibility to discuss with British Telecom the implications of any purchasing decisions that it may be about to make.

Mr. Williams: Will the Minister ask his officials to explain to him how British Telecom has loaded its price increases on to domestic rental and local call rates — both of which actions work to the extreme disadvantage of the elderly, the lonely, those in rural areas and the disabled — while at the same time it has reduced its commercial tariffs? Does the Minister not recognise that the new competition from Mercury for the premium commercial market will mean that BT will be able to sustain its profit levels only by further loading price increases on to the unprotected domestic consumer?

Mr. Pattie: The hon. Gentleman makes a perfectly fair point. He will recall that the Director General of Telecommunications issued a statement when the recent price increase took place indicating that he would take a close, harsh and unsympathetic view of similar price increases loaded in the way that the hon. Gentleman described. That will take place.

Mr. Ashdown: Will the Minister ask his officials to look at the operation of the Board of Approval for British Telecom? The outrageous length of time that it is now taking to approve and certify equipment for use in BT systems is costing small, high technology companies a considerable amount of money and a loss of orders.

Mr. Pattie: I am aware of the concern being expressed in various industrial circles about the delays in the approvals system of BABT. The hon. Gentleman may be aware that the Birtwistle committee is at present examining this matter urgently and it is about to report. I shall look for some revised proposals at that time.

Manufacturing Industry

13. **Mr. Eastham** asked the Secretary of State for Trade and Industry if he will make a statement on the level of investment in manufacturing industry.

15. **Mr. Ernie Ross** asked the Secretary of State for Trade and Industry if he will make a statement on the level of investment in manufacturing industry.

Mr. Peter Morrison: Investment in manufacturing rose by more than 6 per cent. in 1985 and was 22 per cent. higher than in 1983. The underlying reasons behind manufacturing investment — sustained growth in the economy, buoyant profits, improved profitability and a low rate of inflation—remain favourable.

Mr. Eastham: As I am from the engineering industry may I draw to the Minister's attention the plight of the United Kingdom shipbuilding industry? If he examines Lloyd's Mercantile Register, he will discover that we are no longer even in the top 10 for shipbuilding, but are about 17th. That means that places such as Poland and China are higher in the league than we are, and that more than 50 per cent. of all shipping tonnage is now being built in Japan. What will the Minister do about Britain?

Mr. Morrison: The hon. Gentleman is not giving sufficient credit to what British Shipbuilders has achieved. Equally, he will be aware that there is a slump in shipbuilding at present in Korea, Japan and whatever other part of the world one considers.

Mr. Ernie Ross: Did the Minister see the "Money Programme" last Sunday? Does he agree with the owner of Amstrad that the European Community tariff structure on electronics, especially the import duty on semiconductors, is a further disincentive to creating jobs and procuring investment in our computer industry? What does he intend to do about it?

Mr. Morrison: As I did not see the "Money Programme" last Sunday, it is difficult to comment precisely. I accept that it is important that one should have a fair trading basis.

Mrs. Peacock: Will my hon. Friend encourage his regional office in Leeds to give grants to firms in my constituency to retain jobs and create new ones, rather than encourage them to relocate in Darlington?

Mr. Morrison: My hon. Friend calls into question our regional aid policy, which is directed at job creation in those parts where the level of unemployment is high, relatively speaking.

Mr. Litherland: Is the Minister aware that such a famous firm as GEC Switchgear in my constituency is shedding 300 jobs before the end of the year? Is he aware that that will occur in an area with 40 per cent. male unemployment and where we have lost 19,000 jobs? When will he do something for British industry, as foreign Governments do for their industries?

Mr. Morrison: The hon. Gentleman will be aware that the Government and a company such as GEC work closely together to win orders, which, indeed, they succeed in doing.

Mr. Watts: Can my hon. Friend comment on the investment record of foreign-owned companies in this country? Can he confirm that their investment per employee is double that of British-owned manufacturing companies? Is that record not relevant in view of the recent "Little Englanderism" that we have seen from the Opposition Benches?

Mr. Morrison: I can certainly confirm that the investment from foreign-owned companies is substantial. I agree that we discuss foreign investment in the way that it has been at our peril, because we are in danger of driving it away from the United Kingdom, and that is not good for jobs.

Mr. John Smith: Will the Minister tell the House whether the Government have an industrial strategy, and if so what it is?

Mr. Morrison: The right hon. and learned Gentleman knows perfectly well that our strategy is to create the right climate for industry to prosper, and my original answer proves that that is precisely what is happening.

Floating Exchange Rate

14. **Mr. Knox** asked the Secretary of State for Trade and Industry how many individuals and how many organisations have made representations to him in favour of floating exchange rates in the past 12 months.

Mr. Alan Clark: None.

Mr. Knox: What steps have the Government taken to encourage greater stability in international exchange rates? When do they intend Britain to join the exchange rate mechanism of the European monetary system?

Mr. Clark: General comments on exchange rate matters are for my right hon. Friend the Chancellor of the Exchequer. As my hon. Friend has a question tabled to him for answer tomorrow, he will not have long to wait.

Liability Risks (United States Law)

17. **Mr. McCrindle** asked the Secretary of State for Trade and Industry if he has had discussions with United States Government officials concerning proposed changes in United States law as it applies to liability risks; and if he will make a statement.

Mr. Howard: My right hon. Friend hopes to have an opportunity to raise this subject during his visit to Washington later this month.

Mr. McCrindle: In view of the concern felt by many British companies exporting to the United States because of the high product liability awards that have been the hallmark of some American courts, and as the American Administration seem ready to introduce new legislation with a view to minimising the effect of product liability awards in the American courts, will the Minister take every opportunity to support the American Administration in that direction so as to encourage the continuing export of goods and services by British companies?

Mr. Howard: Yes. My right hon. Friend the Secretary of State for Trade and Industry will be reinforcing the concern expressed by my hon. Friend on this matter when he has talks with the United States Government later in the month.

Mr. Speaker: Question No. 18, Mr. McWilliam.
Question No. 19, Mr. Nicholas Brown.
Question No. 20, Mr. Galley.

Computers (Schools)

20. **Mr. Galley** asked the Secretary of State for Trade and Industry what steps he has taken to advance knowledge and experience of computers in schools.

Mr. Pattie: My Department, through a number of support schemes, has provided over £17 million of financial support to schools to promote the use of computers and related activity. Most recently we have made available £1·5 million, enough to supply each secondary and middle school in the country with a modem. Further support for computer software is being provided in the next two financial years and we continue to keep the situation under review. — [HON. MEMBERS: "Wrong answer."]

Mr. Speaker: Order. I think that the confusion might be mine, because I did not hear the hon. Member for Newcastle upon Tyne, East (Mr. Brown) call his question number. Question No. 19, Mr. Nicholas Brown. Will the Minister please answer question No. 19?

Warship Yards (Privatisation)

19. **Mr. Nicholas Brown** asked the Secretary of State for Trade and Industry if he will make a statement on the progress of privatisation of the warship yards.

Mr. Peter Morrison: British Shipbuilders deserves the congratulations of the House on its success in completing the return of all the warship yards to the private sector by the 31 March target. Gross proceeds exceed £120 million, with further payments conditional on the future performance of some of the privatised yards.

Mr. Brown: Does the Minister accept that the mechanism outlined in the question provides an avenue for supporting both warship building and merchant shipbuilding, which the Government are ignoring?

Mr. Morrison: I cannot agree with the hon. Member, and he would not expect me to do so.

Mr. Speaker: Mr. Galley, Question No. 20. We will have that answer again.

Computers (Schools)

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Mr. Galley: I am very grateful to my hon. Friend for that reply—for both replies—and heartily congratulate the Department on the vigorous way in which it is fostering knowledge of computers in our schools. Can he say what level of support is given to schools in the Calderdale area of West Yorkshire?

Mr. Pattie: My hon. Friend will be pleased to know that in Calderdale all secondary schools have received microcomputers under the micros in schools scheme. In addition, 101 out of 105 eligible primary schools have received computers under the primary schools scheme, and each secondary and middle school in Calderdale will receive a modem under that scheme, a total of 24. Support has also been given to Calderdale schools to purchase software under the software support scheme.

Mr. Campbell-Savours: Will not the choice of computers for schools be limited by the fact that Amstrad is now taking over Sinclair? Is the Minister aware that that will give one-man control over 75 per cent. of the personal computer market in the United Kingdom? Should not that matter have been referred by the Director General of Fair Trading to the Monopolies and Mergers Commission?

Mr. Pattie: The question is about the supply of computers to schools. The Government are interested in ensuring that the best products, particularly British-produced products, get into British schools. That is what we are doing.

Mr. Key: Welcome as the computer programme is in our schools, does my hon. Friend agree that the purpose of having computers in schools is not to understand computers, but to understand the subjects that are being studied by means of those computers, and that the real problem lies in the software?

Mr. Pattie: That is precisely why we have put quite a lot of effort into improving the software programmes and into the training of teachers.

Strategic Defence Initiative

23. **Mr. Wallace** asked the Secretary of State for Trade and Industry what representations he has received from British industry about United States attempts to scrutinise classified work being done by British firms as parts of the strategic defence initiative programme.

Mr. Pattie: I have not received any such representations.

Mr. Wallace: Is the Minister aware of the visit by Mr. Clarence Robinson to various firms in the United Kingdom which might be involved in the strategic defence initiative contracts? Has any apology been received from the American State Department with regard to any conditions that might be imposed on United Kingdom firms which are involved in these contracts?

Mr. Pattie: No. There is no question of any apologies, because Mr. Clarence Robinson did not come here on an official mission.

ROYAL ASSENT

Mr. Speaker: Order. I have to notify the House, in accordance with the Royal Assent Act 1967, that the Queen has signified Her Royal Assent to the following Acts:

1. Lothian Region (Edinburgh Western Relief Road) Order Confirmation Act 1986
2. Swansea City Council (Tawe Barrage) Act 1986

Unfitness to Plead

3.32 pm

Mr. Edward Leigh (Gainsborough and Horncastle): I beg to move,

That leave be given to bring in a Bill to amend the criminal law in relation to defendants who are unfit to plead; and for connected purposes.

The Bill is prompted by the case of a constituent of mine, Mr. Glen Pearson, a 32-year-old deaf mute with few communication skills, who was alleged to have stolen £5.40 and three light bulbs and ordered to be detained in custody for an indefinite period by Lincoln Crown court. He was released three months later, after a national outcry. No ordinary person would be treated in that way by the courts.

Why did it happen to Glen Pearson? He was found, rightly, to be unfit to plead. From that moment he was caught in the grip of an infernal machine, as remorseless in its purpose as anything out of a Greek tragedy. Under section 5(4) of the Criminal Procedure (Insanity) Act 1964, if a person is found to be unfit to plead the judge has no choice—I emphasise that he has no choice—but to send him to the hospital specified by the Secretary of State. Moreover, the judge must direct that a person so committed to hospital shall be detained as if he were held under sections 37 to 41 of the Mental Health Act 1983.

For an obviously insane and dangerous person the law is logical, because those sections of the Mental Health Act make it clear that a hospital order can be made only in the case of an insane person if very strict criteria are met. For example, two medical reports have to be furnished to the court, and the court has to be satisfied that the mental disorder is of such a nature that it warrants detenton for treatment. *[Interruption.]* Under section 41 of the Act the court, being satisfied with regard to the offender's past and that it is necessary to protect the public from serious harm, can order the defendant's detention without limit of time.

It will come as a great surprise that while my constituent was detained indefinitely as if those criteria applied to him, the court did not and could not consider whether in fact they did apply to him once it had found that he was unfit to plead. As two psychiatric reports and one psychologist's report showed later, Glen Pearson was not insane and he was not a serious danger to the public, but he was treated as if he was—*[Interruption.]*

Mr. Speaker: Order. The hon. Gentleman has a right to be heard.

Mr. Leigh: I am able to illustrate the extraordinary clumsiness of the law in this area by considering the hypothetical case of an Amazonian Indian visiting this country who is incapable of speaking English and whose language nobody can translate. Assuming that no interpreter could be found and that he was accused of stealing 6p, if he were brought before the courts of this land they would have no choice but to detain him indefinitely in a prison hospital.

My Bill seeks to amend the law so that a person found unfit to plead will be detained in a prison hospital only if the strict criteria of insanity are met. Otherwise, he will be remanded in custody or on bail with conditions, as appropriate, until such time as he is fit to plead. Remand to prison custody would be appropriate only if the offence were of a serious nature and the defendant's unfitness was outside the scope of the mental health provisions. I must make it clear, therefore, that the Bill in no way lessens the protection available to the public; it simply widens the powers available to the courts.

The Bill provides for the regular review of unfitness. there is no similar provision in the law as it stands. The Bill provides for the case to be brought to a conclusion within a specified period. Mr. Paul Bacon, the solicitor who represented Glen Pearson on this occasion, once represented a client who had to wait seven years for trial. When the court was finally persuaded to bring the matter to trial, it was found that the police had lost the evidence. Lastly, my Bill provides that a case of unfitness should be allowed to be heard in summary as well as in Crown proceedings.

It would seem strange to a foreign legislator, observing our proceedings today, that, sandwiched between questions to the Secretary of State on the very lifeblood of the nation and a debate to be initiated by the Prime Minister on a matter of world crisis, the House should grant to an unknown Back Bencher the right to inform Parliament of the trials the tribulations of an even more unknown deaf mute from a small market town in north Lincolnshire, of which the House knows little. But I believe that the procedure and forbearance of the House in allowing me to do this reflects no more than Parliament's knowledge and wisdom, accumulated over centuries, from Hampden's time to the present day, that out of the affairs of small men great issues are often determined.

Moulded by the wisdom of our glorious Judaeo-Christian tradition, we in this country appreciate—as it is appreciated to the same extent nowhere else—that anyone, however reviled or lowly or disabled, has a right to be treated fairly and that anyone has the right to be considered innocent before guilt is proved. It is in that spirit that I ask the leave of the House to introduce this Bill to cover the one small area of the law that I have described which is clearly unfair, inappropriate and in need of reform.

Question put and agreed to.

Bill ordered to be brought in by Mr. Edward Leigh, Mr. Austin Mitchell, Mr. Michael Brown, Mr. Simon Hughes, Mr. David Ashby, Mr. Joe Ashton, Mr. Andrew Rowe, Mr. Tom Clarke and Mr. Douglas Hogg.

UNFITNESS TO PLEAD

Mr. Edward Leigh accordingly presented a Bill to amend the criminal law in relation to defendants who are unfit to plead; and for connected purposes: And the same was read the First time; and ordered to be read a Second time upon Friday 25 April and to be printed. [Bill 135.]

Libya

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Donald Thompson.]*

Mr. Speaker: Before we start on this important debate, I must tell the House that I have received an intimation from 46 Back Benchers that they hope to take part if they catch my eye. No fewer than 10 of them are Privy Councillors.

I propose to follow my normal practice of calling Privy Councillors alternately with Back Benchers. I hope that the House will think that that is fair.

I also propose to apply the 10-minute rule limit on speeches between 6 o'clock and 8 o'clock. I hope that those called before and after that time will bear that limit broadly in mind.

3.40 pm

The Prime Minister (Mrs. Margaret Thatcher): My statement yesterday explained the Government's decision to support the United States military action, taken in self-defence, against terrorist targets in Libya.

Of course, when we took our decison we were aware of the wider issues and of people's fears. Terrorism attacks free societies and plays on those fears. If those tactics succeed, terrorism saps the will of free peoples to resist.

We have heard some of those arguments in this country: "Don't associate ourselves with the United States," some say; "Don't support them in fighting back; we may expose ourselves to more attacks," say others.

Terrorism has to be defeated; it cannot be tolerated or side-stepped. When other ways and other methods have failed—I am the first to wish that they had succeeded—it is right that the terrorist should know that firm steps will be taken to deter him from attacking either other peoples or his own people who have taken refuge in countries that are free.

Before dealing with that central issue, and the evidence that we have of Libyan involvement, I wish to report to the House on the present position, as far as we know it. There have been reports of gunfire in Tripoli this lunchtime, but we have no further firm information.

The United States' action was conducted against five specific targets directly connected with terrorism. It will, of course, be for the United States Government to publish their assessment of the results. However, we now know that there were a number of civilian casualties, some of them children. It is reported that they included members of Colonel Gaddafi's own family.

The casualties are, of course, a matter of great sorrow. We also remember with sadness all those men, women and children who have lost their lives as a result of terrorist acts over the years — so many of them performed at the Libyan Government's behest.

We have no reports of British casualties as a result of the American action or of any subsequent incidents involving British citizens in Libya. I understand that telephone lines to Libya are open and that people in the United Kingdom have been able to contact their relatives there.

As I told the House yesterday, since May 1984 we have had to advise British citizens choosing to live and work in Libya that they do so on their own responsibility and at their own risk. Our consul in the British interests section of the Italian embassy has been and will remain in close touch with representatives of the British community to advise them on the best course of action.

Mr. Eric S. Heffer (Liverpool, Walton): The right hon. Lady referred to the killing of innocent children and then to terrorist attacks on innocent people in various parts of the world. I think that she and I may have been brought up in the same Christian tradition. Does she remember that two wrongs do not make a right?

The Prime Minister: Had the hon. Gentleman been listening, he would have realised that I was trying to tackle that argument in part, when I said that terrorism thrives on a free society. The terrorist uses the feelings in a free society to sap the will of civilisation to resist. If the terrorist succeeds, he has won and the whole of free society has lost.

We are most grateful for the work of the Italian authorities, as our protecting power, on behalf of the British community in Libya.

In this country, we have to be alert to the possibility of further terrorist attacks — so, too, do our British communities abroad. Our security precautions have been heightened, but it is, of course, the technique of the terrorist not just to choose obvious targets. Members of the public should therefore be ready to report to the police anything suspicious that attracts their attention. We have also taken steps to defend our interests overseas, seeking from foreign Governments enhanced protection for British embassies and communities.

The United Nations Security Council met twice yesterday and resumes today. With some significant exceptions, first international reactions have been critical, even to this carefully limited use of force in self-defence, but I believe that we can be pretty certain that some of the routine denunciations conceal a rather different view in reality.

Concern has been expressed about the effects of this event on relations between East and West. The United States informed the Soviet Union that it had conclusive evidence of Libyan involvement in terrorist activities, including the Berlin bomb, that limited military action was being taken and that it was in no way directed against the Soviet Union.

We now hear that Mr. Shevardnadze has postponed his meeting with Mr. Shultz planned for next month. I must say that that looks to me rather like a ritual gesture. If the Soviet Union is really interested in arms control it will resume senior ministerial contacts before long.

Right hon. and hon. Members have asked me about the evidence that the Libyan Government are involved in terrorist attacks against the United States and other Western countries. Much of this derives, of course, from secret intelligence. As I explained to the House yesterday, it is necessary to be extremely careful about publishing detailed material of this kind. To do so can jeopardise sources on which we continue to rely for timely and vital information.

I can, however, assure the House that the Government are satisfied from the evidence that Libya bears a wide and heavy responsibility for acts of terrorism. For example, there is evidence showing that, on 25 March, a week before the recent Berlin bombing, instructions were sent from Tripoli to the Libyan people's bureau in East Berlin to conduct a terrorist attack against the Americans. On 4

[The Prime Minister]

April the Libyan people's bureau alerted Tripoli that the attack would be carried out the following morning. On 5 April the bureau reported to Tripoli that the operation had been carried out successfully. As the House will recall, the bomb which killed two people and injured 230 had exploded in the early hours of that same morning.

This country too is among the many that have suffered from Libyan terrorism. We shall not forget the tragic murder of WPC Fletcher by shots fired from the Libyan people's bureau in London just two years ago tomorrow. It is also beyond doubt that Libya provides the Provisional IRA with money and weapons. The major find of arms in Sligo and Roscommon in the Irish Republic on 26 January, the largest ever on the island, included rifles and ammunition from Libya.

There is recent evidence of Libyan support for terrorism in a number of other countries. For instance, only three weeks ago intelligence uncovered a plot to attack with a bomb civilians queueing for visas at the American embassy in Paris. It was foiled and many lives must have been saved. France subsequently expelled two members of the Libyan people's bureau in Paris for their involvement.

Sir John Biggs-Davison (Epping Forest): My right hon. Friend mentioned the considerable arms find by the Garda in County Sligo. Does she recall that they also unearthed a very large supply of small arms ammunition in boxes with Libyan army markings?

The Prime Minister: I am grateful to my hon. Friend. I do recall that piece of evidence.

On 6 April an attempt to attack the United States embassy in Beirut, which we know to have been undertaken on Libyan Government instructions, failed when the rocket exploded on launch.

It is equally clear that Libya was planning yet more attacks. The Americans have evidence that United States citizens are being followed and American embassies watched by Libyan intelligence agents in a number of countries across the world. In Africa alone, there is intelligence of Libyan preparations for attacks on American facilities in no fewer than 10 countries.

There is other specific evidence of Libyan involvement in past acts of terrorism, and in plans for future acts of terrorism, but I cannot give details because that would endanger lives and make it more difficult to apprehend the terrorists. We also have evidence that the Libyans sometimes chose to operate by using other middle east terrorist groups.

But we need not rely on intelligence alone because Colonel Gaddafi openly speaks of his objectives. I shall give just one instance. In a speech at the Wheelus base in Libya in June 1984, he said:

"We are capable of exporting terrorism to the heart of America. We are also capable of physical liquidation and destruction and arson inside America."

There are many other examples.

Mr. Tony Banks (Newham, North-West): I am grateful to the Prime Minister for giving way. Why is she prepared to support United States aggression against Libya but is not prepared to support United States economic sanctions against Libya?

The Prime Minister: If the hon. Gentleman will contain himself in patience, I shall come to that.

Yesterday, many hon. Members referred to the need to give priority to measures other than military, but the sad fact is that neither international condemnation nor peaceful pressure over the years has deterred Libya from promoting and carrying out acts of terrorism.

Mr. Robert N. Wareing (Liverpool, West Derby): *rose——*

The Prime Minister: No, I must carry on at the moment. I am on a new point about non-military measures about which I have been asked, and I must proceed through this evidence carefully.

In 1981 the United States closed the Libyan people's bureau in Washington and took measures to limit trade with Libya. Later, in January this year, the United States Government announced a series of economic measures against Libya. They sought the support of other Western countries. We took the view, together with our European partners, that economic sanctions work only if every country applies them. Alas, that was not going to happen with Libya.

In April 1984 we took our own measures. We closed the Libyan people's bureau in London and broke diplomatic relations with Libya. We imposed a strict visa regime on Libyans coming to this country and we banned new contracts for the supply of defence equipment and we severely limited Export Credits Guarantee Department credit for other trade.

Over the years, there have been many international declarations against terrorism, for example, by the economic summit under British chairmanship in London in June 1984; by the European Council in Dublin in December 1984; and finally by the United Nations General Assembly in December 1985. All those meetings adopted resolutions condemning terrorism and calling for greater international co-operation against it.

Indeed, the resolution of the United Nations General Assembly unequivocally condemns as criminal all acts, methods and practices of terrorism. It calls upon all states, in accordance with international law, to refrain from organising, instigating, assisting or participating in terrorist acts in other States. After the Achille Lauro incident, the Security Council issued a statement condemning terrorism in all its forms everywhere.

But while resolutions and condemnation issued from those cities, in others more terrible events—bombings, hijackings and kidnappings—were happening or were being planned. They are still being planned.

It was against that remorseless background of terrorist atrocities, and against the background of the restrained peaceful response, that the case for military action under the inherent right of self-defence to deter planned Libyan terrorist attacks against American targets was raised.

President Reagan informed me last week that the United States intended to take such action. He sought our support. Under the consultation arrangements which have continued under successive Governments for over 30 years, he also sought our agreement to the use of United States aircraft based in this country. Hon. Members will know that our agreement was necessary.

In the exchanges which followed, I raised a number of questions and concerns. I concentrated on the principle of self-defence, recognised in article 51 of the United Nations charter, and the consequent need to limit the action and to relate the selection of targets clearly to terrorism.

There were of course risks in what was proposed. Many of them have been raised in the House and elsewhere since the action took place. I pondered them deeply with the Ministers most closely concerned, for decisions like this are never easy. We also considered the wider implications, including our relations with other countries, and we had to weigh the importance for this country's security of our Alliance with the United States and the American role in the defence of Europe.

As I told the House yesterday, I replied to the President that we would support action directed against specific Libyan targets demonstrably involved in the conduct and support of terrorist activities; further, that if the President concluded that it was necessary, we would agree to the deployment of United States aircraft from bases in the United Kingdom for that specific purpose.

Mr. Andrew Faulds (Warley, East): Will the right hon. Lady give way?

The Prime Minister: No, Sir.

The President responded that the operation would be limited to clearly defined targets related to terrorism, and that every effort would be made to minimise collateral damage. He made it clear that, for the reasons I indicated yesterday, he regarded the use of F111 aircraft from bases in the United Kingdom as essential. There are, I understand, no other F111s stationed in Europe. Had we refused permission for the use of those aircraft, the United States operation would still have taken place; but more lives would probably have been lost, both on the ground and in the air.

It has been suggested that, as a result of further Libyan terrorism, the United States might feel constrained to act again. I earnestly hope that such a contingency will not arise. But in my exchanges with the President, I reserved the position of the United Kingdom on any question of further action which might be more general or less clearly directed against terrorism.

Mr. Faulds: Will the right hon. Lady give way?

The Prime Minister: No. This point is particularly important.

Moreover, it is clearly understood between President Reagan and myself that, if there were any question of using United States aircraft based in this country in a further action, that would be the subject of a new approach to the United Kingdom under the joint consultation arrangements.

Many hon. Members have questioned whether the United States action will be effective in stopping terrorism—

Mr. Faulds: Will the right hon. Lady give way on that point?

The Prime Minister: Many hon. Members——

Mr. Faulds *rose*——

Mr. Speaker: Order. The hon. Gentleman knows that he must resume his seat if the Prime Minister does not give way.

The Prime Minister: Many hon. Members have questioned whether the United States action will be effective in stopping terrorism or will instead have the effect of quickening the cycle of violence in the middle east.

Let us remember that the violence began long ago. It has already taken a great many lives. It has not been so much a cycle of violence as a one-sided campaign of killing and maiming by ruthless terrorists, many with close connections with Libya. The response of the countries whose citizens have been attacked has not so far stopped that campaign.

Mr. Wareing: Will the Prime Minister give way on that point?

The Prime Minister: I will give way to the hon. Gentleman later. Please may I continue with this point?

Mr. Faulds: Why not give way to me?

The Prime Minister: Indeed, one has to ask whether it has not been the failure to act in self-defence that has encouraged state-sponsored terrorism. Firm and decisive action may make those who continue to practise terrorism as a policy think again. I give way to the hon. Member for Liverpool, West Derby (Mr. Wareing).

Mr. Wareing: Would the Prime Minister agree that if her argument is correct we should all be feeling very much safer? Can she therefore explain why, for the first time since the early days of my election to the House, I was asked this morning—as all hon. Members have been asked—for my pass and my car was searched in order to ensure our safety? Am I to feel safe now as a result of this attack?

The Prime Minister: I would have hoped that the hon. Gentleman would see the wisdom of taking heightened precautions. It would have been folly not to do so.

It has also been suggested that the United States action will only build up Colonel Gaddafi's prestige and support in the Arab world. In the very short term, one must expect statements of support for Libya from other Arab countries — although one is entitled to ask how profound or durable that support will be. But moderate Arab Governments, indeed moderate Governments everywhere, have nothing to gain from seeing Colonel Gaddafi build up power and influence by persisting in policies of violence and terror.

Their interest, like ours, lies in seeing the problems of the middle east solved by peaceful negotiation, a negotiation whose chances of success will be much enhanced if terrorism can be defeated.

Mr. A. J. Beith (Berwick-upon-Tweed) *rose*——

The Prime Minister: I shall not give way now.

Let me emphasise one very important point. A peaceful settlement of the Arab-Israel question remains our policy and we shall continue to seek ways forward with moderate Arab Governments. Indeed, I shall be seeing King Hussein later this week to discuss this very matter.

Mr. Beith: To what extent does the Prime Minister think that Colonel Gaddafi's capacity to mount attacks of terrorism has been reduced by the measures taken by the United States?

The Prime Minister: I believe that his capacity and the will of the people to do so have been impaired by the actions that have taken place.

The United States is our greatest ally. It is the foundation of the Alliance which has preserved our security and peace for more than a generation. In defence of liberty, our liberty as well as its own, the United States

[The Prime Minister]

maintains in Western Europe 330,000 service men. That is more than the whole of Britain's regular forces. The United States gave us unstinting help when we needed it in the South Atlantic four years ago.

The growing threat of international terrorism is not directed solely at the United States. We in the United Kingdom have also long been in the front line. To overcome the threat is in the vital interests of all countries founded upon freedom and the rule of law.

Terrorism exploits the natural reluctance of a free society to defend itself, in the last resort, with arms. Terrorism thrives on appeasement. Of course we shall continue to make every effort to defeat it by political means. But in this case that was not enough. The time had come for action. The United States took it. Its decision was justified, and, as friends and allies, we support it.

4-3 pm

Mr. Neil Kinnock (Islwyn): This House is united and firm in its view that terrorism is evil and cowardly and a completely unjustified and unjustifiable way of advancing any cause, whether it be political, religious, or any other cause. *[Interruption.]* The question before the House today, therefore, is not one of competitive loathing for Mu'ammar Gaddafi or any other supporter and sponsor of terrorism. It is not a question of who hates terrorism the most. The real question is not how we describe terrorism but what we do about it.

Faced by the terrorist menace which has emanated from Libya and many other countries over past years we must answer the question, what is the effective response to be made to terrorism and terrorists? The effective response is what today's debate is and should be about, because it is the benchmark against which we have to judge the actions of the President of the United States and our own Prime Minister and because it is the only way to answer the question of where we and our allies, on both sides of the Atlantic, go from here. Therefore, we must judge the President and the Prime Minister on the effectiveness of the action which they have jointly taken.

The purpose of the bombing raid on Tripoli and Benghazi on Monday night was said by President Reagan to be to

"bring down the curtain on Gaddafi's reign of terror."

I do not believe that anyone can seriously believe that that objective has been or will be achieved by bombing. The use of such force does not punish terrorism. The use of such force will not prevent terrorism. Indeed, the use of such force is much more likely to provoke and expand terrorism. In any case, the strategy of using military force for the purpose of teaching Gaddafi a lesson is fundamentally flawed for, as the *Daily Telegraph* said this morning, it presumes

"a degree of rationality in Tripoli about cause and effect, which is palpably lacking".

There are some who would say that the evidence— *[Interruption.]*

Mr. Cranley Onslow (Woking) *rose*——

Mr. Speaker: Order. The Prime Minister was given a fair hearing. That is equaliy the right of the Leader of the Opposition.

Mr. Kinnock: It was clear from the earliest seconds of my speech what the tactic was to be and I know that you, Mr. Speaker, will be the judge about that.

Some will say that a great deal of weight must be given to the evidence which has been made available to the Prime Minister and to some others in this House.

Mr. Onslow *rose*——

Mr. Kinnock: I shall give way in a moment.

It is important to give attention to the evidence, but I caution people who allow their judgment to turn solely on the evidence—*[Interruption.]*

Mr. Speaker: Order.

Mr. Kinnock: No one needs any convincing about the criminality of Gaddafi and those who put their whole weight of judgment on the evidence of a particular series of planned atrocities are in great danger of all falling into the trap of saying that where there is evidence the response must be bombing raids. There is great danger in that. If they do not say that when there is evidence available, they must tell us in which cases, in which countries and on what occasions the evidence is to be neglected and the bombing raids are not to take place. That response should not be undertaken.

Mr. Onslow *rose*——

Mr. Kinnock: I shall give way in a moment.

The other consideration is that those who put their complete faith in the evidence as a justification for military strikes are saying that where there is such evidence the considerations of international law can be put aside. We do not accept that at home, we do not accept it abroad. That is not a point of nicety; it is fundamental to realism in the conduct of international relations and it is fundamental to our moral and material strength in international relations.

Mr. Onslow: I am grateful to the right hon. Gentleman for belatedly giving way. I have no desire to destroy his speech. *[Interruption.]* I am simply anxious that he should not mislead the House. Earlier he quoted some words, attributing their implication to President Reagan. The House and the right hon. Gentleman may like to know what those words should have been. President Reagan said:

"I have no illusion that tonight's action will bring down the curtain on Gaddafi's regime, but this mission, violent as it was, can bring closer a safer and more secure world for decent men and women."

The right hon. Gentleman must not mislead the House.

Mr. Kinnock: I know what the President said, I know what he implied, and I also heard the right hon. Lady— *[Interruption.]* I also heard the right hon. Lady yesterday say that this action was about turning the tide of terrorism. No one can be in any doubt that the whole proposition of the action, as given by the Governments and understood by the people, is that by such a bombing strike such damage can be inflicted on Gaddafi as to stop him engaging in terrorism. No one doubts that.

The response that President Reagan can count on is the very opposite to what he intended. Gaddafi is without doubt a malignancy. No one can doubt his involvement in financing and sponsoring terrorism throughout the world. However, as a consequence of the actions of the United

States in the past few days, Gaddafi has a degree of support even from moderate Arab states that have previously regarded him with unrestrained hostility.

By the same means and for the same reasons, the influence of the United States and of Great Britain has been diminished, and we have heard from our European and Commonwealth allies statements of condemnation that would have been unthinkable about our country a short time ago.

I suggest that reasons such as those explain why the strategy of using military force against terrorism has never been employed by British Governments that have had to deal with that evil epidemic in recent years. Out policy until now has been a national policy. It has ben a restrained policy. It has been a thorough policy of diplomatic sanctions, tightened security, the best anti-terrorism forces in the world, a readiness to take action wherever terrorists are caught and cornered, and an uncompromising attitude that refuses to trade hostages or to make any concessions to terrorism.

That has been our policy, and that policy has always stopped short of responding to terrorism with the might of armed force, such as was involved in the American attack on Monday night. That has not been because we are supine or because we are passive. It has certainly not been because we have cringed before terrorism and it is certainly not because we have not been provoked. The sentencing of British subjects, the kidnapping of British citizens, the murdering on our own streets of a policewoman and of others — all obviously make our blood boil.

Mr. Tony Favell (Stockport): Will the right hon. Gentleman give way?

Mr. Kinnock: I will give way in a moment.

However, we have not struck back with bombers because, while we know that the first step may be relatively easy, all further steps into conflict and all further steps back from conflict produce impossible difficulties. That policy of rationality, restraint, and fierce anti-terrorism is the right policy. It can be, and now should be, strengthened, especially in the case of Libya, which is known to be a haven for terrorists. We should and could have strong commercial and financial sanctions and I now believe that we have an unprecedented opportunity to make those effective against Mu'ammar Gaddafi.

I believe that we can take that opportunity, because Libya is a country 80 per cent. dependent for its resources, and 100 per cent. dependent under its leadership, on oil, and with oil prices plummeting Gaddafi will be looking for credits. Those credits can and must be denied him until such time as the pressure of commercial, economic, financial, diplomatic and political sanctions squeezes the very life out of the Gaddafi regime. That is the way to do it. [HON. MEMBERS:"Hear, hear."] That is the practical course. That is the effective course. That is the way to isolate Gaddafi. It is the best means of punishment and prevention of that evil. That is the way we should go from here.

The Prime Minister has declined economic sanctions in the past. Frankly, that reluctance to use economic sanctions is not becoming in a Government who on Monday were prepared to use this country as a base for bombers and to condone the use of those bombers.

Of course, the task of securing comprehensive economic and other sanctions has now been made much more difficult by the decision of the Prime Minister to be a compliant accomplice rather than a candid ally of the United States President. The right hon. Lady has not shown solidarity with our ally; she has shown subservience to the United States President. She was, as the *Financial Times* pointed out this morning,

"wrong to give in to US pressure on this occasion."

She was wrong—*[Interruption.]*

Mr. Speaker: Order. This is a very important debate and the whole House—*[Interruption.]* Order. The hon. Member for Ashfield (Mr. Haynes) is not even in the House.

Mr. Kinnock: The Prime Minister was wrong to believe that the F111s were necessary for the operation or capable of reducing the casualties. She was wrong to depart from the common sense and legality of the British policy against terrorism as her Government and other Governments have operated it. She was wrong to neglect the impact that this action and her complicity in it would have on opinion among moderate Arab leaders. She was wrong to disregard the reservations of our European allies.

Whatever plaudits the right hon. Lady's deference to the President of the United States may bring her in America, they will not be echoed on this side of the Atlantic. In this continent — and especially in a generation older than mine — we know that the achievement and maintenance of liberty sometimes requires great sacrifice and death. But we also know that it is foolhardy to start something that by its very definition cannot be properly finished.

There cannot be any hon. Member——

Mr. Michael Heseltine (Henley) *rose*——

Mr. Kinnock: There cannot be any hon. Member in this House, or anyone in the country, who does not understand the frustration and resentment of the American President and people at the goading and attacks of terrorists. All of us, if we are honest with ourselves, are completely familiar with the instinct of revenge. Every one of us knows that lust for reprisal that we feel when we hear of assassination and bombings and, still more, when we see the bodies of children and old people shattered as a consequence of terrorist atrocities. Every instinct rages against it.

Mr. Heseltine *rose*——

Mr. Kinnock: But we know, too, that the world simply cannot be run on the basis of such instincts. We know that an international strategy cannot be built on such instincts, and, much as we comprehend the sense of outrage, we cannot support the calculated reprisals that arise from that outrage.

Mr. Heseltine: Can the right hon. Gentleman give the House any reason to suppose that there is an historic precedent for the belief that economic sanctions would work, or that they would achieve the reductions in terrorism of which Mr. Gaddafi is so patently guilty?

Mr. Kinnock: I need not persuade President Reagan of that, for he is the most avid practitioner of economic sanctions against a series of Governments. I am sure that we could gain the ready acquiescence of the President to a comprehensive strategy of sanctions against Libya.

Mr. Heseltine *rose*——

Mr. Favell *rose*——

Mr. Kinnock: With reference to the right hon. Gentleman's precise point, as I deliberately said earlier, Libya, with its great dependence on oil, and only oil, as its source of revenue and as Gaddafi's base for power, is uniquely positioned for the implementation of comprehensive international sanctions.

Mr. Favell *rose*——

Mr. Speaker: Order. The hon. Member must sit down when the Leader of the Opposition fails to give way.

Mr. Kinnock: It is obvious that the case for sanctions goes way beyond the House and any affiliation that the Labour party may have. Yesterday, I listened to a most persuasive interview given by Sir Anthony Parsons, a former adviser to the Prime Minister, who recommended precisely that course of sanctions as the most directly appropriate to the present circumstances.

The right hon. Lady was wrong to give support for the actions of reprisal that arose from the instincts of rage and outrage of the American President. That is not merely our view; it is the view of international law. The Prime Minister gave us her interpretation of international law and of self-defence yesterday, and she repeated it today. We have listened and we are not convinced. Much as the Prime Minister clearly believes in her interpretation, she can find no recognised authority outside the immediate ranks of the Conservative party to support her view of international law.

In the past 24 hours, we have heard from scholars of international law, from the lawyers who plead in the international courts, from the specialist political analysts and from experienced diplomats who have dealt with quesions of international law throughout their professional lives. None of them upholds the right hon. Lady's view of international law.

There are, of course, people who now say that international law as it is presently conceived was intended for a different age and that the age of terrorism means that the law must be stretched to embrace new sets of circumstances. I counsel against that, not from any reluctance to act directly against terrorism, but simply because of the impracticality of hitting back at terrorism with military force and because of the inhumanity which results from killing and maiming the innocent neighbours of terrorists.

I am not alone in that view. At the beginning of this week, the Secretary of State for Defence told the listeners of Radio Clyde:

> "My colleagues and I are very dubious as to whether a military strike is the best way of doing this. It is liable to hit the wrong people. It creates other tensions in the area."

No one could have put it better than that.

We need only ask ourselves, "Where are the modern terrorists?" They are found in their hideaways in the farms, villages and tenements of Ireland, Beirut, the Punjab and even some of the cosiest suburbs of European cities. They are scattered throughout the people, and that is what makes the idea of retribution by mass military force so impractical and such a dangerous course for future action.

If we set our hand to a strategy of reprisals, it will provoke, not prevent, terrorism and any subsequent pause in such a strategy of reprisal would be seen as irresolution and weakness by the terrorists and would encourage them to commit further atrocities. If we pursued the strategy of reprisal, we should be caught in a trap of either doing too much or never doing enough. We could never get such a strategy right. It is not a strategy; it is a snare. British Governments have long known that, and that is why they have avoided such snares.

I strongly urge the right hon. Lady to resume that course of common sense and legality. There is only one policy that she can effectively pursue now. She can return to our European allies and partners and urge them to adopt the comprehensive sanctions that are essential to the isolation of Gaddafi. I know that that is very difficult. It will be especially difficult because the Prime Minister has a Foreign Secretary who, at the same time as he was agreeing in The Hague on Monday a communiqué which urged "restraint on all sides", knew that the Americans had already unleashed their dogs of war. The reaction of allies such as Leo Tindemans, Bettino Craxi, the Germans and the French testifies to that difficulty. The fact that it will be difficult does not mean that it will be impossible.

The right hon. Lady can repair the damage which she has caused, and if she pursues that course of securing combined and co-ordinated sanctions she will have strong support. It is essential that she makes that change, for she has not been strong, she has been supine, in her support for the American President. She has not acted in the interests of Britain. She has caused us to be more isolated from our allies and she has damaged our long-standing and wise anti-terrorist policy. She has not defended British citizens; she has put them in greater jeopardy. That is why the Prime Minister's policy has been and will be rejected by the British people. They know that she can have neither justice nor effectiveness on her side. They know that her might is not right.

4.27 pm

Mr. David Steel (Tweeddale, Ettrick and Lauderdale): No one can be in any doubt that the decision taken by the Prime Minister and her colleagues was very difficult. The argument that I wish to deploy is that, although it was very difficult, it was the wrong decision. In a sense, I am relieved that the briefings from the Cabinet meeting on Tuesday showed that there were senior Ministers who expressed doubts about the action that was taken and they included the Chancellor of the Exchequer, the chairman of the Conservative party and the Home Secretary.

The Leader of the Opposition quoted what the Secretary of State for Defence forecast with remarkable accuracy on his local radio station. Here I disagree with the Leader of the Opposition. The Foreign Secretary said that he did not know of the decision when he met his European colleagues. That in itself is a comment on the way in which the decision was taken, and it will leave the Foreign Secretary extremely exposed among our European allies when he meets them in the future.

In arguing that the decision was wrong, the easiest way to come to that conclusion is to draw up a balance sheet of the gains and losses which have been incurred as a result of the action taken. The first loss is that a great many people were, unhappily, killed and that the act of revenge was out of proportion to the terrorist acts from which the United States suffered. It is a great mistake for the Prime Minister to slide, in her natural and right condemnation of Libya, into the assumption that all of the terrorist acts somehow have been inspired by Libya. Unhappily, that is not the case. They have come from other countries, too.

It is doubtful whether the action taken was legal under article 51 of the United Nations Charter. I do not think that

there is much point in going on in a debate, but at best it is a narrow balance of argument. It is clear from the words used by the Prime Minister both yesterday and today that in giving her consent to the use of British bases she did not seek to limit the attack to military targets, but included the severe risks and results that we saw in the centre of Tripoli.

The second item on the debit side is, I believe, that the action has now exposed Britons both in Libya and Britain itself to further terrorist attacks. I think that the Prime Minister has misunderstood the nature of terrorism. Before you have a terrorist, you have to have a fanatic. In order to breed terrorism, you have to breed fanaticism. My great fear is that this action in the last 48 hours will breed more fanaticism, not just in Libya itself, but throughout the Middle East. That is a more accurate forecast.

Mr. Jim Spicer (Dorset, West): With regard to breeding more terrorists, I wonder whether the right hon. Gentleman could comment on the American action the week before in the gulf of Sirte when they crossed that line. Does he believe that that would breed more terrorism? Would he like to comment at some point on the comments made by his right hon. Friend the Member for Plymouth, Devonport (Dr. Owen) who said that he would like to have seen British ships alongside the Americans, going across that line?

Mr. Steel: The hon. Member must not take out of context what my right hon. Friend has said. He has argued for the case to be taken to the United Nations and for collective action to be taken against Libya by the Western powers, and that is a view with which I agree. I shall return to the question of the gulf of Sirte in a moment.

The third item on the debit side is that we have angered our allies. This is a time when European unity is important. We have 11 fellow members of the European Community, and not one of them has supported the view that we have taken on this matter. Several of them are rather closer to the situation than we are.

I was at a meeting with the Italian Defence Minister, Mr. Spadolini, in Sicily when the fleet began the exercises which led to this attack. I know that the Prime Minister and the Foreign Secretary are aware that no one would doubt Mr. Spadolini's commitment to the NATO Alliance, but, as a result of the stationing of NATO bases on Sicily, and throughout the mainland of Italy, the mood in Italy is nervous. They, unlike us, are in line and within target range of Libyan missiles, so the weight of European opinion is important in this matter.

The fourth casualty in this exercise has been the postponement, rather than the cancellation, of the meeting between Mr. Shultz and Mr. Shevardnadze. The Soviet Union is wrong in asserting that this attack was part of a strategy to torpedo the Geneva talks. This has been an inadvertent casualty of the whole peace process, and I hope that it will be resumed as soon as possible, and that the Foreign Secretary will lend his weight to the resumption of these important talks.

The fifth casualty on the debit side is the effect that it has had——

Mr. Tony Marlow (Northampton, North) *rose*——

Mr. Steel: No, I shall not give way.

The fifth casualty is the effect that it has had in boosting Colonel Gaddafi's position both internally and externally in the middle east. His 16-year-old reign in Libya has been a catalogue of misdeeds and malevolence. He is detested, and rightly so, by Westerner, Arab and African alike. He has invaded Chad, and tried to overthrow the neighbouring Government in Tunisia. He has meddled in Syria and Algeria and sponsored numerous acts of hijacking and terrorism, including the attempt to murder some leaders in Egypt. In Britain we too have suffered with the incident in St. James's Square. Elsewhere in Europe, the terrorists that he has trained, sheltered and equipped have murdered Libyans in exile, and any foreigners who anger the colonel. The man is a menace, and is widely regarded as such. I fear that what this action has done is to boost his power, authority and status within his own country, and in the Arab world as a whole. All of this is on the debit side.

I come to the second point, which is the matter of the gulf of Sirte. These opinions that I give on Colonel gaddafi's status in the Arab world are not my own. During the Easter recess, I was in the Gulf States and every Government told me in relation to the action in the gulf of Sirte that surely we could have had more influence with the United States not to act unilaterally, that it would have the effect of boosting Colonel Gaddafi. That view must have been put to Vice-President Bush when he went round the same countries three days later. It appears that the United States has paid no attention to that particular argument.

When one looks at the fact that Jordan and Egypt are traditional friends, and have now joined in criticism of the action which we and the United States have taken, one must add all that together and then look at the credit side. The Prime Minister says that it will have helped to check terrorism. I am afraid that that must remain a hope, and not anything for which there is any evidence. As my hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith) said, I think that there is every reason to believe that, far from stopping terrorism, this particular action will have boosted terrorism from Libya and elsewhere.

Mr. Patrick Cormack (Staffordshire, South): Does the right hon. Gentleman recollect that it is not so long ago that he advocated bombing a very much less aggressive leader? Does he not remember Liberal policy to bomb Zimbabwe?

Mr. Steel: The hon. Member's memory is faulty. Firstly, it was certainly not anything that I ever said and, secondly, the proposal was to damage the railway line carrying oil supplies across the desert.

The real argument which has been produced in favour of this action is that it has taught Colonel Gaddafi a lesson. That is undeniable. I believe the great powers, the great civilisations, do not enhance their reputation by giving vent to their frustrations in terrible acts of indiscriminate revenge, and that is how it is seen in the rest of the world.

There are three short lessons from this episode. Firstly, the United States Administration is right to complain of an inadequate European response to terrorism and to the acts of Libya. That is why I believe, and my party and our alliance believe, that the Government should take the evidence that they have both to the European Community and to the United Nations, and seek a collective response to Libya's actions. Europe should act more unitedly, both against terrorism, and I believe, in the longer run, on the wider issues of the Middle East problem, on which Europe

[Mr. Steel]

has done nothing since the days when Lord Carrington was chairman of the Council of Ministers. I think we ought to revise those initiatives.

The second lesson is that we ought to look at the arrangements for the use of American bases. The Attlee-Truman accord is very much out of date. It was never published, and it should now be revised, published and approved. If damage is not to be caused to the NATO Alliance, there must be no doubt as to the conditions under which American bases in this country are used. The Government made a severe error of judgment. I believe that the British people will share that view and that they would rather see a Government with a broader view of British interests in the world and a Government who will think that it is conceivable, occasionally, to say no to the occupant of the White House.

4.39 pm

Mr. Edward Heath (Old Bexley and Sidcup): The Prime Minister has emphasised that throughout the Government have had to make an assessment of the possibilities of dealing with terrorism through the United States action and, the consequences which would follow, not only for our own country, but for Europe and the western world. She has also emphasised the difficulty of making such an assessment. I think we all recognise that. That means that there is room for differences of assessment in this matter.

There are also lessons of history to be drawn upon. They came about some 30 years ago. For a few of us in this House the memories of what happened then have come back very vividly, when there was a dictator who was over-estimated in the Mediterranean area. One of my hon. Friends may say that the consequences which flowed from that arose because the action was not carried through to a logical conclusion, to which the answer is that it was not possible to carry it through to a logical conclusion.

The main question which faces us now is whether it is possible to carry this action through to a logical conclusion and what will be the consequences of so doing. That leaves still the whole question of the inflation of tension and the effect of bombing action on the Mediterranean and the middle east. After the earlier incident Nasser's influence was greatly increased. The trouble which he caused was extended on a much wider base than it had been previously. We saw that other countries in the middle east were forced to go along with him. We also saw that for 15 years our own interests suffered dramatically because of those affairs in the middle east. We should learn from those lessons when we are trying to make an assessment of the present situation.

Mr. Robert Adley (Christchurch): Just in case anyone forgets, perhaps my right hon. Friend should remind many hon. Members who were not in the House then that it was the Americans who prevented us from doing what we were trying to do.

Mr. Heath: I was coming to a real difference in the situation, which was that President Eisenhower and the American Administration strongly took the view that such action was not justifiable under article 51 of the United Nations charter and did everything possible to prevent that action taking place. As a result, the United States was much more influential in the middle east and was much more highly esteemed than at almost any time since. That was particularly the case because the action which we took was only a few days before the presidential election and it meant the United States taking a decision which many interpreted as being hostile to Israel. Therefore, that was a remarkable decision by President Eisenhower.

On the question of terrorism, I have no illusions whatever about Prsident Gaddafi and his involvement in terrorism, including the IRA. Like my right hon. Friend the Prime Minister, I too have suffered from terrorism on two occasions. I realise all the implications of terrorism but the issue here is, what is the best way to deal with terrorism and how does one deal with it?

Mr. Marlow: I hope I am not anticipating what my right hon. Friend is about to say. If he had been Prime Minister and the President of the United States said that he would attack Libya anyway, and had my right hon. Friend been asked whether the United States could use British bases, what would he have said?

Mr. Heath: I shall come to that. There is another lesson of history, to which I wish to draw attention, which deals specifically with that point.

On involvement in terrorism, we must be aware that in many other countries, particularly in the middle east, Governments are actively involved in terrorism, and international terrorism at that. So we are faced with the further question: how are those countries to be dealt with if this is deemed to be an acceptable way of dealing with terrorism?

In 1956 there was only one international lawyer who believed that article 51 of the United Nations charter was the right way to deal with the matter. One Government adviser took the other view but all the rest of those engaged in international law were against it. I have heard of only one international lawyer today who believes that article 51 justifies United States action. Therefore, it can only be justified in some other way.

I do not believe that article 51, as drafted, was ever intended to deal with such situations. It was intended to be an approval of pre-emptive action when the attack on a nation was absolutely clear. It may be, as the Leader of the Opposition has said, that international law needs to be brought up to date to deal with terrorism. There is no doubt that international action needs to be brought up to date to deal with it. But that is a different question from arguing at this moment that article 51 is sufficient justification.

I come now to the point put by my hon. Friend, the Member for Northampton, North (Mr. Marlow). Let us not be under any misapprehension about the situation between this country and the United States. Of course, the United States has massive forces in Europe. So do the European countries themselves—in fact, proportionally more than the United States. The United States has forces in Europe because it has vital interests in Europe. It is in the vital interest of the United States not to allow the Soviet Union to overwhelm Europe. These are facts of life. Above all, foreign policy has to be realistic.

Of course, we owed a great deal to the United States during the war, but the rest of the world owed a great deal to Britain. For one single year we stood alone with the Commonwealth facing the dictator. If it had not been that we were able and prepared to do that, the United States would have been faced with a fascist dictatorship right across Europe. So let us accept that there is a proper basis for our relationship so far as Europe is concerned.

My hon. Friend asked me what my reply to the United States would have been. We had to deal with an equally difficult question during the Yom Kippur war in the middle east in 1973. We were asked for the use of bases, including those in Cyprus. The reply which my Government sent to the United States was no.

Mr. Churchill (Davyhulme): Disgraceful.

Mr. Heath: My hon. Friend may shout, "Disgraceful", but that was done in the reality of British interests, which is what the Prime Minister and the Cabinet are concerned with. My hon. Friend's grandfather was quoted in the House yesterday, again on what happened 30 years ago. What his grandfather said was, "I would never have been so bold to do it, but on the other hand neither would I have been so foolish".

Mr. Churchill: As I was present when the statement to which my right hon. Friend refers was made, may I point out that my grandfather said, "I do not know that I would have initiated it. I certainly would not have dared to stop halfway."

Mr. Heath: I was quoting what my hon. Friend's grandfather said to me at dinner at the corner table of the Dining Room.

I return to the question of the British-American relationship. We were respected because we said to the United States what we believed to be right: that we should not become involved on one side in the Yom Kippur war. The United States respected us for doing so. President Nixon and Henry Kissinger respected us because they knew that we were looking after what we believed to be the British national interest. We were not prepared to alienate the middle east or the Arab world. We certainly did not wish to see Israel overrun, but we were determined to defend British interests. That was why our oil supplies were continued and why we were able to keep the flow of oil going to our European allies, even though that was not publicised at the time.

When one tries to learn the lessons, and estimate the influence which such events can have on the Arab world and on the people involved, such as President Nasser then, I cannot come to the conclusion that this action by the United States will destroy terrorism, nor do I believe that bombing cities is the right way to attempt to destroy terrorism. It is essential that we use all our resources—the intelligence services have been mentioned and the forces of law and order exist—in dealing with terrorism. In some respects countries in Europe have been successful in this. Alas, we have not been successful in Northern Ireland and it is not because we do not have forces there, because we have. It has never been suggested that we should bomb IRA camps on the west coast of Ireland. The real point is how we overcome terrorism by the use of our intelligence system, and our forces of law and order. It is that upon which we should concentrate. For us or for the United States to bomb cities cannot be justified.

Sir Eldon Griffiths (Bury St. Edmunds): This morning I had an opportunity to go over the instructions to the American aircrews in my constituency. They did not bomb cities, they bombed precise military targets. They accepted considerable risks and did not unleash their bombs precisely because they were instructed not to bomb cities.

Mr. Heath: My hon. Friend cannot deny that civilian casualties occurred. Is my hon. Friend trying to tell me that the five embassies and the apartment buildings that were hit and the children who were killed were not affected by this? Of course they were. In making an assessment one has to recognise that a military operation in circumstances like this cannot be carried out without an enormous risk of civilian casualties.

Several Hon. Members *rose*——

Mr. Heath: I have given way and cannot give way any more.

This is part of the assessment one has to make and it must be foremost in one's mind when carrying out action of this kind.

My last point is about the escalation of military action. My right hon. Friend the Prime Minister says that she has not committed herself but has kept the option open, but we must consider seriously whether we want to become still more involved in future activities of this kind. We must accept that the past has happened and that is that, whether we thought it was right or not. We have to address ourselves to the future. Are we prepared to see more actions of this kind by the United States air force against Libya? We should not be prepared to accept that.

We need to go to the root of the middle east problem, which is the future of the Palestinians and the relationship between Israel and the Arab world. It is neglect of that above everything else that is leading to the tension in the middle east. Unfortunately, initiatives taken by President Carter have not been carried on by the present Administration, which has been one-sided in its attitude to the middle east. I hope my right hon. Friend the Prime Minister did not intend to imply that all the troubles come from the Arab world. What about the Israeli invasion of the Lebanon? No one has been able to justify that. The Palestinians and the relationship between Israel and the Arab world form the crux of the matter, and a determined attempt is required if we are to reach a solution to the middle east problem. We should not become further involved in the bombing of Libya.

Dr. David Owen (Plymouth, Devonport): The right hon. Gentleman has spoken about the decision he took in 1973 and asks us to look to the future. Given his experience of joint decision-making about the use of bases, does he believe that a British Prime Minister has the right to question very carefully the detail of any action that is taking place, and can look at the targeting strategy arising out of any request by the United States to use air bases in Britain?

Mr. Heath: Under the agreement I am sure that is the case. On television yesterday I heard the United States Secretary of Defence say that the British asked a lot of questions. Of course that right exists. I have also said that not only is there a right of veto, but that it has been used and accepted by the United States, because it recognised that we were not prepared to go along with a certain policy. That policy would have required us to take one side in the Yom Kippur war and we were determined, with the support of Parliament, not to go on either side in that war. My answer contains more than the right hon. Gentleman asked for. The right of veto exists.

Mr. William Cash (Stafford): Does my right hon. Friend not accept that the Yom Kippur war was between

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Israel and Egypt and that the United States was also involved? This is a completely different situation between America and Libya and we are involved as allies of America.

Mr. Heath: I cannot agree with my hon. Friend. His point in no way affects the Truman-Churchill agreement or the power of a British Prime Minister to say no, and for that to be accepted by the United States. In that respect, it is not a different situation. Some people would say that my hon. Friend is in the wrong and that this situation is not one for NATO. There is a powerful argument that all of these matters are limited to NATO and that this situation in Libya is not a matter for NATO. My hon. Friend ought to be careful on that point as well.

I should like to return to the crucial point about what will happen if this escalates. To judge from reports, it may be that Colonel Gaddafi is no longer alive. None of us knows. If Monday's action has not stopped the development of terrorism, what is the next stage? It should not be escalated into further conflict in the middle east. We should attempt to deal with terrorism in the basic way, the way in which we have always had to deal with it, through our intelligence services and our forces of law and order. We should also deal with the basic problem that is the cause of terrorism in so many countries—the conflict between Israel and the Arab world.

4.56 pm

Mr. James Callaghan (Cardiff, South and Penarth): I heartily concur with the general theme of the speech of the right hon. Member for Old Bexley and Sidcup (Mr. Heath), and especially with his conclusion about the need for attention to the middle east. I congratulate him on what he said. I seek no indulgence for myself for whatever I have to say in this House, but the undignified manner in which some hon. Members on the Government Benches behave when the right hon. Gentleman is addressing the House on a serious subject does the Conservative party no good at all. I urge Conservative hon. Members to consider the way in which they behave on such occasions.

The right hon. Gentleman took us into history and I propose to do the same, because there is some idea that history began on 3 May 1979 when the Prime Minister entered into her inheritance.

Let us consider what happened in 1950. For obvious reasons, it was never envisaged in 1950, when American aircraft were stationed here for the purpose of protecting Britain and other countries in Europe, that they could also be used by the United States with British permission for purposes outside NATO. It never occurred to anyone that they would be put to the use for which they were used on Monday, namely, beginning an operation from this country and ending it in this country. In our minds at the time was the thought that if the United States wished to use aircraft that had been posted here for NATO purposes, the probable use would be either in Korea or in the far east generally. In the 1950s King Idris was still on the throne in Libya, and remained there until 1969, when Gaddafi took over, and the range of aircraft in those days was such that it was not possible to conceive of operations beginning and ending in Britain and involving someone against whom the Americans chose to operate.

Under the terms of the Truman-Attlee agreement there is no obligation on the Prime Minister, either moral or implied, that would have required her to give her consent on Monday when she was asked for it. There may have been other obligations on her, such as the obligations of friendship and those of an ally. There may even have been an obligation in view of the assistance generously given to us by the United States during the Falklands war—an obligation which I wish had never been incurred, because I have always held the view that it was an unnecessary war —[HON. MEMBERS: "Oh."] It could have been avoided, but I shall not go into that this afternoon.

The obligation on the Prime Minister was to consider whether this was in the best interests of Britain and the United States, as well as in the interests of promoting the object that she had in mind. On all these matters I answer no. I have anticipated the question that the hon. Member for Northampton, North (Mr. Marlow) would have asked me had I been in office, because all who have held that difficult position must honestly address themselves to it and consider how they would have replied.

I hope that hon. Members will not sneer, but had the Americans come to me I would have said, "I hope that you will not formally ask me, because if you do it will be very difficult to say no, but I believe that it is wrong." I do not know whether they would have desisted, but had they insisted and made a formal request I would have said no, for reasons which I shall explain in a moment. As the Prime Minister regarded refusal as inconceivable, it shows how the lapse of time can blur old understandings and create new obligations.

It is worth reminding ourselves of the history of this matter. I doubt whether the snake has been scotched. It certainly has not been killed. The sense of genuine outrage that the people of the United States share may have been met by the action taken yesterday, but I do not believe that the long-term interests either of the United States or of anyone else have been enhanced by what has taken place.

Terrorism has many branches. It existed in the middle east before Gaddafi came to power in Libya. For example, there was the extremist wing of the PLO. Nor, as we all know, are its roots to be found only in Libya. Some terrorist groups exist as near outlaws, with the hand of every state against them. Others are tolerated by the state in which they settle. But I make a distinction—and the House should do so as well when trying to understand the American position — between the existence of those groups and countries which not only harbour terrorists but recruit, train, finance and send such groups on missions to kill and maim innocent men and women. That is what Libya practises.

America's action was misconceived, but it leaves unanswered the question that we must address, because we all have a joint responsibility. How does the civilised world grapple with state-sponsored terrorism in particular, and with terrorism in general? My difficulty with what the Prime Minister and the United States have done is that one can get rid of Gaddafi, but one cannot bomb terrorism out of existence.

Europe has not covered itself with glory on this matter —that I fully concede. We ignored the rising cry of frustrated outrage from the United States as it witnessed a series of attacks on its own defenceless travellers and holidaymakers. It is even alleged that some European countries purchased an immunity from terrorist attacks by turning a blind eye to the passage of Libyan terrorists through their territories as they went on their way to commit murder. If that is true, it is deeply shameful.

We have limited our response to American requests for help and to a number of minor matters. An ally asked us for help, and the British Government have tried to go further than some other Governments have been willing to go. The other members of the Community would not even agree to close their embassies. As my right hon. Friend the Leader of the Opposition said, why do we not cut off all trade with Libya, make it illegal to use Libyan airports and refuse to buy their oil? Those are questions not only for this Government, but for Europe as a whole, and Europe has shown itself to be woefully lacking in this situation.

Mr. Hugh Dykes (Harrow, East): I am sure that most, if not all, hon. Members will agree with everything that the right hon. Gentleman has just said, but do not some European countries have a more robust attitude to the need for a profound and underlying settlement of the middle eastern problem than exists in the United States?

Mr. Callaghan: Perhaps the hon. Gentleman will allow me to respond to that point when I conclude my speech in a few minutes. It is agreed by almost every hon. Member that we should isolate Libya from our world, but we should then seek to isolate the terrorists from their own world. There is a potential division at least between those who use terrorism in the middle east to achieve their ends and those who use terrorism to sabotage any settlement or agreement. Libya's ruler belongs to the second group.

There are some in the first group with whom some compromise might one day be possible, and we should work to separate the two. In an entirely different category are those Arab states which have no more liking for Gaddafi than we have, but which may be driven at present to appear to be siding with him, although they will disengage as quickly as they can.

I would have told President Reagan that Gaddafi was not central to the solution of the middle east question, but it is the inability to reach a middle east settlement that strengthens Gaddafi. We can weaken him if we give some hope to those middle east states to which I have referred in order to reinforce their self-confidence and make them feel more secure and willing to outface the rejectionists. That is the path of wisdom that we should follow. It will not deal immediately with terrorism, but it will weaken and undercut the terrorists in what they are trying to do.

The West as a whole must address itself to the genuine grievances on which terrorists thrive, and here the role of the United States is crucial. During the 1970s, under three successive Administrations, the Americans appeared to occupy more central ground than President Reagan does today. The United States then had more of the appearance of a mediator. But during the 1980s her misconceived intervention in Lebanon has given her the appearance of a participant—alas, with no apparent long-term policy.

America's diplomacy today has neither the intensity of President Carter's efforts at Camp David nor the sustained energy and the constructive mind of Henry Kissinger when he applied himself to this problem. He was not successful, but there was a sense of momentum and of trying to find solutions even to small problems that gave everyone the feeling that something would happen.

Four years ago, after the slaughter in the Sabra and Chatila camps in Lebanon, President Reagan made a speech with much of which I was in agreement. Unfortunately, Israel rejected it out of hand, to my great regret. I do not know what happened afterwards, but President Reagan seemed to lose interest in the problem. America's efforts, which are vital to success, have become spasmodic and impulsive. There have been periods of activity, interspersed with months of neglect.

For a long time now, those of us who have watched the middle east situation develop have noticed that the United States has done little except talk procedure as a substitute for substance. Endless discussions have taken place at a secondary level on how to get various participants around a table, but I am not aware of any discussion of the substance of the dispute—such as the need to remove the legitimate grievances of the West Bank inhabitants, the conditions of security for Israel, and so on. In the face of this, both President Mubarak and King Hussein of Jordan appear to have lost heart.

When the Prime Minister sees King Hussein—I understood her to say that it would be this week—I hope that she will raise, not these piddling questions of procedure, but what proposals of substance we in Europe can put forward. Perhaps she could galvanise other European countries into presenting some sort of approach on substantial matters. I hope that the Prime Minister will tell the United States, which is vital to success, in terms which I hope it will find acceptable, that it is its responsibility, not merely to consider how it can next respond to terrorist attacks, but how it can substantially and methodically restart this difficult process, which some believe is impossible. Nevertheless, that process must be attempted because we are dealing with the most volatile area in the world today. It is far more dangerous than Afghanistan or south-east Asia. I hope that the Prime Minister will take that line when she meets King Hussein.

I am fearful when European politicians say in despair that nothing will succeed. If nothing will succeed, let us build the air raid shelters now. This must not be the last word, but if it is and the President does not put his full personal authority behind an attempt to make progress on the Arab-Israeli problem and to create some momentum, not only will America fall flat on her face in Libya, as she did in the Lebanon, but the most volatile area in the world could set the rest of the world aflame.

I do not suggest that a resumption of negotiations will put an end to state-sponsored terrorism, but it would certainly serve to isolate terrorists and those who harbour them from other states in the middle east. Europe should pull itself together. It has played a most inglorious role. I do not think that the Government were behind hand in this matter. Indeed, I wish that they had gone further. Certainly many European states could have gone much further and responded to some of the Foreign Secretary's suggestions.

I make one further suggestion. The Soviet Union should be drawn into the fight against terrorism. It has declared that it is against state terrorism and terrorism. I do not know what value we can attribute to its words, but a summit will undoubtedly take place. When a dialogue takes place between the two great powers, and between President Reagan and Mr. Gorbachev, a discussion on how all of us can use their considerable influence to end this hateful practice which is disfiguring the world today should be in a prominent place on the agenda.

I have made several criticisms of the United States' actions and its failure to act. I do not do so destructively. I am a firm adherent of the value of the United States in the NATO Alliance, and I am a great admirer of the American people, their energy, spirit, and willingness to

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tackle problems which the rest of us will not. Our friends in the United States have committed many errors, but who is without error? Not even my hon. Friend the hon. Member for Edinburgh, Leith (Mr. Brown).

It is the task of Europe and the United States to resolve the differences which have grown up and to which both sides have contributed, so that we may add to the peace of the world.

5.12 pm

Mr. Cranley Onslow (Woking): If the right hon. Member for Cardiff, South and Penarth (Mr. Callaghan) intended to include my intervention in the speech of the right hon. Member for Islwyn (Mr. Kinnock) in his strictures on my Conservative colleagues which I would reject, perhaps I may tell him that when I told the Leader of the Opposition that I had no wish to destroy his speech I was speaking no less than the truth. I sought to bring home to the right hon. Gentleman—I hope that the right hon. Member for Leeds, East (Mr. Healey) will bring this home to his leader—that on two occasions he had been guilty of a most serious misquotation of President Reagan's comments.

Yesterday the Leader of the Opposition asked:

"Will the Prime Minister further accept that, far from bringing down a 'curtain on Gaddafi's reign of terror', as the President put it last night and as he claims, his adventure against Libya has failed to achieve the objective of terminating terrorism?"—[*Official Report*, 15 April 1986; Vol. 95, c. 731.]

As I tried to remind the right hon. Gentleman today, and as he would have seen if he had taken the trouble to check his sources, President Reagan said:

"I have no illusion that tonight's action will bring down the curtain on Gaddifi's reign of terror."

That could scarcely be more different from the words which the right hon. Gentleman has twice tried to put into President Reagan's mouth. However unsatisfactory the right hon. Member for Cardiff, South and Penarth may find that, I hope that he will accept that no hon. Member should be required to sit in silence while such a travesty of the truth is perpetrated on us.

I do not wish to speak at length, and I am aware, not merely that a great many right hon. and hon. Members wish to speak, but that we are speaking while events may be developing in Libya about which we should like to know more. When my right hon. and learned Friend the Foreign Secretary replies, I hope that he can update us a little.

It is worth reflecting that the public remain surprised by the events. It is not in the least surprising that many of my hon. Friends have had constituents ringing up and searching for answers to questions. We should like some questions, about the details of what happened and why, answered clearly—not the questions about the evidence on which America thought it right to take action, because they must have been disposed of. I cannot claim to have seen the original texts, but I hope that the right hon. Gentlemen who have can confirm that they are satisfied.

It would be useful to have an authoritative answer to a question which one of my colleagues asked me; that is, why it was necessary for F-111 aircraft from the United Kingdom to be used in attacking Tripoli while it was apparently adequate to use aircraft from a United States' carrier against Benghazi. I think it is because some F-111 aircraft have an electronic counter-measure capability which was absolutely essential to allow any of the aircraft to penetrate to their targets. It would be valuable to have that information confirmed and in the public domain. It will certainly confirm what my right hon. Friend the Prime Minister rightly pointed out that, had those F-111 aircraft not been available, the risk of failure of the enterprise would have been greater and the number of civilian and military casualties larger. None of us could have wished for that through our fault, as it would have been.

There is a peripheral question about which I hope my right hon. and learned Friend can say something. We know what the Libyan people's bureau in Berlin has been up to. We should like to know what action is likely to be taken against it. [AN HON. MEMBER: "In East Berlin".] There may also be contacts in West Berlin.

Equally important is the question how we can minimise the likelihood of our being asked for the use of the F-111 aircraft again. That must be an objective, and my right hon. Friend the Prime Minister said that she had reserved the United Kingdom position on that, and rightly so. I hope that my right hon. and learned Friend the Foreign Secretary can follow up the remarks of the right hon. Member for Cardiff, South and Penarth about Europe, because both sides of the House must share a feeling that Europe as a whole does not come out of this affair with great distinction. When we are confronted with disappointments of European policy in many other areas, we and our people should be given some evidence that Europe genuinely exists as an international force for good. Europe must respond to this opportunity, and I hope that my right hon. and learned Friend will agree that we should give a lead.

The right hon. Member for Tweeddale, Ettrick and Lauderdale (Mr. Steel) asked whether we were more in the line of fire since Tripoli than previously. It must be difficult to give a categorical answer, but we can analyse the question for ourselves. After all, if the Libyan terrorists were preparing to machine-gun and bomb a queue of innocent people waiting for visas at the American embassy in Paris, they might equally have chosen to do the same in Grosvenor square. We must not suppose that we were ever in the comfortable position of not being a target for Libyan terrorism.

We should look back to the incident in St. James's square as well. It is worth asking ourselves why WPC Fletcher was murdered. She was there because a peaceful demonstration was being held outside the Libyan people's bureau. Why was that demonstration being held? As my hon. and learned Friend the Member for Perth and Kinross (Mr. Fairbairn) has reminded me, it took place because a protest was being made by Libyan exiles living in this country against the public hanging in Tripoli by the Gaddafi regime of a 14-year-old boy. It is just as well to get some of these facts in perspective when we consider why we were targets. It was because people in our country were exercising the freedoms we cherish by daring to protest against that atrocity.

Mr. Robert Litherland (Manchester, Central): What about the Public Order Bill?

Mr. Onslow: There are those matters where loose ends must be tidied up. In general, I believe that, as the facts become clearer, public support for my right hon. Friend the Prime Minister will become steadily stronger. For some hon. Members it will always be nice to be neutral.

I can see some members of the Opposition who come into that category. There will always be some hon. Members, as there have been for many years, whose reaction is to attack the Conservative party on any issue, regardless of its merits.

Mr. Tony Banks *rose*——

Mr. Onslow: I know the hon. Gentleman is one of them; he does not need to remind me. The hon. Member for Manchester, Central (Mr. Litherland), who is also trying to interrupt me, is another. They—or perhaps it was their fathers—used to say at the time of the Suez crisis that a Tory's patriotism shows only when someone is going to get killed. That remark was as untrue and as objectionable as it would have been to say that a Socialist's or a Liberal's patriotism shows only when nobody is going to get killed. As a nation, we do not rejoice in war. We may rejoice in victory because it means the end of war, but we do not find anything admirable in war itself.

What has happened has quite rightly brought us face to face with some very unpleasant realities. We cannot dodge the choices. We were not in a situation in which we could be neutral, not because of the effect that would have had on the Western Alliance—although there would have been such an effect—and not only because of the effect it might have had on the special relationship between this country and America—although there would have been such an effect—but because we would have found it impossible, when we looked at ourselves in the mirror, to retain our self-respect had we prevented our best and firmest ally from justified action in defence of its own citizens.

5.25 pm

Mr. Ken Weetch (Ipswich): The bombing of Benghazi and Tripoli is now an established fact. This House should be making a sober appraisal of the consequences for British foreign policy of what I describe as this military adventurism. Sober consequences will certainly follow. If we examine the whole incident in the light of the basic objectives of British foreign policy, perhaps we shall begin to make an assessment.

The major objective of British foreign policy in this area is to prevent instability in a very criticial area of the world. With the Americans, we have as a major aim in foreign affairs to keep oil flowing from the Gulf and to try to minimise the penetration of Soviet influence throughout the middle east. What will be the result on those policy aims of what has happened in the past 24 hours? I believe that the net result has been detrimental to all those basic aims of British foreign policy. First, at one stroke we have strengthened Gaddafi throughout the Arab world. Secondly, American and British influence has, almost overnight, reached a critically low ebb. Thirdly, we have fractured the relationships in the North Atlantic Treaty Organisation and in the European Economic Community.

Critical questions must also be asked about the Anglo-American relationship. The word "supine" has been used several times in this debate. It means being invertebrate, and frankly the British Government can be accused of being supine in the worst possible way in the face of American military adventurism in a very unstable part of the globe. The United States mounted an air strike on a middle eastern target, outside its area of responsibility in NATO, from bases in Suffolk, whose political representation I share in this House. Quite characteristically, yesterday the right hon. Member for South Down (Mr. Powell) put his finger on the pulse of a very critical point. Let us suppose that the present situation was more critical and that the risks involved led to the possibility of a nuclear exchange. In the light of this incident, what assurance do we have that American consultation with Britain is anything more than casual and perfunctory?

To me it has never been a question of evidence whether the Libyans were or were not involved in terrorism; I suspect that they probably have been involved on a number of occasions. The question I ask is whether this crude act of retribution is the way to run a foreign policy in international law between civilised nations, and the answer is that it definitely is not. The test of civilised behaviour does not arise when a country is opposed by civilised people; the critical test of civilised behaviour is when it is opposed by adversaries who throw such behaviour to the wind. This House is horrified by terrorism, but what is the point of devastating a residential area of Tripoli, with, according to *The Times* today, over 100 casualties and the destruction of the French Embassy? If that is an example of pinpoint surgical bombing, God help us.

Mr. Bill Walker (Tayside, North): The hon. Gentleman is aware that at least one aircraft did not return. Is it not possible that that aircraft abandoned its load when it was hit?

Mr. Weetch: I do not see the relevance of that intervention. The point I am trying to make is that, even in the face of terrorism and the basic emotional response to which terrorism gives rise, it is wrong to indulge in bombing.

The Americans take a very simplistic view of world affairs. On the one side there is moral good; on the other side there is great moral evil. For a while moral good is up against it, but do not worry; the cavalry is coming over the hill. Unfortunately, that is President Reagan's view of world affairs. He views this action as a B-movie incident.

Mr. Nicholas Fairbairn (Perth and Kinross): I am interested in the hon. Gentleman's concept of morality: that if the Leader of the Opposition's proposal were adopted, we could starve out the Libyans by the imposition of economic sanctions. Does the hon. Gentleman regard the starving out of people as moral? Would it not be likely to create just as much terrorism as bombing?

Mr. Weetch: President Gaddafi is viewed with almost complete distaste in many areas of the middle east. In recent months his domestic position has been critically weakened because of the fall in the price of oil. He and his regime are in difficulties. However, at one stroke the United States and the United Kingdom have strengthened his position and put him on the map again. I do not make a distinction between the morality of one action compared with the morality of another. My point is that an exploration of every other alternative was preferable to the action that has been taken. British foreign policy interests in the middle east have been critically damaged.

I am a Member of Parliament for a Suffolk constituency. The F1-11s flew to Libya from Suffolk. One can protect military bases against subversion, but what protection can be offered to the ordinary citizens in my

[Mr. Weetch]

constituency against the subversion that could very well take place? Gaddafi has been described as a mad dog. Mad dogs wander and they bite. The area of East Anglia that I represent is now more in the front line than it has ever been, and it has been put needlessly at risk. It is one thing to say that we cannot control the United States because it is the most powerful country in the world. It is quite another to be drawn into an incident like this that was based upon sheer, blind folly.

5.33 pm

Mr. Norman St. John-Stevas (Chelmsford): May I say how much I welcome the fact that this debate is taking place today. I want to make a constitutional point. It arises from one that was made yesterday by the right hon. Member for Chesterfield (Mr. Benn). He complained that Parliament had been treated in a cavalier fashion. But the conduct of foreign affairs from time immemorial has been in the hands of the Executive. There has never been an obligation to obtain the sanction of this House before taking action. The role of the House of Commons is rather different. It is to debate, assess and elucidate the action taken and, on the information elicited, to pass judgment —to accept it or to condemn it.

Therefore, my first conclusion is that the Prime Minister and the Government have acted constitutionally throughout and that the House, too, has played its proper role. Today it has played its role particularly well. It has been debating these grave matters in language which is restrained, moderate and suitable to the seriousness of the situation. I hope that through this debate we can establish as much common ground as possible, though there are clearly great differences of opinion.

I found much in the condemnation of terrorism in the speech of the Leader of the Opposition with which I agree. However, he made two points with which I must express the most profound disagreement. The first was that this action in Libya by the United States was motivated by a lust for reprisal. I do not think that that was the motivation. The motivation was, rather, that in the future citizens of the free countries of the world should not be subjected to the kind of attacks that they have suffered in the past. The motivation of the United States was to reduce that risk.

The second point upon which I disagree with the right hon. Gentleman is his assumption that the American action was in breach of international law. There can be differences of opinion about that. However, I assure the Leader of the Opposition that if the Prime Minister had been advised by those who know much more about the legality of these matters than I or the Leader of the Opposition that this was a clear breach of international law, she would never have given her support to the United States.

Those are two points of disagreement, but Parliament's role remains crucial. One of the factors that resulted in a successful outcome to the Falklands war was that Parliament was united. I do not suppose that we shall get a united Parliament on this issue, but today we can reduce the gap between the different points of view. That gap has been reduced. Nobody has made a greater contribution to that reduction than the right hon. Member for Cardiff, South and Penarth (Mr. Callaghan), a former Prime Minister, whose contribution today ranks in importance with any of his contributions of the past. He concentrated our minds on the underlying issues in this tragic conflict.

My next point is that the American action and the use of British bases cannot be considered meaningfully in isolation. They must be seen all the time in the context of a worldwide terrorism which has become such a dominant feature of the international scene. Terrorism, with the single exception of nuclear war, is the greatest threat that faces the entire world. The part played by Colonel Gaddafi was well enough established before this debate, but it is a gain to have established again and again just what role that man has played.

In her detailed account of the Libyan interventions, using sources that are available only to her, my right hon. Friend the Prime Minister put the matter beyond all reasonable doubt. And may I say this: on defence and security issues my right hon. Friend has been more forthcoming to this House than any of her predecessors.

A primary duty of democratic states is to take whatever legitimate action is necessary to contain and control terrorism. Force must not be used in the first resort, but we must be prepared to use it in the last resort. It is only when all hope of peaceful settlement of disputes has been exhausted that force should be used. I believe that to have been the case in these circumstances.

My next point—and I was delighted to hear my right hon. Friend the Member for Old Bexley and Sidcup (Mr. Heath) make it—is that the purpose of British foreign policy is the advancement of British interests. No one feels more than I do the sentiment of affection, regard and kinship for the United States of America. I share this feeling with the right hon. Member for Cardiff, South and Penarth and with the Prime Minister herself. But sentiment cannot determine foreign policy. It was Palmerston who said — and not, I say to my right hon. Friend the Member for Old Bexley and Sidcup, to me at a dinner party at Brook's—that in foreign affairs friendships rise and fall but interests abide. I was delighted also to hear the right hon. Member for Cardiff South and Penarth make that point.

He took up the Prime Minister on something that she said yesterday, that it was inconveivable that the request from the United States should have been refused. I took that to mean not that it was inconceivable in any circumstances that the request should be refused but that, in the light of the circumstances that she knew and had assessed, it was inconceivable to give a negative response. That is a very different thing. The question was also raised by the right hon. Gentleman of the obligation on the Prime Minister in these circumstances. The obligation is to defend British interests. The truth of the matter is that there is no other country in the world, not even the United States, which has a greater interest in defeating terrorism than we have.

Mr. Tony Banks *rose*——

Mr. St. John-Stevas: Our trade, our position at the centre of the Commonwealth, our very life, depend on free movement by sea and by air. All that is threatened by terrorism.

Mr. Tony Banks: Would the right hon. Gentleman then say that, if we have a great and overriding interest in defeating terrorism, and if British nationals either here or

abroad are subjected to Libyan attacks, arising out of our support for the United States, the British Government themselves should bomb Libya?

Mr. St. John-Stevas: The hon. Gentleman has misunderstood what I was saying about our interests. Of course, it is the general national interest that must be considered. It may well be, tragically enough, in certain circumstances that the interests of individuals have to be sacrificed to the promotion of the general interest. I hope that that answers the hon. Gentleman's point.

It was in the light of protecting and advancing British interests that the Prime Minister and other Ministers took the decision that they did. It was an extremely difficult decision, as my right hon. Friend the Member for Chesham and Amersham (Sir I. Gilmour) said yesterday. Great risks were involved in that decision, but I am satisfied, as I suppose most reasonable people will be satisfied, that every reasonable step was taken to limit the damage.

This was not totally successful, of course, and it is absolutely right that we should express our profound regret that innocent people have lost their lives. When the Prime Minister said that, there were jeers from some Members on the Opposition Benches. What would they have said if she had expressed no regret? There would have been equal condemnation.

Viscount Cranborne (Dorset, South) *rose*——

Mr. St. John-Stevas: My right hon. Friend the Member for Old Bexley and Sidcup said that the important thing now is to look to the future. There is no doubt that the demonstration that those who are the victims and potential victims of terror are ready to defend themselves is, and will be, an effective deterrent. That deterrent will be as powerful as is the sustaining of our resolution to condemn, resist and, if necessary, in extreme circumstances to punish international crime and outrage. If that resolution goes, everything that has been gained will have been lost. In this extremely hazardous situation the Prime Minister, along with her other Ministers who were consulted, acted with courage but also with balance and foresight. For that reason she will have my support in the Lobby.

5.45 pm

Mr. Tony Benn (Chesterfield): As a matter of fact, there has been very little support for what the Government have done, either abroad or in the country or in the House. There are three objections. One was expressed by my hon. Friend the Member for Ipswich (Mr. Weetch) who pointed to the fear of Libyan reprisals—whether under article 51 or not has not been made clear. Another objection takes the form of the fear expressed by the *Financial Times* today that this will damage British interests.

The third objection, the one that I feel most strongly, takes the form of a sense of outrage at what was done and at the deaths of those in Tripoli, a fully lighted city bombed by night—and if Gaddafi's adopted daughter was killed, it must have been because the F1-11s were chosen to pinpoint his residence.

Yesterday in the House 22 peace groups—the United Nations Association and a whole range of others—met and issued a statement denouncing the attack and calling for a ban on the use of the bases in the future and for the matter to be referred to the United Nations. On Saturday there is to be a big demonstration in London and a rally in Hyde Park. People will be surprised to find how much opposition there is to what has been done.

Viscount Cranborne *rose*——

Mr. Benn: No, I am not giving way to the hon. Gentleman. I have much to say and I do not want to take too much time.

The official explanation by the Prime Minister, in very strident statements yesterday and today, is that there were 330,000 American troops in western Europe preserving human freedom and that it was inconceivable that, if they were needed to kill some Libyans as a reprisal for the terrorism, she should refuse to consent. I was strongly reminded, along with other hon. Members—although there are perhaps not many survivors—of the Suez situation 30 years ago. The language used about Gaddafi now was used about Nasser then. The Prime Minister said all the same things. The difference is that Eden had rather more support from his side than has the present Prime Minister, because at that time we were defending British predominance in the middle east. I was opposed to that war and was right in opposing it, because it ended in disaster for this country and did enormous damage to a whole range of British interests and to the cause of world peace. Anyone who thinks that this is the first time we have heard such language as the Prime Minister used today should read the debates of 1956.

There are some survivors. The right hon. Member for Brighton, Pavilion (Mr. Amery) sitting on the Front Bench below the Gangway, who today thinks that we should have gone further, was one of the most passionate of the Suez men and may be unchanged, although the former Prime Minister, looking back on an Administration of which he was, I think, a member, may give a slightly different version of what was done. Let us at least be truthful with ourselves.

The Americans are in the middle east to protect their own interests. America depends on middle east oil, and middle east oil is threatened, it thinks, by Soviet influence, by Arab nationalism, by Socialist agitation among Arab people and by the unresolved question of the Arab-Israeli conflict about the rights of the Palestinians. The United States has crudely used the Israeli Government as its instrument in the middle east. I regret this very much because I was brought up to be a great believer that the Jews, the Israelis, had the right to a national state, and I have always held that view. However, they have no right to be an American instrument in denying a Palestinian state. The specific root of the problem is that the Americans have decided to use Israel to blank out the right of the Palestinians to a state—

Mr. Churchill *rose*—

Mr. Benn: No, I shall not give way to the hon. Gentleman because I do not believe that his intervention would be helpful, based on a study of his earlier intervention.

We must be careful not to mislead ourselves when we use language here that is reported outside. Imperial interests do not mix with human rights. For example, when we were an empire we invaded Afghanistan four times; we governed the whole of India without any form of consent from the Indian people. The most powerful country in the world today is the United States. I have warm feelings

[Mr. Benn]

about the American people and their traditions — especially because of the defeat in Congress of Reagan's request for $100 million to pay for his terrorists. I have great respect for the American people.

However, the same is not true of the American record —the war in Vietnam, the attack on the Bay of Pigs, the undermining of Allende, the support of Marcos and Papa Doc for many years, the support of the Greek colonels and the Turkish regime, the invasion of Grenada and currently the positive financing of the killing of the people in Nicaragua.

I hope that the Prime Minister and the Foreign Secretary will not ask me to accept that the United States is in Europe or anywhere else to protect human rights. It is there to protect its investments, economic interests and trade routes, exactly as Britain did when it was an empire. One reason why Ministers have supported the Americans so wholeheartedly is that they envy the Americans for being able to engage in the sort of gunboat diplomacy that is now beyond our resources.

The second question is, what is terrorism? "Terrorism" is a word used to define acts of violence by people we do not like. Let us be clear about that. I have never heard the BBC talk about Afghan terrorists attacking the Russian army. I never heard the Maquis in France described as terrorists when they were blowing up restaurants and cafes where the German troops were eating.

The word "terrorist" reflects the view one takes of certain actions. The attack upon people who are troublemakers—sometimes they are called terrorists or nationalists—is also part of our history. I have a long memory on this point. When I was a little boy of five, I was taken to meet Mr. Gandhi in London when he came to the round table conference. Gandhi was described by Churchill as a "half-naked fakir loping up the stairway of the vice-regal lodge to parley on equal terms with representatives of the King emperor." So much for Churchill, the old imperialist. He had contempt for Gandhi, although Gandhi was not a terrorist. He believed that love was more powerful than guns, and I think that he was right.

During the course of my life I have met Nehru, who was in prison, Nkrumah, Cheddi Jagan, Makarios—who was sent away—and Kenyatta. Hon. Members should go to the Library and read the confidential annexe published by the British Government about the Mau Mau oaths, which were so disgusting that they could not even be published. Kenyatta was a Kenyan nationalist. The story of the British empire is that one begins as a terrorist and ends up by having tea with the Queen. I am not necessarily saying that that is what will happen with Colonel Gaddafi——

Mr. Douglas Hogg (Grantham) *rose*——

Mr. Benn: I shall not give way to the hon. Gentleman because I am saying something that is very painful to the Conservative party.

The British empire ended when the British Government conceded to force. That is what Conservative Members cannot bear. It began as something beyond the pale, but in the end they have to come to terms with it.

The fact that so many speeches today have referred to the right of the Palestinian state to exist is not unrelated to the fact that there has been a great deal of violence around the Palestinian question. It would be nice to think that all arguments could be settled by a public opinion poll and a quick chat in the Cabinet or Shadow Cabinet. The reality is that rights have often been won by force, and none have been readier to use force than successive British Governments. When force is used against what we want to hear, we dismiss it as outrageous——

Mr. Douglas Hogg *rose*——

Mr. Benn: I shall not give way because I am coming to my final point.

Why did the Prime Minister agree to the use of British bases? Was it because of the Falklands war? I believe that there was a debt to be discharged. We did not win the Falklands war by sending the task force; we won because the Americans had a satellite system that informed the British forces of the Argentine positions. They supplied the logistics and weapons, but above all they told us the position of the Belgrano so that the Conqueror could sink it. The Prime Minister had an overwhelming obligation — she sought — to pay the price for that American support by agreeing to the use of British bases for the bombing of Libya.

Could the Prime Minister have refused? That is a question that I want answered. The right hon. Member for Old Bexley and Sidcup (Mr. Heath)—a former Prime Minister—said that he had once refused consent, and my right hon. Friend the Member for Cardiff, South and Penarth (Mr. Callaghan) said that she could have refused. But could the right hon. Lady have refused? We do not know what the agreements state. There are only three people in the House who have ever seen them. Why are they not published? Why are we not allowed to know the conditions under which this country could be taken into war by a Prime Minister using the Crown prerogative? The right hon. Member for Chelmsford (Mr. St. John-Stevas) said that that was the proper way to govern Britain. We are allowed to advise after the nuclear war; we are only allowed to evaluate what was done after it has been done.

I want to know what would have happened if the Prime Minister had refused? Is there a provision that when there is an overriding American national interest British agreement is not required? I do not know. If the Americans had used the bases without our consent, what would have happened? I do not know. If we had stopped them using them, would we have suffered the fate of David Lange in New Zealand who would not let the Americans with their nuclear weapons into his country? They imposed mini-sanctions against him——

Mr. Paddy Ashdown (Yeovil): We would have lost trade——

Mr. Benn: The hon. Gentleman may say that, but it is——

Mr. Ashdown: And Trident.

Mr. Benn: To have lost Trident would have been a great gain.

If there are lessons to be learnt, let us learn them once and for all. First, there will never be peace in the middle east until the Palestinians have their own state. I say that as a lifelong friend of Israel—someone who wants to see Israel prosper. The Israeli Government have, in some ways, betrayed their people by allowing that state to be an instrument of American imperial policy in the middle east.

Secondly, Britain is entitled to self-determination. We are entitled to decide whether we want to be taken into war

through the use of bases in our country. Yet we are not so entitled. Does anyone honestly believe that the Prime Minister would be consulted if radar screens showed something coming from Fylingdales? Does anyone believe that Reagan would contact the Prime Minister—who might be having a bath—with only a four-minute notice period, to obtain her consent to fire missiles? Of course not. Technology itself makes it impossible to consult. In all fairness, the United States has a democratic tradition that we never quite won. The President cannot go to war without the consent of Congress. And here is the right hon. Member for Chelmsford telling us that we have no right even to consider whether we should have a view, although it is our own people who would be affected.

We must now consider very carefully whether we should not close down all the American bases in Britain. It is the policy of the Labour party—and I am very glad that it is and it was a long struggle to get it—to close the nuclear bases.

This action by Reagan was very foolish because he lost more friends and influence by what he did on Monday than he could ever make up for with all his hardware. For we learn that it was the use of conventional forces from British bases that posed the threat with which we now have to live.

I believe most profoundly that the time has come when Britain should realign its foreign policy, not to neutrality on all sides, but to push our influence to end the conflicts between East and West and try to redirect the resources available to our generation to meet the needs of the Third world, instead of building up the nuclear madness, which may very well end with an incident no different from Monday's bombing of Libya and trigger accidentally the destruction of humanity itself.

Mr. Deputy Speaker (Mr. Harold Walker): I must remind the House that the 10-minute limit on the length of speeches became effective at 6 o'clock.

6.1 pm

Sir Antony Buck (Colchester, North): In spite of that fact, Mr. Deputy Speaker, perhaps I could deal with one point which the right hon. Member for Chesterfield (Mr. Benn) raised. I am surprised that he did not wish to deal with it earlier in his own speech. He will have noticed a leading article in *The Times* of today stating—in my view accurately:

> "Under Mr. Benn's guidance, the regrettable civilian casualties in Tripoli would undoubtedly have been very much greater."

I am surprised that he did not deal with that accusation.

The right hon. Gentleman mentioned the sinking of the Belgrano and suggested that that had some relevance to the attitude taken by the Americans. As to the Falklands, we owe a considerable debt to the Americans, who certainly gave us moral support, but my understanding of the position—I have been to the Falklands and studied it all quite closely—is that American assistance was in no way relevant to the sinking of the Belgrano. She had been followed for two days by HMS Conqueror, which eventually decided that she had to sink the Belgrano when it arrived near the shallows. So it seems to me that the right hon. Gentleman was right off net.

Mr. Ashdown: Surely the point about the so-called Falklands debt is that the United States specifically refrained from providing military assistance but did assist in the diplomatic area, and that if we were returning like for like that is the kind of assistance that we might have offered here too.

Sir Antony Buck: I hate to be in conflict with the Royal Marines, but I think that the hon. Gentleman is wrong as to that. There was diplomatic initiative all the way through to try to prevent the Falklands action, and the Americans were very supportive of us, but the corps of which the hon. Gentleman used to be a member was so skilful, with the Royal Navy, the Army and the Royal Air Force, that we did not need support from the Americans. There is no question whatsoever of a debt there.

I wish to make it clear that I support what has happened here for the reasons stated by my right hon. Friend the Prime Minister in the House yesterday. What we are concerned with here is an attempt to deter Gaddafi from terrorism. The history of our land is more redolent than that of any other of proof that appeasement does not pay, particularly when one is dealing with people who are, to say the least, as in the case of Mr. Gaddafi, eccentric. It did not work with regard to Hitler, Mussolini or any other dictator in the past.

In my view, we are right now to take a firm line in the face of the precipitate action and the statements which have been made by a very dangerous dictator. I think it was right for Her Majesty's Government to support what the Americans planned to do and did. We would do well to pause for a moment and consider what would have been the effect of a refusal to assist in the way the American Government wished. Refusing them the right to use their own aircraft, piloted by their own personnel, from bases certainly in our land but under their control would have caused a major crisis.

Mr. Robert C. Brown (Newcastle upon Tyne, North): On this question of the Americans using their own aircraft from this country, as I understand it, the presence of American aircraft in this country is part of the overall North Atlantic Treaty Organisation alliance and if American aircraft are going to be used from this country it should be only within the NATO sphere.

Sir Antony Buck: Mr right hon. Friend will deal with that in winding up. My understanding is that, as with some of our own agreements with NATO, the Americans have a right to use their aircraft for what might be described as national purposes when clearance is given by the United Kingdom.

We have to consider what would have been the position if we had refused the American request. First, there would have been a major crisis in the Alliance. Secondly, the Americans would undoubtedly have gone ahead with their bombing of Libya. There would have been no diminution of their resolve to go ahead as a result of our refusing to allow them to use the bases in our country. The result would have been the use of less suitable aircraft for the task, less accuracy of deployment on the military targets and therefore a considerable chance of many more civilian casualties.

Then what would have been the position of Her Majesty's Government? It would have been revealed that we had refused our closest allies, with whom we still have a special relationship, the right to use their own aircraft from bases here, aircraft which are more accurate and the utilisation of which would have resulted in a minimal number of civilian casualties. We would have been in dire

[Sir Antony Buck]

straits had we refused. We would have been condemned in the eyes of the world for having caused more civilian casualties, and of course the special relationship with the United States would virtually have been brought to an end.

There would have been a substantial step towards that which we fear more than anything in NATO — a decoupling of the Alliance. If we, the principal ally, had refused what most would have seen as a perfectly reasonable request to use American aircraft, manned by American personnel from American bases here in the United Kingdom, there would have been much more support for decoupling.

It is vital that we maintain the American presence here and also that we acknowledge our debt to the Americans, because it is a great credit to the American people that they, with their country's vast size and enormous power, still keep such a substantial force in Europe and continue to remain the sheet anchor of the NATO Alliance. If we had refused their reasonable request that we go along with this action, we would have done a grave disservice to the whole Alliance and gone a long way towards ruining the bedrock support of that Alliance — the special relationship between ourselves and the United States of America.

6.8 pm

Mr. Tom Clarke (Monklands, West): In a debate of this kind it is important not simply to invite the Government to defend their actions but to bear in mind the importance of opinion — opinion within the House, public opinion in this country, world opinion. It is a matter of great regret that when we consider these matters today we have to note the expression of opinion by Mr. Gandhi on behalf of the non-aligned states, when he made it quite clear that they condemned unambiguously the action which has been taken and regarded it as unhelpful to world peace.

It is very important to recognise that the impact of this exercise has gone well beyond the objective even as described by the Prime Minister. Those who have been killed or seriously injured include Italians, Greeks and Yugoslavs as well as Libyans. That calls for restraint on our part in acknowledging that this was not a technical success; we are entitled to consider this and larger matters.

We are told that the reason for the Government's decision and their failure to inform the House until actions were taken lies in the area of intelligence—intelligence which was made available to them, and in due course to some right hon. Members. I accept that it may well be that there is information that cannot be made available. All of us are against terrorism and all of us want to defeat it. But that said, the House is entitled to assert its right to know and to take the view that there should not be selective intelligence. We are also entitled to ask the Prime Minister, if she made a decision on the basis of the intelligence available to her, why did all but two of our partners in NATO, who presumably had the same intelligence made available to them, not agree with that decision? Why, presumably, did our partners within the EEC, who were again privy to the said intelligence, disagree with her response and that of the United States?

We presume that in Paris they knew about the supposed massacre plot outside the Hotel Talleyrand. We presume that in Bonn they knew about the Berlin bomb. We presume that other countries were well aware of threats to them and to their security. But we are almost alone, apart from the two other NATO countries that I have mentioned, in defending the United States' action. Only now is the rest of the world invited to consider the results. If that evidence is available now, why was it not available when the Foreign Secretary declined to accept the advice that sanctions should be introduced? Was it not available when he addressed his European partners on Monday? If it was, why were they not asked for their opinion?

Mr. Frank Cook (Stockton, North): Where is he?

Mr. Clarke: Indeed, I have a specific question which I would like to put to the right hon. and learned Gentleman, but I hope that it will be conveyed to him. It is on the central issue of international law. Following events in St. James's square, the Foreign Secretary experienced a great deal of pressure from Conservative Members and his response was to deplore the kind of actions which the United States has now carried out, assisted by the Government of the United Kingdom. Indeed, he was clear in what he said to the House on 25 April, and on 1 May he said:

"The most effective answer to international terrorism is international action taken collectively by the major countries." —[*Official Report*, 1 May 1984; Vol. 59, c. 212.]

Nobody would suggest for one moment that what we have seen during the past 24 hours reflects that objective. Nobody would suggest that the Foreign Secretary has acted in accordance with international law on the basis of the interpretation of almost every member of the Security Council, and, I suspect, of many hon. Members.

Mr. Dykes *rose*——

Mr. Clarke: Time is not on my side, so I cannot give way.

Surely any use of force must be directed at preventing or lessening the impact of future events, not as retribution for past events, or are we seeing a new concept? Can there be any doubt that to satisfy international law the force used must be proportionate to the threat, or is there a change in that interpretation as well?

In its report on the phrase "armed attack", as used in the North Atlantic treaty and article 51 of the United Nations charter, the Foreign Relations Committee of the United States Senate gave a clear interpretation when it said:

"The words 'armed attack' clearly do not mean an incident created by irresponsible groups or individuals, but rather an attack by one state upon another".

How then can we regard recent events as fitting into those principles?

The House is then entitled to ask, and will ask, whether that action on the part of our Government and the United States would put an end to terrorism. I think that few hon. Members are convinced that it will. The folly of the United States Administration, and our Government's compliance, will simply lead to tit for tat. Even if Colonel Gaddafi were removed, there would still be Abu Nidal or somebody else to take over and there is not a shred of evidence that their attitude to such matters would be different from his. Indeed, if he is removed it may well be because some people regard him as not being militant enough, and all of us would deplore that.

This kind of response will not lead to an end to international terrorism. It will not end terrorism in Syria,

the Lebanon, Nicaragua or even Belfast. More than anything else the lesson of this outrage is that terrorism is not defeated by undertaking acts which offer the greatest possible prospects for sympathy and even martyrdom to the terrorists, and who would doubt that that has been the result?

Instead of avoiding future terrorism—we are told that that is what the Government seek to achieve, and in that we have failed miserably and disappointed many in the world who would like to see that objective achieved—we have done something else. We have minimised our influence in the middle east at a critical time. We have given a boost to Arab fundamentalism at a time when prospects were greater than they now are. We have also done something else which the House and the British people will deplore. At a critical time in international relations and developments between East and West, we have given an excuse to the Soviet Union to take action which all of us would regard as being unhelpful.

Therefore, on reflection, as the Government's action has gained such little support, why should not they have the modesty to accept that they might just have been wrong on this occasion and might have done better to tell President Reagan that it was not possible for us to go along the path along which he was inviting us to go? If the Government accept that, despite the setbacks that we have endured, it is not too late to learn the lessons of recent history. If the Government ignore that, they ignore it not only at their own peril, but at the expense of genuine peace, not only within NATO countries but well beyond.

6.17 pm

Mr. Julian Amery (Brighton, Pavilion): Both sides of the House bear a considerable responsibility for the situation that we are in. If I may say so, the Opposition have a greater responsibility than we do because their Administration were in power in 1969 when Colonel Gaddafi seized a radio station and some public buildings and proclaimed himself the ruler of Libya. The King, who had been our friend, was on holiday cruising. We could easily, as we had two air bases and a military base in the country, have restored him. Colonel Gaddafi had no democratic base of any sort and——

Mr. Jeremy Corbyn (Islington, North): Did the King?

Mr. Amery: —we and the Americans betrayed, if I may say so, our friend the King and some of his Ministers, who were murdered or imprisoned.

Our Foreign Office advisers thought that a new young man was a good idea, rather as the Labour party thought the other day. We can see what happened. Ever since then, the Libyan Government have been a pain in the neck to the world. They have subverted north Africa. There has been the war in Chad, and the helping of rebels against the Sudan. They have tried to subvert Egypt, and were helping terrorism long before they began to attack the United Kingdom through the IRA. At any juncture, it would have been quite justifiable to attack them, but because of their close but ambivalent relationship with the Soviet Union, only the United States could face that challenge.

At last, after many years, the Americans have girded up their loins and taken up the challenge. Their action was prompted by the most recent of many provocations, and at last they felt themselves to be justified under article 51. Thus the Americans did it, and we should all be delighted that it was done. For years the civilised world has suffered from the terrorism engendered by Tripoli. But we could not have done it by ourselves, and nor could the French, the Italians or the other Arab countries—much as they have suffered from that terrorism. At last the Americans did it, and we should rejoice in that.

It may be said that there were better ways of dealing with Gaddafi. As an old veteran of the Special Operations Executive, I would rather it had been done subversively or covertly, but often a totalitarian police state cannot be broken without first breaking up its infrastructure. I do not think that the Americans reached a rash conclusion. I am sure that the CIA had some influence. No doubt the Americans went into all the other options but could find no other way of achieving their aims. Rightly, we supported them, because the Gaddafi regime is just as much a threat to us and to other European countries as it is to the United States. It is even more of a threat to the moderate Arab countries. I have just been to the middle east, and it was clear that those countries would be delighted if Gaddafi was suppressed. But they could not accept Gaddafi being provoked but not suppressed.

Old as I am, I must tell hon. Members a story. In 1940, when I was in the Balkans, I asked an opposition leader in Bulgaria what he thought of King Boris, who was sidling up to Hitler. He said that kings were like snakes —to be admired from a distance or killed, but not prodded. The question is whether we have prodded or killed. I do not know the answer. The tape is very confusing tonight. There is no news of Gaddafi's whereabouts. There are rumours that he has left the country. If I knew that that was true, I would finish my speech now, and there would be no need for the shadow Foreign Secretary to speak. President Reagan would have been proved right.

Mr. Benn: Is the right hon. Gentleman advocating as an act of policy that Governments should kill the leaders of states with which they find themselves in conflict? Just so that we are clear about it, is that what the right hon. Gentleman is advocating, just like the Americans tried to kill Castro and attempts were made to murder Lumumba? Is that the right hon. Gentleman's policy and is that terrorism?

Mr. Amery: The question is whether that was Colonel Gaddafi's view of us. If so, I would not be too squeamish about taking such action. However, we do not know what is happening. The whereabouts of Colonel Gaddafi are now in doubt. I am sure that the hon. Member for Swansea, East (Mr. Anderson) will try to inform himself, as the shadow Foreign Secretary will have some difficulty in making his speech if Colonel Gaddafi has disappeared.

Moderate Arab leaders will not be content with a policy that provokes but does not suppress Colonel Gaddafi. They will be delighted if he is suppressed, but if he is only provoked they will be in some difficulty. We are directly involved. After all, the Prime Minister allowed the American bombers to fly from this country, but having taken that decision she must say something to the United States that I ventured to mention to the House yesterday. She must recall Winston Churchill's comments at the time of Suez when he said, "I don't know if I would have dared to start, but I would never have dared to stop."

[Mr. Amery]

We must be sure that our American friends see this thing through, as otherwise the consequences could be very serious. If Colonel Gaddafi has already died, my words are unnecessary.

The Sermon on the Mount undoubtedly sets the highest standards of individual behaviour that anyone could require, but it does not apply to those of us in the House who are responsible for the interests of millions of people. We cannot turn their cheeks to the second blow; at any rate, not more than once.

Thus, it is essential to have a realistic policy for dealing with a terrorist state. We are talking not of Mafia or gangland terrorism but of state-organised terrorism. This is not our first experience of it. Thirty years ago some of my hon. Friends, and particularly Lord Maude, followed by my hon. Friend the Member for Epping Forest (Sir J. Biggs-Davison), tried to resist the sell-out of our interests in the middle east to Colonel Nasser. We got so far as to persuade Sir Anthony Eden and the French Government to try to rescue what was in danger. But we lost out because of American pressure, quite apart from the pressure of the Labour party. I do not want to rewrite history or to be hypothetical about it, but it is clear——

Mr. Speaker: Will the right hon. Gentleman please bring his speech to a close?

Mr. Amery: Two Arab-Israel wars followed on that failure of ours. I do not want us to make the same mistake. Appeasement does not pay.

6.28 pm

Mr. Donald Stewart (Western Isles): I confess that the only surprising thing about the speech of the right hon. Member for Brighton, Pavilion (Mr. Amery) was that he should mention the Sermon on the Mount after such a bloodthirsty introduction. He said that we should welcome the fact that the Americans took such action. He spoke as if it had been a one-off episode, with all the ends neatly tied up, but many of us are more worried about what the Americans may have started.

Mr. Amery: I did not say that it was a one-off episode. I said that we have to see it through.

Mr. Stewart: I accept that point, but the right hon. Gentleman was talking in that sense. He said that he was glad that the Americans had done it.

There was some hilarity today when the Leader of the Opposition said that some people had made their judgment on the evidence. I imagine that, certainly to the lawyers in the House, that would appear to be an odd statement, but I think that there is a good deal of substance in it, in that the evidence in this case is hardly necessary. I do not think that any hon. Member is in any doubt that Gaddafi has been behind a good deal of terrorism. I certainly do not question that, although I should still like to see the evidence.

The excuses in the Prime Minister's statement yesterday and in her speech today have a hollow ring. She referred to the death of Woman Police Constable Fletcher. That has been dredged up as hindsight justification for our supine support of Reagan's attack on Libya. The measures taken against Libya following that atrocity in terms of trade and economic sanctions were inadequate, to say the least. In 1985 the United Kingdom exported £238 million worth of goods to Libya and we imported £312 million worth of goods. That trade continued in the first quarter of 1986.

If there is the smallest shred of justification for the action taken by the Americans—I do not think there is, but one can understand its frustration at the lack of co-operation in its wish to implement sanctions—it is to be found in the reluctance of the United Kingdom and other European countries to apply effective economic sanctions. They were afraid that the money banks would be interfered with. It would be far better to take that action than go along with Reagan's gun law policy. It is unbelievable that we should be trading freely with a country one day and be a party to bombing it the next.

The Prime Minister is notorious for acquiescing to President Reagan's actions. It does not appear to have crossed her mind at any time that if she were less pliable she might carry more influence with the Americans. In recent weeks in the House we have heard hon. Members being accused of anti-Americanism. One may question the attitude of

"our country, right or wrong."

but to be asked to swallow "and America right or wrong" is too much.

It is the fate of all satellite states to be treated with contempt. During the Cuban missile crisis Kennedy paid no attention to the then Prime Minister of the United Kingdom. Reagan invaded Grenada without regard to United Kingdom interests and presented a fait accompli to the British Prime Minister. On this occasion, he asked for the use of United Kingdom bases. He had carrier-borne aircraft in the Mediterranean, and he has aeroplanes that can fly from the United States to the North African continent, yet he wanted to use the F111.

The hon Member for Woking (Mr. Onslow), who made a speech and left the Chamber and has not been back since, asked himself why use of the F111 was necessary. Hey presto, the reply appeared instantly to his mind. He said that it was for more accurate bombing. That did not count for very much in the outcome, as we have seen.

It is clear that the reason for the request for the F111 was to involve the United Kingdom as an accessory in this crime and blunder. The United Kingdom is one of the few countries in the world supporting the American action. It raises the interesting question of what would have happened if the Prime Minister had refused permission and the Americans had wanted to go ahead just the same. The American bases in the United Kingdom are here primarily for the defence of America, and that is largely true of NATO as well.

In an editorial on 15 April *The Times* said if Reagan

"goes through with a military strike, he will alienate his Europan allies, give a martyr's status to the Libyan leader in the Arab world, and fail to halt terrorism, anyway."

I concede that that was part of a balance sheet put forward in *The Times* editorial. It gave arguments for the other side. However, that is exactly what has happened as a result of the action by the Americans. Tremendous damage has been done. The Arab countries are closing ranks behind Gaddafi, whom they regarded as an outcast in the past. It will endanger the lives of United Kingdom citizens still in Libya, and further terrorists attacks by Libya will be turned against us in the United Kingdom. We can also be sucked into an escalating conflict.

I was pleased that the right hon. Member for Old Bexley and Sidcup (Mr. Heath) said that there must be a

solution to the Palestine problem. That is what the trouble derives from, and there will be no peace in the middle east without it. The Prime Minister should make an announcement now that she does not intend to allow the use of bases in Britain for further attacks. However, even if that happens, the bill for the dangerous action that took place on Monday will be presented.

6.35 pm

Sir Patrick Wall (Beverley): It is clear from what was said yesterday and has been said today that every possible effort to deal with Libya by economic or other means has been made through the EEC and the United Nations. Any sanctions against Libya have failed because of the half-heartedness on the part of America's allies.

Terrorism is spreading. We all agree with that. There have been about 28 Libyan-inspired attempts in the past two years. That has to be stopped. The best answer, as suggested by my right hon. Friend the Member for Brighton, Pavilion (Mr. Amery), would be to put in a snatch squad to remove Colonel Gaddafi and put him on trial. However, presumably, that is not possible. Therefore, what other answer had the Americans?

Anyone who has been to America recently, as I have, will know that the American public is pathological about Colonel Gaddafi. The President has the support of all political parties for his actions. Patriotism is an old-fashioned word in this country but the Americans seem to have rediscovered it. What is surprising is that even with modern technology and laser-guided bombs hits are made on civilian targets. Of course, the Libyans have made the best possible use of the media to show those bombs or missiles which missed their targets. We have heard nothing about the main targets, which I imagine have been demolished, such as airfields, military bases and so on. No doubt we will hear more about these when American satellite photographs are available.

I agree with the right hon. Member for Cardiff, South and Penarth (Mr. Callaghan) in his analysis of the problems in the middle east. However, I must say to the House that the Americans do not see terrorism in that light. I believe that it is thanks to the courage and leadership of the Prime Minister that this country has proved a true ally to the Americans, unlike other NATO allies, with the excepton of Canada. United States opinion is already incensed about Europe's pussyfootedness. Think what would have happened if Britain had refused the use of those airfields and taken the same line as the continentals. The position today would be very different from that described by my right hon. Friend the Member for Old Bexley and Sidcup (Mr. Heath) when he referred to the position in 1973. If we had refused the United States request, the call for Fortress America would have grown, with very dangerous consequences for Europe. Friendship is truly demonstrated only when one's friends are in difficulties.

It used to be said, as an Opposition Member remarked: "our country, right or wrong."
Now, some Opposition Members seem to take the view "My country always wrong". The anti-Americanism of some of the right hon. and hon. Gentlemen on the Labour and Liberal Benches is becoming a dangerous factor in world affairs. When one thinks of the future defence proposals of the Labour party, it is no wonder that Mr. Perle, who is not one of the most tactful gentlemen in the world, said that the greatest danger to NATO would be the return of a Socialist Government in this country. However, that is very unlikely.

I hope that the Americans realise who are their friends and compare them to their other so-called allies, who even refused the passage of American planes and so endangered the lives of American pilots. A start in such recognition might be to cancel the order for RITA and order British Ptarmigan.

However, the most serious factor of all is the future of NATO. The growing anti-Americanism of the Left in Europe must infuriate the Americans, whose troops are in Europe to defend both America and Europe. If they were removed, what would become of West Germany and, indeed, of Europe as a whole? The American Gramm-Rudman Act does not help by automatically reducing the American subscription to NATO and the North Atlantic Assembly by 4·3 per cent. this year and possibly 20 per cent. next year, just when the USSR is making up its mind whether to put the improvement of its military hardware first or concentrate on the improvement of its domestic economy. It cannot do both.

The action of the Americans may well cause the other European Governments and our other allies in NATO to take a very different attitude to the proposals for economic sanctions. Terrorism will in my view be ended only when the countries of the western world can work together, which they have failed to do so far. Have we not learnt the one lesson of recent years, which is that appeasement never pays? I fear that the Labour party has not learnt that lesson. It did not realise it in 1939 and there has been little change since then. *[Interruption.]* The issue must be faced. The roots of terrorism must be removed, if necessary by force. This is a new kind of war, but in my view the lessons are the same. Appeasement is the worst possible answer. My right hon. Friend knows this, and I believe that the country should salute her courage and determination. If, now, as seems just possible, there are problems in Tripoli, and if—as the tape suggests—it is possible that Colonel Gaddafi is no longer in the country or that there has been a coup d'etat against him, both President Reagan and our Prime Minister will have been fully justified, and the leaders of the Labour and the Liberal parties will look particularly stupid.

6.42 pm

Mr. Robert C. Brown (Newcastle upon Tyne, North): I am pro-American, pro-NATO and pro-British. I am pro-American because over the years I have made many fine friends and acquaintances of American stock. During the Normandy campaign I served with the United States army in France. As British Army Minister, I spent some time with the American army, and I have a profound regard for the democratic style and the professionalism of the Americans. I would not, therefore, wish any of my words to be construed as being anti the American people.

I am pro-NATO because all my life I have believed in collective security. I do not believe that we could ever guarantee the security of our country outside an alliance and a collective security system. As a young man, I believed in collective security through the League of Nations. In later life, I thought that Ernest Bevin was 100 per cent. right to seek a western European-Atlantic alliance, or NATO. It was necessary in 1949 and it is, if anything, more necessary today.

[Mr. Robert C. Brown]

I have always been fiercely proud of being British. On occasions such as this — as a result of the Prime Minister's actions—my pride feels badly dented. By her acquiescence in the use of NATO bases and weapons in the attack on Libya, the Prime Minister, at best, has put a very heavy burden on relations within NATO. At worst I firmly believe that her actions may well lead to the break-up of NATO, which—let no one forget it—is the linch pin of our defence today. No doubt that is a matter that will be argued in the future. The results of the right hon. Lady's actions on the present are, to say the least, appalling. She has put in serious jeopardy the lives of 5,000 British nationals in Libya. She has put in perhaps even greater jeopardy the lives of all of us in the United Kingdom. Let us make no mistake — the fanatics who worship at Gaddafi's shrine will stop at nothing.

No British Prime Minister worthy of the title would have been so completely and utterly irresponsible as to follow the course of action taken by the right hon. Lady with the American President over the weekend. Furthermore, far from doing our ally a favour, she has done the United States a grave disservice by giving authority for the use of British bases. If any lesson has emerged in the past few days, the lesson of this lamentable affair is loud and clear. It is the need for a non-nuclear defence policy.

It is not easy for me to say that. Hon. Members in various parts of the House will understand why. However, my right hon. Friend the Member for Islwyn (Mr. Kinnock) should be eternally grateful to the Prime Minister for concentrating the minds of British people, including those who have hitherto had grave doubts about a non-nuclear policy, on the issue.

It is hard to understand how the Prime Minister can be so brass-faced. She should have made her resignation speech today. However, if the right hon. Lady does not hear the call, loud and clear, "Come in, No. 10, your time is up", I hope that after Westland, British Leyland, Sunday trading and now this lamentable affair, her party will do the decent thing by the British people and deal with her later in the year.

6.47 pm

Sir Ian Gilmour (Chesham and Amersham): Virtually the whole House accepts that the evidence alluded to by the Prime Minister this afternoon of Colonel Gaddafi's complicity in terrorist actions or attempts, past and future, is overwhelming. I certainly do. The Leader of the Opposition, with his gift for the unfortunate phrase, said that we should not judge solely by the evidence. If he meant that the evidence that Colonel Gaddafi has been guilty of such crimes does not necessarily justify what the Americans did, I certainly agree with him. What has been done is damaging and ill-judged. It may well be that Colonel Gaddafi has been overthrown. We do not know what is going on in Tripoli at the moment. My right hon. Friend the Member for Brighton, Pavilion (Mr. Amery) seems to think that that would end the matter. In my view, it would not. In a moment I shall give my reasons for thinking that.

Everyone also agrees that the Prime Minister had a difficult decision to make. I see the point about the accuracy of the F111s. My hon. and learned Friend the Member for Colchester, North (Sir A. Buck), with whom I normally agree, made a good deal of that point. However, the F111s appear to have hit no fewer than four or five foreign embassies. It is difficult to believe that the A6s from the American Sixth Fleet would have hit any more. I therefore find it hard to agree that there is much in the accuracy argument. If the denial of the F111s to the Americans had meant that they concentrated their attacks on purely military targets, and not on military targets that were surrounded by and next to civilian houses, that would have been a gain to everyone concerned, not least, of course, to the innocent civilians who were killed.

I believe that, difficult though the decision was, my right hon. Friend made the wrong decision. I believe that when an ally does something wrong, it is the right and the duty of a good ally to try to persuade them not to pursue that course of action. If they continue to pursue it, we should dissociate ourselves from it. My hon. Friend the Member for Beverley (Sir P. Wall) talked about "Our country right or wrong". The idea of "My ally right or wrong" is not a concept that we should follow.

Contrary to what my right hon. Friend the Prime Minister said earlier, I believe that this action will create considerable difficulty for our moderate friends in the Arab world, but she may be right. We shall soon see what happens. That is not the chief consideration. The chief consideration, as anyone with the smallest knowledge of the history of the middle east in the past 20 years must understand, is the utter futility of opposing terrorism with counter-terror. Israel has proved that repeatedly during the past 20 years and we have always condemned it. Has Palestinian terrorism been eradicated by the countless raids that Israel has carried out on Arab refugee camps? Of course, it has not. They have led to escalation and to worse atrocities. From the rubble of Beirut and the massacres in the refugee camps come new terrorists determined to revenge themselves on the world. The victims of past atrocities become the perpetrators of new ones, and so it continues.

Colonel Gaddafi encourages Arab terrorism, but he did not invent it. The most extreme groups were founded before we ever heard of Gaddafi and still exist today without his support. They exist not because they are sponsored by an irresponsible dictator, but because the grievances which drove them to fanaticism have not been settled. The murderous methods of these terrorists should be wholeheartedly condemned, but we shall not stop them if we forget the just grievances of the Palestinian people. A third generation of them is being born in the refugee camps and there is little doubt that they will also turn to violence unless a solution to their problems is found. Israel's disastrous colonisation of the West Bank and its continued occupation of southern Lebanon merely creates more potential terrorism.

I hope that my right hon. Friends will continue to impress on the American Government the fact that this terrorism will continue until they are prepared to endorse and enforce a just settlement in the middle east. We should also impress upon them the fact that military force is no substitute for a coherent policy. There is no coherent American policy in the middle east; in so far as there is any policy, it is wrong. Instead of merely denouncing Colonel Gaddafi, although he is eminently denounceable, and broadcasting self-righteous announcements, the Americans should look to their policies and their actions.

I hope that I know a little about the middle east. I do not know much about central America, but some of the

people being financed by the Americans there are heavily involved in terrorism. The Americans should examine their policies before they talk about worldwide terrorism. It is no good being a sheriff in the middle east and a rustler in central America, especially since the sheriff in the middle east has got it wrong anyway.

The United States policy has been the root cause of terrorism during the past 20 years because American politicians have pandered to their electorate to get votes and have not considered the needs and interests of the people in the middle east. My right hon. Friend the Member for Pavilion said that America had been much provoked. That is true, but, equally, America has provoked terrorism for many years. Until American policy seeks and enforces a measure of justice in the middle east and allows the Palestinians self-determination, which is the key, terrorism will continue and no amount of incompetent bomb attacks will stop it.

6.54 pm

Mr. Eric S. Heffer (Liverpool, Walton): The right hon. Member for Chesham and Amersham (Sir I. Gilmour) made a remarkably interesting and important speech. It was one of the best speeches we have heard from Conservative Members this afternoon.

Like my hon. Friend the Member for Newcastle upon Tyne, North (Mr. Brown), I wish to talk about anti-Americanism. It is too easy for some Conservative Members to believe that anyone who opposes American policy is anti-American. On the contrary, like my hon. Friend the Member for Newcastle upon Tyne, North, I served with American forces. He was not with the same outfit as me. I spent 18 months with the 8th American air force. I am not anti-American. Indeed, I met many people during that period with whom I have kept in contact and who are my friends. But because they are my friends and Americans, it does not follow that I must automatically accept President Reagan's policies.

We are discussing terrorism, which has many definitions. As my right hon. Friend the Member for Chesterfield (Mr. Benn) said, the people who fought for liberty in Europe were called terrorists by the Nazis. Blowing up ordinary, innocent people in an aeroplane or on a ship is terrorism. It is stupid, and cannot possibly be accepted by any intelligent person. But other people who fight for national liberation or for their freedom cannot necessarily be called terrorist. I am arguing not about Libya, but about the definition of terrorism. It is much more difficult to define precisely what is meant by terrorism than many hon. Members seem to understand.

There is also state terrorism — not necessarily the terrorism that arises from the Gaddafi regime's activities. What about the state terrorism of the United States Government? What about Reagan's international terrorism? I believe that Reagan is one of the greatest international terrorists alive. The Americans have been involved in Nicaragua. They have assisted terrorist groups against a legitimate Government. I have never forgotten my traumatic experience when I learnt of the overthrow of an elected president in Chile, which used to be called the Britain of South America. He was overthrown with the assistance of the CIA. What is that but international terrorism? Is it not international terrorism to kill and maim ordinary men and women who are in no way involved in the politics of their country, which is what happened to ordinary people in Libya two nights ago?

I listened with outrage and amazement to the Prime Minister saying that we should allow the American bases in Britain to be used in that way. It is time for all hon. Members who believe in the basic freedoms of our country, for which we so proudly fought, to stand up and say, "This is not good enough; it cannot and must not happen again."

We hear talk about appeasement, with Tory Members saying that Labour Members do not seem to have learned much. Well, Winston Churchill was not spoken to on the Conservative side—except for a handful of Tories—for a number of years because he was against appeasement. Let us remember that it was not only Tories who died in the second world war fighting for our freedom. It was ordinary working men, who went out in their millions to fight for this country. When they came back they voted in a Labour Government because they were sick and tired of the type of policies that were being pursued by the Conservatives.

International terrorism is something to which we should be opposed, and something my right hon. Friend the Member for Chesterfield was right to draw attention to. We do not wear a white sheet when it comes to terrorism on the part of earlier British Governments. Reagan is most certainly one of the greatest international terrorists of our time. United States controlled groups, such as Condor, Omega 7 and Alpha 66, have been responsible for dozens of assassinations and for armed provocation in Latin America. That was said by the *Washington Post*. That is what we are faced with.

I have just come back from a conference in Italy. The hon. Member for Beverley (Sir P. Wall) said that he has just returned from America. I will tell hon. Members what the Italians feel about this situation. It is 60 miles or so off their coast, and they are absolutely horrified. I was not surprised when Italian Prime Minister Craxi said this:

> "I declare the disagreement of the Italian Government with the initiative and responsibility assumed by the United States.
>
> Far from weakening terrorism, this military action risk provoking explosive reactions of fanaticism and criminal and suicidal acts."

Not only are the Government putting British people at risk; they are putting the whole of Europe at risk. We are on the brink of the possibility of a further explosion, and, ulitmately, the final act of complete madness, the utter destruction of our civilisation by a nuclear war. [HON. MEMBERS: "Rubbish".] Hon. Members say "Rubbish". We have seen that sort of thing throughout history. I agree with the ex-services Campaign for Nuclear Disarmament group. It describes the attack as "politico-military lunacy". It said:

> "It is the sort of spark that started World War 1, and mirrors the retreat from internationalism that preceded World War 2."

It made the point that

> "There is no place for Rambo in the nuclear age."

That is what we have got — the Rambo of international politics—Reagan—actively assisted by our Prime Minister, who rolls over like the little poodle that she obviously is in connection with the United States. When will we get up and do what we have done in the past, when Prime Ministers like Attlee were prepared to go over to the United States and say "This we do not agree with."? Even the Americans had sufficient sense to come over and tell us that Suez was not on, and we could not continue in that way. If we are talking of mad dogs, it is not only Gaddafi who is a mad dog; it is Reagan, and those who are pursuing state terrorism on his behalf.

[Mr. Eric S. Heffer]

The right hon. Lady justified the whole thing by saying:

"I replied to the President that we would support action directed against specific Libyan targets demonstrably involved in the conduct and support of terrorist activities."

She went on to talk about specific targets. I suppose one of the specific targets was the French embassy, probably because they would not allow American planes to go over French soil. No doubt that was one of the specific targets.

The more specific point is the question of the 330,000 troops in Europe that are held to defend Europeans. I wonder whether there has been some blackmail on the part of the United States of America in relation to these 330,000 troops.

It seems to me that what has happened is that our sovereignty and democratic rights have been eroded. In her desire to comply with Reagan before common sense, the right hon. Lady has put the lives of British people at risk, and killed innocent civilians. It is time for the entire House to stand up and say that enough is enough, and that it must not happen again.

7.5 pm

Mr. Churchill (Davyhulme): One has seen a lot of double standards alluded to in this debate. The hon. Member for Liverpool, Walton (Mr. Heffer) and the right hon. Member for Chesterfield (Mr. Benn) have both spoken of the protests made by CND and other pacifist groups at the bombing by the United States of military targets in Tripoli and Benghazi on Monday night. Where were those pacifist groups when United States forces were being bombed in Berlin, when more than 200 casualties were sustained by innocent service men and civilians earlier this month? What protests did they make? What protests were made to Libyan officials by Opposition Members.

Over recent years this country has been the subject of many terrorist attacks, and attempted terrorist attacks, backed by Libya. In 1973, Gaddafi ordered two Libyan submarines to intercept and torpedo the QE2 liner on its way with Jewish pilgrims to the Holy Land. Fortunately, they were not successful.

Over more than a decade we have seen clear evidence of Libya's deep backing and involvement with the IRA in terms of training camps in the Libyan desert, and in terms of cash and hardware. There is no question but that dozens of British lives have been lost as a result of Gaddafi's backing.

There was the brutal shooting down in cold blood of WPC Yvonne Fletcher on London's streets by an agent of the Libyan Government. More recently, we have seen the clear implication of Gaddafi in the massacres at the airports at Vienna and Rome, and in the bombing of the TWA airliner, in which several were killed, and in which a six month old baby was sucked out of the airliner. This is an unparalleled record of state terror, and a record which I am glad to say has not been challenged by anyone in the course of this debate. Even the leader of the Labour party referred to Libya as a "haven for terrorists".

In 1985 Gaddafi said

"We have a right to export terrorism".

If that is not throwing down the gauntlet to the Western world and to his Arab neighbours, I do not know what is.

Who is prepared to take up that challenge? Who is willing to take the decisive steps to protect airline travellers and other innocent civilians in the months and years ahead? It is certainly not the nations of Europe, who by their craven and cringeing attitude, and by their unwillingness to take even economic sanctions or impose an airline boycott, have shown that they are not prepared to stand up. It is certainly not the leaders of the Labour party, the SDP or the Liberal party. We owe a debt of gratitude to the United States Government and people for their willingness to take a stand on behalf of the entire free world.

There are those who believe that our special relationship with the United States, forged in two world wars which culminated in the liberation of western Europe by British and American forces, should be a one-way street. They expect the United States to stand by us when we need it, such as the time of the Falklands war. Let us not forget the extent to which the United States helped us. It was not publicly proclaimed to a great extent at the time but without the Aim-9L version of the Sidewinder our Harriers would have been at extreme disadvantage in tangling with the supersonic Mirages and Kfir fighters and the Super Etendards of the Argentine air force.

Mr. Dykes *rose*——

Mr. Churchill: I am not giving way to my hon. Friend. He can make his own speech.

In addition, the United States provided us with vital intelligence. But when the United States asks us in turn for help, those same people say that we should deny that assistance.

Indeed, we have heard today from two former Prime Ministers who made clear that their answer to Mr. Reagan would have been no. My right hon. Friend the Member for Old Bexley and Sidcup (Mr. Heath), whom I am sorry is not in his place, reminded us that in 1973 he refused the request of the United States to use British bases in moves designed to deter direct Soviet intervention in the middle east crisis. At the moment when he denied the Americans that right, there were no fewer than six Soviet airborne divisions emplaned on half a dozen Warsaw pact airfields; their intended destination was the Sinai desert. At that point, in my view, that conflict ceased to be an Arab-Israeli conflict and had become an East-West confrontation. My right hon. Friend was wrong to deny our American allies the use of British bases then. Indeed it was precisely on that issue that I resigned in October 1973, as a parliamentary private secretary, attached to his Government. I believe my right hon. Friend is wrong today.

I recognise what a difficult decision it was for my right hon. Friend the Prime Minister, but I believe it was a courageous and right decision. It is too early to say precisely what the consequence of United States military action against Libya on Monday night will be. It is clear that a couple of bombs fell wide of their target and that innocent civilians were killed and injured. I regret that, and I include in that expression of regret the death of Colonel Gaddafi's adopted daughter and injury to his small sons. Let it be said that the United States pilots involved were under the strictest orders which specified only military or terrorist targets. There was no question whatever of the bombing of civilians having been a deliberate act of policy, unlike what Gaddafi has presided over during the past 16 years. The question must be asked, did the bombs that killed innocent civilians on Monday

night come from the F111 which was crippled by ground fire, which did not return to base and whose crew we regret was killed?

By its action the United States has sent a clear and powerful message to all those states which back and mastermind terrorism that they can no longer rely on Western nations to turn the other cheek when next they slaughter our innocent civilians. If by its resolute action the outcome in the longer term is the removal from power of the godfather of international terrorism, who has the blood of so many innocents on his hands, the whole world will thank President Reagan and my right hon. Friend the Prime Minister for the fact that, while others would have gone down the path of appeasement, they had the courage to take decisive action.

7.14 pm

Mr. Peter Hardy (Wentworth): I suspect that that was not the first time that the hon. Member for Davyhulme (Mr. Churchill) has claimed after the event the wisdom that he scarcely displayed before it. We are entitled to take seriously an event which could shift the political centre of gravity, at least in Britain, if not, regrettably, in the United States of America. The traditional assumption, which has often been endorsed by Conservative Members, that the country's foreign and defence policies are safest in the hands of the Conservative party may have been brought into greater question than we have seen for almost a generation.

The fact remains that there is a critical situation in which we should question the wisdom of Her Majesty's Government, and particularly the Prime Minister, as well as of the President of the United States of America, who seems to be an old man in far too great a hurry.

Obviously there will be a series of post-mortems. One will take place next week, when those of us who are members of the Council of Europe delegation will debate an emergency motion on the matter. Regrettably, Opposition Members will not be able to offer any comfort to the Conservative Members of the delegation. We will share the view that seems to be held by every other member state of the Community and by all other 20 member states of the Council of Europe.

It did little good for Conservative Members to snigger at my right hon. Friend the Leader of the Opposition when he espoused the views endorsed by the vast majority of the political parties in the civilised world, except the Conservative party. The display this afternoon was utterly regrettable. The hon. Member who at a recent Assembly meeting said that we should not attack our own country should have seen cause for my hon. Friends to take a firm view in support of peace, of principle, and of the sanity which seems to have escaped the right hon. Lady in her foolish decision.

Mr. Dykes: Is it not unfortunate that the debate has underestimated the considerable success of and growing co-operation between intelligence services and police agencies in forestalling many terrorist incidents?

Mr. Hardy: That allows me to say that hon. Members on both sides of the House should, and I believe do, deplore terrorism. We have seen thrown away this week an opportunity which would have allowed our Foreign Secretary to continue his efforts on Monday as an honest broker to secure the united European response that is called for.

If the right hon. Lady is serious and genuine in her claim about the evidence that has become available from the security services, and if that evidence could be made available, no civilised European state could deny the need to agree to the powerful diplomatic and economic action that is necessary. The right hon. Lady should come clean and publish transcripts of the information. We are not asking her to reveal sources which should remain secret, but intercepted radio communications could be published without causing embarrassment or danger to the security forces. We are entitled, on behalf of civilised Europe, to ask for that information to be provided.

Another matter must be considered. The right hon. Lady has cast an astonishing reflection on the quality and capacity of the combat aircraft and weapons systems available to the Mediterranean fleet. Surely the right hon. Lady was not seriously telling the House and the world that the sixth fleet, that mighty American naval presence, does not have the capacity to fulfil the role that 18 F111 aircraft managed to fulfil on Monday night. Are the Americans saying to their Italian allies, their Greek allies, their Turkish allies, the Maltese, the Spaniards and the rest of the world that their Mediterranean fleet could not carry out such a simple job?

The right hon. Lady and her accomplices in the Government must offer an explanation, because the integrity and coherence of the Western Alliance are called into question if they are telling us that the American presence in the southern flank of NATO cannot fulfil the task that the F111s fulfilled. Are they telling us that the Tom Cat missiles on the American carriers could not have done this job? If they are, they are certainly making an appalling mockery of the integrity of Western defence. We will be made to look ridiculous in Europe. The American President and his accomplice here have done more damage to the integrity of NATO and the Western Alliance than anyone could have thought possible before last week.

It is time that we demonstrated that we are not prepared to agree to every act of an impatient old man. We must start working with Europe to defeat terrorism, and unfortunately the events of this week are likely to enhance terrorism rather than to get rid of the evil that it projects. We will not defeat it unless we try to tackle it at its roots. Actions of the kind that we saw on Monday only ensure that the roots are fed, and it is time that there was more sagacity in London and in Washington than has been displayed of late.

7.21 pm

Sir Ian Percival (Southport): I agree with one thing said by the right hon. Gentleman the Leader of the Opposition—this should not become a competition in condemnation of terrorism. We all loath it. But having listened to the debate, it seems to me that we would do well now and again to remind ourselves of the features common to the kind of terrorism that we are talking about. The methods employed are desperately evil, the purpose is to frighten people into doing what they do not want to do, or into not doing what they want to do, and terrorism thrives on the difficulty or unwillingness of its victims to fight back.

I listened with interest to two former Prime Ministers telling us that we must look to the root cause of terrorism. In the long term, of course they are right, but I hope that neither of them was saying to us that, whatever the root cause is, it can justify the kind of conduct with which we

[Sir Ian Percival]

are now having to cope. I hope that neither of them would suggest that we could ever permit ourselves to be diverted by the long-term pursuit of the root cause from fighting to our utmost to protect our people from what is happening now.

I said that terrorist methods are desperately evil, and they are in two respects—the nature of the acts, and the indiscriminate nature of those acts. If I had to pick out one, I would say that I could not think of a more evil act than tossing a bomb into a crowded public house, not caring how many people are killed, who they are or how many families are destroyed. That is the kind of terrorism we are dealing with. It is a good thing to remind ourselves of that, because we have had so much of it that we tend to forget.

Hon. Members have spoken about what happened to the TWA plane. In that incident a grandmother, a daughter and a baby were killed. The evilness of that beggars description, and its purpose was quite deliberately to frighten people. That is why these acts are so evil. The right hon. Gentleman the leader of the Liberal party said —and I took it to be criticism—that by agreeing to this course of action we have exposed ourselves to attack. I do not doubt that that is true, and of course we must never do that without cause—without very good cause indeed. But, by the same token, when there is very good cause we must not be put off from doing what is right because it will expose us to attack. That is exactly the purpose of terrorism, and to be put off would be to succumb to terrorism and to let it succeed.

Thirdly, terrorism thrives on people doing nothing, and the people who engage in it rely on people being either unable or unwilling to do anything about it. It must be music to the ears of such terrorists to hear people say, "We must not get involved."

Mr. Tony Banks: Surely it is not a question of doing nothing. Other things can be done to combat terrorism. Is the right hon. and learned Gentleman saying that bombing is the only way of dealing with Libyan terrorism?

Sir Ian Percival: The hon. Gentleman will realise that I am trying to keep to the rules as to time, and I shall come to that. Of course there is room for differences of opinion, but those hon. Members who have criticised seem to have forgotten that it is much easier to criticise than to do something. Do those who say that it was wrong think that the Prime Minister did not know how serious a decision it was? Do they not bear in mind that she is the one person who has all the evidence, a mass of which is public already? When they use such words as subservient and supine, do they stop to ask themselves whether if they were convinced that it was right to do something they would have the courage to do it? I believe that historians will say, "Thank goodness we had a Prime Minister with the perception to see the dangers and the courage to stand by, and with, our only ally fighting this terrorism." Once again we owe a debt to the Prime Minister and to the Foreign Secretary and their colleagues.

In the debate there has been plenty of criticism and suggestions that there should be some other way, but I have yet to hear any positive suggestion about that other way. *[Interruption.]* I shall not be diverted. If hon. Gentlemen look in *Hansard* tomorrow they will see that no positive alternative has been put forward.

Of course there is no question of our American friends being "our allies right or wrong", but I want to assure them that some of the hysterical outbursts they have heard in this debate are totally unrepresentative of the attitude of the British people.

I was sorry that my right hon. Friend the Member for Old Bexley and Sidcup (Mr. Heath) was so ungenerous in his reference to our American friends. He sought to balance the part played by the United States in the last war by saying that we stood alone for a year. So we did, and it was a very proud chapter in our history, and some right hon. and hon. Gentlemen might do well to spend a little more time seeing how we can live up to those standards; standards that cost so many lives. They might also remember that the Americans gave us more help to enable us to do that than all the other nations put together, and that they have been the most generous in giving us credit for what we did.

The burden of what was said by my right hon. Friend the Member for Old Bexley and Sidcup was that we must look after British interests. Of course we must, but he overlooked the fact that that is exactly what the Prime Minister and our Government are doing. He made an ungenerous reference to the Americans having their own interests to protect in Europe and suggested that that is the only reason why they have 300,000 troops there. Have right hon. and hon. Gentlemen forgotten that our interests are identical to those of the United States? Thank heavens we have their support in the protection of those interests.

There is another interest of enormous importance at stake here. It is in our interest to be good friends and loyal allies, and it is in our interest for that to be recognised throughout the world.

Mr. Tony Banks: Lickspittle.

Sir Ian Percival: We should remember that real friends are not those who help when it costs nothing, but those who help when by doing so they put themselves at risk. What nonsense it is for the hon. Member for Newham, North-West (Mr. Banks) to describe the honourable course of supporting one's friends as lickspittle. That is as cheap and nasty a thing as I have heard from any of the critics in this debate.

Those who suggest that our allies behaved rashly and without thinking might do well to read the text of the statement put out by President Reagan yesterday, when he said:

> "We Americans are slow to anger: we always seek peaceful avenues before resorting to the use of force. And we did. We tried quiet diplomacy, public condemnations, economic sanctions, and demonstrations of military force. None succeeded.
>
> Despite our repeated warnings, Gaddafi continued his reckless policy of intimidation, his relentless pursuit of terror. He counted on America to be passive. He counted wrong.
>
> I warned that there should be no place on earth where terrorists can rest and train and practise their deadly skills.
>
> I meant it.
>
> I said that we would act with others if possible, and alone, if necessary, to ensure that terrorists have no sanctuary anywhere. Tonight, we have.
>
> Thank you and God bless you."

I hope that our American friends will realise that the message from the Conservative Benches and, I believe, the great majority of the British people is, "Thank you for all you do to protect the freedoms that have cost this country so dear and must be worth protecting if we are to

live up to the standards of those who fought and gained them for us. Thank you, and God bless you in those fearsome tasks."

7.30 pm

Dr. John Gilbert (Dudley, East): The only people to derive any pleasure from this very sad state of affairs are those who are basically anti-American, and the person deriving the most pleasure is Colonel Gaddafi himself. We must realise that he does not calculate the balance of advantage and disadvantage in the same way as we do. It is very unlikely that he considers the loss of a few of his citizens and airplanes as anything that is likely to deter future activities of the sort that all hon. Members deplore.

Apart from the bereaved families in Libya—to whom I hope we shall all send our condolences, including the family of Colonel Gaddafi himself—those who must be most distressed are those who count themselves friends of the United States, among whom I number myself.

One normally prefers to defend one's friends in public —whatever they have done—and to criticise them in private. But, alas, such are the circumstances in which we find ourselves today that I find it impossible to follow such a course. What has taken place is quite ghastly, and I can find no excuse for it.

Before I consider in detail the consequences of the American action, I want to cast the light on to the role of the Prime Minister. The right hon. Lady is certainly subject to severe criticism. In fairness to her, I say that she had a most difficult decision to take. It may surprise some of my friends, but my criticism relates not specifically to this set of circumstances but to others that were antecedent to the events of the last 48 hours.

Given that the Prime Minister was asked by the Americans whether they could use their planes from bases in this country, she was placed in a very difficult, if not impossible, position, having regard to the debt that she and all of us—because we must all accept responsibility for it—owe to the United States in respect of events in the South Atlantic a couple of years ago.

I am concerned about whether the Government asked the right questions, which I very much doubt. From the account that the Prime Minister has so far given, it seems that they asked only a most amateurish list of questions about the proposed American action. What assurances were given in response to those questions—we have not yet heard — and in the event were those assurances fulfilled?

As I have said, this was a most appalling miscalculation. It is quite clear that when one attacks a target at night in the middle of a built up area—whether or not one uses laser-guided weapons, the accuracy of which was proved to be faulty, or whether the bombs were dropped by a plane in distress — the consequences should have been foreseen as distinctly possible. Therefore, that part of the operation should never have been mounted.

It is quite clear that such an action cannot, and must not, be repeated. I do not accept that a military solution was appropriate in these circumstances. But even if it were, many other forms of military action were possible that did not involve the risk of killing, injuring or maiming people who had nothing to do with Colonel Gaddafi's policies.

As the right hon. Member for Plymouth, Devonport (Dr. Owen) said, we could have attacked the oil facilities and could have engaged in covert military action. If one saw fit, one could have engaged in a blockade of Gaddafi's ports. All those military options were available. They are not as spectacular, but I do not think that we needed to raise the ante to such an extent, because military options were available that did not involve the risk of killing and injuring innocent people.

I fully understand American exasperation and fury at the activities of Colonel Gaddafi's henchmen. European Governments, including the United Kingdom Government, bear a very heavy burden of responsibility in this respect. They have failed to realise the depth of American anger in the past — not just of President Reagan, but of ordinary, common, decent American citizens, whose friends and relations have been attacked and assassinated by wantless terror in different parts of the world. European Governments have not realised that, have not taken it into account and have failed to adopt concerted measures of an economic and political nature that would have been far more appropriate. The United Kingdom Government bear a sorry burden of responsibility in this respect.

For the future, it is immensely urgent that two things are done. The one small benefit to be derived from all this is that I hope that the Government will get a hearing in Washington when they have representations to make. First, it is immensely urgent that the Government make serious representations to the American Government to explain why the European Governments and peoples have so many reservations about what has just taken place. They should make our views known in as conciliatory a way as possible, not only to the American Administration, but to the American people who do not understand. There have been many reports on American television that make it quite clear that the American public does not understand why we Europeans have reservations about actions of this sort, and it is urgent that they do understand.

Secondly, it is important that Europe goes much further than we have done so far in respect of other sanctions against Colonel Gaddafi's regime. We should close the bureau, stop training their pilots and consider a concerted economic boycott. I do not suggest that we should do all these things simultaneously. We should raise the stakes very slowly and put the screws on Colonel Gaddafi in that way.

The trouble with bombing is that only one more sanction is left, and that is more bombing. In that way madness lies, and it is no solution to the problems that face us all.

7.39 pm

Mr. Peter Temple-Morris (Leominster): It is a pleasure to follow the right hon. Member for Dudley, East (Dr. Gilbert). I shall not allude directly to what he said, but during my remarks, which I hope to make as succinctly as possible, he may see a measure of agreement between us.

I do not intend to address the House on this matter in a petty party political way because it is far too important for that. We all owe it to ourselves, our parties and the country to address the House frankly. I share the views expressed earlier about how the debate began, and agree that the issue is far too important for that.

Some friends of the United States are declaring themselves as such, and the House knows that that always means that they will say something which is possibly unfriendly to the United States. That is the wrong way to

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consider it. When one addresses oneself to American policies one is expressing only what many Americans are saying about this and other aspects of foreign policy. We owe it to our friends there and our allies to be frank.

I have made no secret of my views at various meetings in the building, and it is now a pleasure to put them on the record. I shall not please all my right hon. and hon. Friends, but certainly it is clear from what has been said that my views are not isolated. The action was wrong and indiscriminate and an ineffective use of force and counter-productive, and it will encourage everything which Americans are endeavouring to prevent. It will encourage terrorism, and invite the next horrendous stage to be contemplated even now. Once one starts indiscriminate violence, one must be prepared to followit up. It should not have been started, and I am not prepared to follow it up.

That sort of escalation and counterproductive action takes place in an extremely vulnerable area.

Mr. Dykes: Will my hon. Friend give way?

Mr. Temple-Morris: My hon. Friend has interrupted several times and it is clear to the House that I am trying to get through my speech. I have what are for me important points to make.

That conduct is taking place in a vulnerable area. Underlying problems are being exacerbated, not least the problem of the Palestinians. Unfortunately, terrorism in the middle east will continue until that problem is solved. The problem of the Shi'ite Islamic-Moslem fundamentalism will be exacerbated again by the action. Many countries in the area are more vulnerable than many right hon. and hon. Gentlemen care to think. One addresses oneself to the obvious examples of Egypt and the Gulf, which is trembling with a war and which could cause many consequences. Unfortunately, this action has not made the life of the West and its friends in the middle east any easier.

The Government and the West must get their act together on terrorism. We in Europe are far too responsive to events as they happen, and because of that we appear to be hanging increasingly on the coat tails of the United States. That should not be the case. Various right hon. and hon. Members have taken a consistent line on that. If the debate can follow such a line, it will be that much stronger for it.

Obviously, Libya is guilty of terrorism. One does not need evidence of that to be produced. One accepts that without question. Obviously, we need action against Libya, but we do not need the isolated, random, desperate action which occurred this week. We need to isolate Libya, and we can use all manner of methods. If there is evidence, why is it produced now? Admittedly, it has not been and cannot be fully produced. It is alluded to, and we all know the nature of it. If we have such marvellous communications, it is but one thing which can be used internationally in the various fora of the world to isolate Libya.

Europe should take much more united action. I know that we have had an uphill struggle, but the performance of the European Community and Europe as a whole has been lamentable. I say advisedly that the Government and the country would have had much more credibility at this stage had we taken a stronger line in supporting the United States of America when it was appealing earlier for non-violent action. In getting our act together, we should consider all the points raised about trade and sanctions. We cannot have bombers taking off from the United Kingdom on the one hand and, on the other, have trade and a pretence at normality.

I regret that the role of the United Kingdom and my right hon. Friend the Prime Minister was necessary. I have little inside knowledge, but I doubt whether it was necessary. My right hon. Friend's decision was appallingly difficult, and I do not say that merely to defend the fact that I shall not vote against the Government tonight. I have voted against the Government on odd occasions when I have felt strongly about a matter, indeed, perhaps too frequently for my future. *[Interruption.]* I know that the right hon. Member for Leeds, East (Mr. Healey) is always itching for me to vote against the Government. My right hon. Friend, facing a difficult decision, voted for the Western Alliance, good or bad, warts and all. Whichever side of the argument we are on, we have little option but to hope for the success of the Alliance, and to protect and strengthen it from within.

However, my charity does not run to United States' foreign policy generally. Its policy on the middle east is grievously in error, and this is an example of its policy being implemented in such a way that the desired solutions become virtually impossible in the foreseeable future. American policy in central America and on East-West relations and disarmament gives rise to a large number of questions. The question of coat tails becomes increasingly important, and my right hon. and hon. Friends should bear in mind the electorate's view of that. There is grave concern about what is happening internationally. One talks about foreign affairs as a non-election issue, and says that there are no votes in it, but there is more genuine anxiety about what is happening generally, as has been illustrated this week than I can remember. That can be serious for the NATO Alliance.

In a recent poll—there were more staggering results than the one that I shall relate—one third of all those polled thought that the United States was as great a threat to world peace as the Soviet Union. That augurs ill for the future of the Western Alliance. It is not a question of being anti-American or pro-American. The point is that the Alliance is out of balance with reality. That is the difficulty.

We depend on America, but at the same time we as an important partner in the Alliance must be vigorous in putting our point of view. We should bear in mind the enormous power of our friends in the United States, their frustration at not being able to use it, and their knowledge that Europe depends on them for its defence. However, with that power they have a much greater responsibility and a more important obligation—to act like leaders of the Western Alliance. This week they have not done so.

7.48 pm

Mr. Ron Brown (Edinburgh, Leith): Varying views have been expressed in tonight's debate, and I am reminded that at present the country has an official guest, Mr. Abdul Haq. He is not a pop star, but, according to the Prime Minister, he is Mr. Wonderful because he boasted about planting a bomb in Kabul airport in 1984 which killed 28 civilians. He had been wined and dined in this country. Of course, that action indicates the double standards of this Government and, particularly, of the

Prime Minister. The point at issue seems to be why we should worry about 28 people in some far-off country, or about other people in Libya. After all, the people there have darker skins and a different culture from ours. The suggestion seems to be that they do not greatly matter. However, surely it does matter to us if we are concerned about humanity, which is the real issue.

Tonight it is not Gaddafi who is on trial: it is the regime of the Conservative Government. They are on trial for aiding and abetting Reagan in killing innocent Libyan civilians. There is no way to describe that other than as a conspiracy to murder. Even the European Economic Community leaders saw through Reagan's manoeuvre and did not want to be involved in it. The Germans knew that it was a set-up; they knew that the bombing in West Germany did not involve the Libyans, and they would not take part in any manoeuvres against Libya. However, the Prime Minister, the bold lady herself, said earlier that she has evidence that Gaddafi is implicated and that she can prove it. She might be able to prove it to many people elsewhere, but she has not proved it to me or to any other right hon. or hon. Gentleman I know. Although she has not proved her case, she maintains that she is right, as is her due. We will judge her according to the facts. We will not condemn anyone, including Gaddafi, until we have seen the facts.

I always look at issues simply. If, for example, the ruling class, including this Government, do not tell the truth about the miners and their struggles, they certainly will not tell the truth about Libya and its position. It can be argued that perhaps Gaddafi is a villain, but why punish innocent men, women and children? Gaddafi has not been punished; some of his family and some Libyan people have been punished. In addition, embassies and other installations that have nothing whatever to do with the Libyan situation—apart from expressing the viewpoint of the Government—have been attacked.

I accept that many people, perhaps naively, will say that Gaddafi is a monster. He has a different point of view and does many things with which I disagree, but he is no ogre. If he were as bad and unpopular an individual as he has been painted, he would not have remained in office for 17 years as head of state and instigator of a revolution. Of course, he is not as bad as he is said to be. He must be judged, not by western or British standards, but by the standards of the middle east. He is a thousand years in advance of most rulers of the feudal regimes in the middle east. All right hon. and hon. Members, ex-Prime Ministers notwithstanding, must remember that in Libya there are 5,000 reasons why we should think carefully about the Libyan situation, because there are 5,000 members of the British community there. Those people feel betrayed by the Government because their families, as well as other families, are endangered by the reckless action of Mr. Reagan and his buddies.

If there is any guilt, it must be pointed in a certain direction. It is perfectly clear that, despite the atrocities, the Libyans have not taken any reprisals against the British or American communities in Libya. Indeed, when I spoke yesterday to Salah Usallam, a diplomat who heads the Libyan interest section in London, he made it clear that the Libyans, while opposed to Reagan and the Prime Minister, were not opposed to the British or American people. That is an important and principled position to take. Whatever one thinks of the Libyans, they have taken no reprisals against any British family in Libya.

Many things can be said against Gaddafi. He can be called mad, ill-advised, and so on, but it cannot be said that he is personally corrupt. He does not have a personal fortune, and he is not a drunkard or womaniser. *[Interruption.]* Hon. Members can laugh, but a number of hon. Members in here are like that. To his credit, Gaddafi is very pro-British. The economic situation, and trade links with Libya, show that he favours British companies, because he recognises our skills and expertise. In addition, he has a special feeling for the British people.

Of course, he can be called a terrorist. As I have already said, I disagree with many things he has done. However, to his credit, he has supported many national liberation struggles throughout the world, including the Sandinistas. He has used the resources of his country to support the struggles of the popular masses — the peasants and workers—against oppression. He is no hero; I certainly do not put him on a pedestal. However, in the eyes of people in the middle east and in his own country, especially after the attacks by American war planes, he is obviously a hero. Ironically, the action of the Government has made him a popular hero in the middle east and, in a sense, in Europe and other parts of the world.

By its action, the Government have also fuelled anti-Americanism. I oppose any feeling against America. Although I am against Reagan and reaction, I am not against the American people. To argue that the removal of Gaddafi will solve all the problems is naive. According to the press, getting rid of him will solve everything. That is a daft notion. In the middle east, there are 101 Gaddifis, and he, as one individual, although important, can easily be replaced. The system operating in Libya will ensure that he is replaced. Gaddafi may have a tremendous personality, but we should not be fooled into thinking——

Mr. Deputy Speaker (Mr. Ernest Armstrong): The hon. Gentleman has come to the end of his 10 minutes.

Mr. Brown: We should not be fooled into thinking that getting rid of Gaddifi will solve all the problems; it will not. Various reasons have been given for the attacks against Libya—against innocent people, as we have all said. It is suggested that to deal with——

Mr. Deputy Speaker: Order. I have already given the hon. Gentleman a warning. He must finish his speech in one sentence and resume his seat.

Mr. Brown: It has been suggested that this action was taken to deal with terrorism. The oil factor is what interests President Reagan. By taking Libya out of OPEC through destroying its oil installations, America hopes to raise the price of oil. There is an economic as well as a political factor in its actions. Let us not be deluded into thinking that this is all over.

Mr. Deputy Speaker: Order. The hon. Gentleman must resume his seat. Sir Philip Goodhart.

Mr. Brown: It will go further. The people are being misled.

Mr. Deputy Speaker: Order.

8 pm

Sir Philip Goodhart (Beckenham): I hope that the speech of the hon. Member for Edinburgh, Leith (Mr. Brown) will be widely studied and long remembered. I hope that it will also be remembered that the American

[Sir Philip Goodhart]

action against Libya followed directly upon the failure, yet again, of the European Foreign Ministers to create a sensible, collective anti-terrorist policy.

In her admirable speech at the opening of this debate, my right hon. Friend the Prime Minister reminded us of the Achille Lauro incident when a cruise liner was hijacked in the eastern Mediterranean and an elderly American in a wheelchair was murdered. The American response to this outrage was precise and bloodless. The airliner carrying the murderers from Egypt to Tunisia was intercepted in the air by American aircraft and diverted to an airbase in Sicily where those responsible for the outrage were taken into custody by the Italian authorities.

The reaction of some Governments to this precise American response was significant. The Egyptian Government may not have lied to the Americans, but they gave inaccurate and misleading information to them. Meanwhile, the Italian authorities released a passenger on the aircraft who was widely believed to have been responsible for planning and carrying out the Achille Lauro hijack. He was allowed to escape. I do not recall that there were many Opposition plaudits for that very precise and bloodless operation.

Another maritime outrage had contributed to the general American belief that western Europe is unwilling to take effective action to defend its interests against international terrorism. In July 1984 a large number of mines were scattered in the Red sea. At that time it was believed that Colonel Gaddafi's forces were responsible. The mines were swept up by an international force, to which the Royal Navy made a signifiant contribution. After that minesweeping operation, it became abundantly plain—the proof was absolute—that Colonel Gaddafi was responsible for the mining of the Red sea. The ship that did it is known; the names of the crew of that ship are known. However, there was no protest by western Europe about Colonel Gaddafi's action.

It is difficult to co-ordinate effective international co-operation against terrorism. Until recent weeks the French have been opposed to formal international co-operation. The Italian and German authorities have been very effective in dealing with internal terrorism, but they have not been so effective in attempting to co-ordinate activities against international terrorism.

In a free society it is difficult to prevent individuals and individual companies from co-operating with countries of which we do not approve. Billy Carter, the brother of ex-President Jimmy Carter, is not the only American to co-operate with Colonel Gaddafi's henchmen. Our record is not particularly admirable. Some of our leading defence contractors—GEC, Marconi and Plessey—have recently carried out work in Libya, and it is believed that some English technicians have been assisting the Libyans in maintaining their radar network. Even since the murder of WPC Fletcher, hundreds of Libyans have been taught to fly in this country. They have also been taught in this country how to maintain aircraft and how to run a modern airport.

Of course one does not want to cut off all contact with a country whose present ruler is mad or hostile, but I wonder whether we are wise to continue with this policy. I hope that my right hon. and learned Friend the Foreign Secretary will tell us what is to happen to the Libyans who have been training in this country. It would not be sensible to continue those contracts. There needs to be a great deal more surveillance of those from the middle east who have come to this country for training.

During the debate a number of right hon. and hon. Members have harked back to the Suez incident. It has been said that the Americans are perhaps going down the same course. Too many right hon. and hon. Members have suggested that they want the Americans to fail, as we failed at Suez. I do not believe that it is an analogy. At the time of Suez we were financially vulnerable. The Americans are not financially vulnerable. We were vulnerable to pressure from the United Nations, but the Americans are not. At the time of Suez we were committed to seizing and holding certain precise pieces of territory, but the Americans are not so committed. At the time of Suez we were a divided nation. The Americans are not a divided nation.

Even the normally liberal and pacific *New York Times* has come out wholeheartedly in favour of this action. There is no possibility of President Reagan or his henchmen being replaced before the November 1988 presidential elections. If, therefore, we want a change in American policy, there is no point in making the sort of criticisms that we heard from Opposition Members, because the Americans are plainly set on their course.

If we wish to see a de-escalation of American policy, my right hon. and learned Friend the Foreign Secretary ought to be doing everything in his power yet again to persuade Europe to form an effective, common anti-terrorist alliance and to show that this time we mean business and will do our best to stop international terrorism in its tracks. I wish the Foreign Secretary well in the task, but I do not think that he will succeed. Nevertheless, until he succeeds I am sure that the House is right to back the Prime Minister in the courageous course that she has taken.

8.10 pm

Mr. David Winnick (Walsall, North): The nature of the Libyan regime is not in doubt. It is an obnoxious dictatorship and much involved in international terrorism. It is known—this has never been denied by the regime—that many of Gaddafi's opponents have been hunted down and murdered, including a number outside Libya. I do not believe, however, that the kind of action taken by the United States can be justified in any way. There is considerable doubt that such action can be justified under article 51 of the United Nations charter. The general view of the legal experts who have given their opinion in the past 24 hours is that such action cannot be justified under article 51. Whether that will cause President Reagan much anxiety, I do not know.

Despite what the Prime Minister said, it has been publicised and not denied that there has been considerable misgiving on the part of some members of the Cabinet about the action taken by the United States and about the way in which the Americans were given permission to use British bases for their action. It was reported on the news this morning that the Chancellor of the Exchequer, the Home Secretary and the chairman of the Conservative party had reservations about the action taken. In an interview recorded on Monday evening, the Secretary of State for Defence said that he was somewhat dubious, with his colleagues, about whether a military strike was the best way of dealing with the problem. If it is denied that he said

this, so be it, but it was reported in today's newspapers that he had said it in a radio interview on Monday. He was quoted as saying:

"It is too liable to hit the wrong people, and it creates other tensions in the area."

We have seen photographs in the press of how the wrong people have been hit in Libya.

My right hon. Friend the Member for Blaenau Gwent (Mr. Foot) said in the exchanges yesterday that one cannot fight terrorism with terrorism. I entirely agree. It is clear that a number of civilians, including children, have been killed in the raids, and others severely injured. If such casualties had occurred because of terrorist action, whether by the Libyan regime or anyone else—the IRA, for example — all of us would deplore such loss of innocent life. In my view and that of Opposition Members, we should equally deplore the loss of life which has occurred as a result of the bombing raids. The innocent have been hit, young and old alike. I accept that effective international action needs to be taken against terrorism, but what has happened this week is hardly likely to reduce terrorist acts.

Neither my right hon. and hon. Friends nor I wish to condone the kind of terrorism which has occurred in the past few years, causing such loss of life and such obvious disquiet, whether in the middle east or elsewhere. I agree, however, with those who have argued that the action taken by the United States could possibly strengthen Gaddafi's regime. The Arab states, with scarcely an exception, condemn the American action. It is not just the Governments of those countries in the middle east; large numbers of people in the Arab world may well tend to the view that Libya has been bombed simply because it has stood up to the United States.

That is the problem, as I see it. One of the by-products of the American action is that if Gaddafi survives it may make him into a kind of hero or martyr on the international Arab scene. That would be most undesirable.

Before they criticised the United States, many of my hon. Friends and a number of hon. Gentlemen on the Government Benches said that they were in no way anti-American. The same goes for me. I do not consider myself anti-American because I have criticised successive American Administrations, any more than I consider myself anti-British because I happen to criticise the present Administration or anti-Soviet because I strongly disagree with certain aspects of Soviet policy. So it is absolute nonsense to say that one is anti-American. Are those Americans who so vocally demonstrated against the Vietnam war 20 years ago to be regarded as anti-American?

Nevertheless, I share the understandable anxiety in this country about the attitude of the United States to its foreign opponents. People believe that President Reagan is far too quick on the draw. It is important to remember that the United States has made some very bad mistakes in foreign policy in recent years. I wonder how many Conservative Members would now wish to defend American action in Vietnam. It would be interesting to know. I was a Member when that war was taking place. I was one of the vocal critics of my own Government who were supporting President Johnson. I understand that tomorrow is the 25th anniversary of the Bay of Pigs, when President Kennedy tried to destroy the Castro regime in 1961. I wonder how many Americans or even hon. Members on the Government Benches would wish to justify that bit of crazy nonsense.

I doubt that anyone would really wish to deny that terrorism occurs under the Gaddafi regime, and that sort of terrorism is to be condemned; but it has already been pointed out that the sort of action taken by the United States Government against foreign opponents, including the attempt to topple an elected Government in Nicaragua, is to be condemned. What about the way in which the Contras have been supplied with money and arms, the way in which the United States President is trying his very best to obtain more such funding from Congress? Is that not also a form of terrorism? Should that not be condemned? If Western leaders are to speak out against terrorism, it is important that they are able to do so with clean hands.

I have a great deal of sympathy with one matter which has been mentioned today, the Palestinian question. I do not take the view that if somehow the Arab-Israeli conflict were to be resolved there would be lasting peace in the middle east. There are other conflicts in the middle east, including a long-drawn-out war between Iraq and Iran which has very little to do with the Arab-Israeli conduct. But, like the right hon. Member for Chesterfield (Mr. Benn), although I too support the state of Israel, I am critical of its actions in the past few years, be it in Lebanon or on the occupied West bank. The Western powers must act to persuade Israel, in particular, of the need for a settlement of the Palestinian issue. I see no solution to that conflict until the Palestinians have a state, just as the Jews have a state in Israel. It is important to bear that in mind when considering the whole issue of the middle east and the way that terrorism has emerged not only from Libya but from the Lebanon and elsewhere. In many cases, it has arisen directly because of the Palestinian-Arab conflict.

We will be entirely justified when we vote against the Government tonight. We are concerned that the events of this week could be repeated. We must give a clear warning to the United States Administration that, although their action was approved and endorsed by the British Government, many people in Britain, and certainly the Opposition, are opposed to it. We would be right to reflect that in the Lobby tonight.

8.20 pm

Sir Eldon Griffiths (Bury St. Edmunds): I do not know the exact number of men and women who have been killed, maimed, mutilated or burnt during the past 10 years because the Western world has failed to take action against terrorism. However, I know that the number runs into thousands and that some scores of them were our fellow citizens in Northern Ireland.

Over the years I have pressed upon the Home Office, the Foreign Office and other Departments of the Government the view that weakness in the face of terrorism serves only to encourage it. I put that point when the MV Claudia was intercepted off Ireland with a cargo of 250 submachine guns and explosives—from Libya. I put that point at the time of the bombing of the Ideal Home exhibition, when about 50 of our fellow citizens were injured in bombings throughout the country — and the Libyan radio claimed the credit. I put it again following the killing of Yvonne Fletcher. Indeed, I introduced a Bill to enable us to examine diplomatic baggage. All those pleas fell on deaf ears. There were splendid declarations at the summits, but in practical terms the drift went on.

[Sir Eldon Griffiths]

It is against this background that I welcome the fact that the Americans have done what Europe could and should have done long ago—that is, to call a halt to terrorism and to draw the line in the face of Gaddafi's madness.

I believe that we may well be seeing the beginning of the end of Gaddafi. Some hon. Members have suggested that the American attack will strengthen his position, and in the short term they may be right, but in the not too distant future Gaddafi, like Idi Amin and other madmen before him, will be finished.

This morning I visited the two bases in Suffolk from which the F111 attacks were launched. They are a long way from Ipswich, so I was sorry to hear the hon. Member for Ipswich (Mr. Weetch) telling my constituents that there would be blood on the streets of Suffolk because of the American action—

Mr. Geoffrey Lofthouse (Pontefract and Castleford): He did not.

Sir Eldon Griffiths: The hon. Member for Ipswich said it outside this House. It has been widely reported upon in the area and is deeply resented by local authorities throughout my constituency. We in Suffolk have been in the front line for a long time. Our people will not be panicked by such irresponsible scaremongering.

I owe it to my constituents to satisfy myself and them on two points: first, the appropriateness or otherwise of the targets selected by the Americans, and their success or otherwise in making those installations unusable for terrorist purposes; and, secondly, whether those of us who live in the vicinity of those American bases — and, indeed, RAF bases — are now more at risk of Libyan revenge, and, if so, what steps must be taken to enhance our security.

As to the targets, they were precise, limited and related specifically to terrorism. Of the five that were struck, only one was in the city. I have studied the evidence as it has been made available to me, and I am convinced that every one was a legitimate target, because each was being used to service — that is to plan, train and support — bombings, hijacks, kidnaps and assassinations.

I have seen too much of killing, especially in Northern Ireland, not to feel the deepest regret about the deaths of civilians in Tripoli. I therefore inquired of those responsible for carrying out the American attack about the orders under which their airmen were operating. It is wholly wrong to suggest, as did my right hon. Friend the Member for Old Bexley and Sidcup (Mr. Heath), that the Americans were bombing cities. There is no truth in that. On a number of occasions the American crews, finding that they were unable to position their aircraft to release the bombs in a fashion that would ensure the avoidance of collateral damage — in other words, killing people — aborted their missions. They obeyed their orders not to release the bombs in these circumstances, and returned home without making the strike. That is a clear demonstration that the American pilots were operating under the most severe political constraints, and that is how it should be.

Mr. Heath: My hon. Friend must get the facts right. I did not say that the crews were ordered to bomb cities. What is obvious from the evidence is that, while trying to reach a target, civilian areas were bombed. Anyone who tries to weigh up the balance of that responsibility for the armed forces knows that that is a human risk in which civilian life is destroyed.

Sir Eldon Griffiths: My right hon. Friend spoke of the Americans bombing cities, and I am bound to reject that.

I come now to the effectiveness of the attacks. My constituents would be prepared to support them only if they achieved their purpose. Of course, all eyes are on the civilian damage. We understand that, because the correspondents can see only the civilian damage. However, in military terms the Americans accomplished their mission.

At Tripoli airport, at least three, and possibly five, Ilyushin 76s — the large transport aircraft that Gaddafi has used to ferry his commandos on aggressive forays into other parts of Africa — were badly damaged or destroyed. At Benina airport near Benghazi, at least five and probably 12 MiG 23 fighter aircraft were badly damaged or destroyed. The commando training centre at Sidi Bilal was severely hit, halting the training of Gaddafi's underwater demolition squads, which have been used in terrorist acts. The control and command post at the barracks in Tripoli was badly knocked about too. It is a great pity that during the attack one stick of bombs went astray, with the consequential casualties which all in this House regret, as does the American air force.

It needs to be said that if the Americans had wanted to destroy the whole of the Libyan air force they could have done so. But that was not their objective. On the contrary, they were under orders to carry out a very limited and essentially low-cost strike, whose essential purpose was political—to warn Gaddafi, in the only fashion that he appears to understand, that he no longer can count on being able to organise, finance and execute terrorist attacks with impunity from his safe sanctuary.

I conclude by referring to the statements made by the right hon. Gentleman the Leader of the Opposition. I listened very carefully and found myself in agreement with a deal of what he said. But I would find more convincing his suggestion that there are other ways and other places in which the problem that I have lived with for a long time could be tackled if he would say one more thing to the House, namely, that in future he will not apply a three-line Whip and lead his party into opposition to such things as the Prevention of Terrorism (Temporary Provisions) Act 1984. How can Members of the Labour party expect the country to believe that they are sincere in their opposition to terrorism when on a three-line Whip they vote against the Prevention of Terrorism Act, which was brought in by one of their own Members to deal with the problem?

There is always risk in dealing with terrorism. There will always be casualties, too, which all of us should regret. But surely we must take our stand where free people ought to be. The simple motto of Edmund Burke bears repeating, for over the last few years good men have done nothing and the evil of terrorism has gone on triumphing. The time has come to stop it.

8.31 pm

Mr. Dick Douglas (Dunfermline, West): I propose to say a little about the remarks on Northern Ireland made by the hon. Member for Bury St. Edmunds (Sir E. Griffiths). As it happens, I have with me the Prevention of Terrorism (Temporary Provisions) Act 1984 and I use this as an illustration of the difficulty of defining terrorism. Terrorism, as defined in that Act, means

"the use of violence for political ends, and includes any use of violence for the purpose of putting the public or any section of the public in fear."

That is a definition in an Act of this Parliament.

Sir Eldon Griffiths: The hon. Gentleman voted for it.

Mr. Douglas: The hon. Member should not presume to say how I voted. I listened very attentively to what he said and I agree with a lot of what he said. He must contain himself.

What I am trying to show here, putting it very succinctly, is that even that definition indicates that one man's terrorist is another man's freedom fighter. That is a dilemma which we face in this country and which the international community faces.

It is a long time since I was in Libya. I have no love for Gaddafi's regime, but one tactical thing he did was distribute oil revenues in a way that brought considerable social benefit to the people. There is no gainsaying that the major exploiters of oil in Libya were the United States and United States companies. There has been no indication throughout the long period of Gaddafi's regime of effective action against Gaddafi over oil.

I do not go along with the view that the United States requires oil from the members of the Organisation of Petroleum Exporting Countries. The countries that require OPEC oil most, in Western European terms, are Germany, Italy and France. They and others may be soft on Gaddafi from the point of view of oil, but if action is to be taken against any nation in terms of a single product, surely oil sanctions against the Gaddafi regime in Libya have the best chance of being effective. That is something that we should have pursued strenuously in terms of the international community.

One of the disturbing features of this whole episode —and I take a different view of its genesis from that taken by other Members who have spoken this evening —is that our Government have over a long period, with the United States, eroded the concept of international law and the law of nations. *[Interruption.]* An hon. Member says "Oh". Let us take the example of the law of the sea. The genesis of this situation was that Gaddafi drew a line across the Gulf of Sidra and the United States wanted to challenge that. Here is a major maritime nation saying that it is going to challenge certain maritime rights. The United States, with our nation, undermined the whole of the United Nations deliberations on the law of the sea convention, yet the United States pleads in aid protection of the law of the sea. We have an example here of a battle fleet being sent to challenge the law of the sea in terms of innocent passage. If the United States had wanted to challenge a concept of international law, why did it not get together with other nations and suggest sending some kind of international fleet? But, no, it chose to send a battle fleet in a provocative way.

I do not think that it lies in the mouth of the United States or of this country, for example, to plead in aid the concept of international law and protection when we so undermined the endeavours of the United Nations to achieve an understanding on the law of the sea over a period of about 20 years.

No one now declares war. All nations plead in aid article 51 of the United Nations charter. It is about time that we read that article. It says:

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

Will any hon. Member suggest that the action taken by the United States Government in pursuit of its understanding of self-interest has enhanced the ability of the Security Council to take action to restore international peace? No one will plead that in aid.

Time after time from the Dispatch Box the Prime Minister pleaded in aid article 51. She also pleaded in aid the presence of United States troops in Europe. The vast majority of those troops are in the Federal Republic of Germany. One would therefore expect the Federal Republic to be America's best ally. Does the Federal Republic condone or support this action? American troops are there defending European interests—I accept that—but are also defending American interests.

One of my fears about this situation is that the American Government have thought in simplistic terms and that there will be a chain reaction in Europe which will trigger off a reaction in the United States—and I mean no offence to senators such as Sam Nunn—which will imperil and undermine the NATO Alliance. All of us in this country who believe in freedom will want to resist that.

Steps have been taken and we need a thorough investigation. I should not speak for the whole of the Select Committee on Defence but perhaps, as with a lot of other issues here, including the Westland issue, we should turn to a Committee of the House to investigate exactly what the United Kingdom Government's position is in relation to American-British bases in the United Kingdom — maybe British bases under American management. What authority do we have over them, because, as the former Prime Minister, my right hon. Friend the Member for Cardiff, South and Penarth (Mr. Callaghan) clearly indicated, there was no idea at the time of the Attlee/Truman accord that American aircraft would be used for such purposes as we have seen them used in the past few days. Therefore, if the agreement has to be renegotiated, there is no time at present to do so.

In conclusion, anybody who thinks that the United States' action in Libya has enhanced international order is deluding himself. If the simplistic solution to the problem that the United States is perpetrating could be construed in that way, that would be a falsehood. The United States' action in undermining international law and the law of nations is not a prescription for a peaceful solution to problems, but, if other people follow it, a prescription for international anarchy.

8.40 pm

Mr. Dennis Walters (Westbury): The right hon. Member for Cardiff, South and Penarth (Mr. Callaghan), in an excellent speech, pointed out that Colonel Gaddafi was not central to a middle east peace solution or to terrorism in the middle east, or, indeed, in the world, and I agree. King Hussein and the Palestinians are much more central, and I am delighted that my right hon. Friend the Prime Minister will be seeing King Hussein later in the week.

There can be only a few people who know and understand the middle east who wish to see progress

[Mr. Dennis Walters]

towards achieving a peace settlement, who at the same time believe that Colonel Gaddafi has a contribution to make in that direction. His posturings, inflammatory language and support for terrorist activities have been highly provocative and damaging to the causes that he so loudly claims to espouse. The fact that he still enjoys a considerable following among the Arab masses is largely due to United States' foreign policy in the middle east. One should be able to say that without being subjected to the boring accusation of anti-Americanism.

It is, in fact, one's best friends who point out when they agree and when they disagree with one. The idea that one should blindly follow everything that the United States does is rubbish. My right hon. Friend the Member for Chesham and Amersham (Sir I. Gilmour) pointed that out this afternoon.

American policy has failed in the middle east because it has not been able to provide an even-handed approach to the problems of the area and has blindly supported Israel on all occasions. As a result, it has lost influence and credibility in the Arab world. Its backing of Israel has been constant since 1948, but perhaps never quite so absolute as under the present Administration. Whether Israel was breaking international law by continuing to occupy and colonise the West Bank and Gaza or offending principles of natural justice by bulldozing houses, sacking mayors, beating up students and shutting down Palestinian schools and universities in the occupied territories; whether Israel was launching an unprovoked war of aggression in Lebanon or was involved in a state terrorist attack on Tunis, President Reagan's total backing never wavered.

In those circumstances, it is no wonder that the United States' foreign policy has become a source of despair for those who wish to see western influence in the middle east preserved and enhanced. Such a partisan attitude has assisted in promoting the people that it was supposed to weaken. Colonel Gaddafi, radical fanatics and fundamentalists throughout the Arab world and Iran have all profited.

Perhaps the most telling incident recently was in connection with the supply of arms to Jordan. King Hussein, a leading moderate statesman whose efforts to achieve a just peace I am glad to say received a good response from my right hon. Friend the Prime Minister and Her Majesty's Government, but not elsewhere, asked the United States for the supply of military equipment. The Administration favoured a positive answer, but, under immense pressure from the Zionist lobby, the Senate made it clear that it would vote overwhelmingly to reject the King's request. A sensible foreign policy cannot be run in that way, certainly not if it is the foreign policy of the leading power in the western world.

On the American air strike against Libya, two questions should be asked. Was it justified in international law, and will it have the desired effect of weakening Colonel Gaddafi and eliminating his support for terrorism? If a state claims that it has taken action in the lawful exercise of its right of self-defence, it has to satisfy three requirements. It is obliged to use peaceful procedures before resorting to the use of force; it has to show that an actual necessity existed for it to use force; and the force that it uses in response to actual or anticipated armed attack must be proportional both in kind and amount. I find it very difficult to accept that all those conditions were met.

On the second point, it is certainly right, as has been pointed out, that much thought should be given to effective ways of curbing Colonel Gaddafi's support for terrorism and in that respect the frustration of the United States Administration is perfectly understandable. Much more should have been done to isolate and weaken his regime. But bombing the centre of Tripoli as part of the way to achieve that end is neither defensible nor effective. Even if Gaddafi should now be overthrown, the fact that it came about as a result of a massive United States air attack will make it questionable that it will prove to be, in the long term, a western success. In any event, the killing of many civilians, including women and children, is unacceptable. The mother of Yvonne Fletcher, who is a constituent of mine, as indeed was her late daughter, expressed the view in a moving way yesterday and today.

For all those reasons, although I fully accept the great difficulty of my right hon. Friend the Prime Minister's decision, I should have liked to see the British Government take the same attitude as that adopted by France and our other EEC partners.

The best contribution that President Reagan could make to reducing middle east terrorism would be to ensure that Israel evacuated the territories occupied by force in 1967 and which resolution 242 27 years ago called upon it to relinquish. That would pave the way to peace in the middle east on the lines to which in the past the United States has subscribed and to which the overwhelming majority of countries still do, as of course do we.

Perhaps the most effective way to start making progress towards that goal would be to hold an international conference, and I have referred to that on many occasions in debates on the middle east. The participants should be the countries directly involved in the conflict and naturally, among those, should be the Palestinians who are at the heart of the whole problem. Britain, France, the United States and the Soviet Union should also participate. No one state should be allowed to block progress towards a settlement, and an international consensus does exist on what that settlement should be.

If peace came to the middle east, terrorism would receive a death blow. If President Reagan exercised his muscle in trying to bring about a settlement, he would receive and deserve widespread support. It is in that direction that we should be pressing him.

8.49 pm

Dr. David Owen (Plymouth, Devonport): It would have been a very brave decision if the Prime Minister had refused President Reagan's request to use the bases in this country. It would have meant that she would have offended the United States, and none of us would normally want her to do that. It would have meant that she would have risked the charge of weakness, which she is obviously very afraid of. It would also have meant that the debt of honour that she no doubt feels she owes to President Reagan because of his support for the Falklands action might be called into question.

But that said, I have no doubt that the Prime Minister should have refused that request if President Reagan persisted in demanding the use of the bases on the terms on which he appeared to want to carry out the air raid. It is an essential part of Britain's conduct of international

affairs that we stick within international law. Such action could only be justified, possibly, under article 51. But it could have been justified under article 51 only if we could produce concrete evidence that without an air strike there would be planned raids in the future that would put our citizens, American citizens and citizens around the world at grave risk. But I do not believe that such evidence exists. It would have been hard to prove that a particular air strike would take out a camp containing terrorists who were due to leave Libya on terrorist activities, yet only those circumstances would have justified any claim to protection under article 51.

There has been much too much talk of retaliation and punitive raids to allow for any justification of the raid under article 51. It was wrong in principle for Britain to be party to a decision that broke international law. Time after time, Israel has launched punitive raids into other countries' territories and time and again we have all condemned it. Both Labour and Conservative Governments have upheld the principle of international law, although we have realised that the Israelis have often been sorely provoked by grievous terrorist acts. We have upheld international law and have not allowed sentiment to move us.

We are talking about a joint decision. Under the agreements of Attlee with Truman, Churchill with Truman and then those with successive Prime Ministers, the British Prime Minister should have a deep involvement in the nature of the decision. Indeed, that has been confirmed by the right hon. Member for Old Bexley and Sidcup (Mr. Heath). But the Prime Minister has not yet explained why she felt it right, on technical grounds, to authorise such action. Surely her experts — if not she herself — were sufficiently involved in the planning to know that an air strike was planned against a target in a built-up area of Tripoli. Indeed, I hope that that degree of involvement existed. I believe that a senior RAF officer should have been immediately seconded to become involved in that decision. So surely the Prime Minister should have realised that there was a great danger of involving innocent Libyan citizens, and that the propaganda effect of that was so potentially great that it might sweep around the world and cause us great difficulty in justifying such action.

Mr. Corbyn: Will the right hon. Gentleman give way?

Dr. Owen: I am sorry, but I cannot give way, as I have only 10 minutes in which to speak.

I hope that the Foreign Secretary will make it clear that he understands that sort of involvement in joint decision-making. We are not talking about a blanket agreement or a general say-so. The use of British bases implicated us deeply in the decision, and we should have been involved in all aspects of that decision-making. The Prime Minister made a faulty judgment when she accepted the American selection of a target inside Tripoli.

I turn to the political grounds on which the Prime Minister should have refused the request. Her vehemence against terrorism is a matter of record, and I admire her for it. It is, indeed, shared by many hon. Members on both sides of the House. But state terrorism is a very different animal from the sort of terrorist activity perpetrated by gangs, political movements or strange individuals. If we are to defeat state terrorism in Libya, it is vital to achieve a complete change of mind on the part of Colonel Gaddafi —which is very unlikely—or his toppling. As has been said, none of us perhaps understands sufficiently how to react to state terrorism. The first mistake to be made by Europe and the British Government was to turn down President Reagan's request, in January, for support for economic sanctions. It was obvious then that America was coming close to taking armed action. It was clear then that popular opinion in the United States would support it. When there was no response from Europe it fuelled American determination to take such action.

What sort of action should have been taken then? At the very least, all the bureaux should have been closed in all EEC countries. At the very least, we should have placed a restriction on all forms of economic aid. At the very least, we should have stopped all air travel to Libya once it had become clear that Libyan-inspired terrorism was continuing. Britain is still training Libyan pilots, and that makes it very hard for us to justify a refusal to take such action. It is easy for us to turn on our European partners, but we ourselves were not prepared to pay an economic price. On 8 January, I argued that we should support economic sanctions.

Incidentally, it would have been perfectly possible to stop flights to Libya. Anyone who broke the agreement to fly into Libyan airports would not be able to fly airlines into our airports. But there would have been an effect. However, if Colonel Gaddafi had continued his terrorism, we would have had to move on to restricting access to oil tankers to Libya. I say to the Leader of the Opposition that if one is to go for economic sanctions—I am glad that he now supports that idea — they may have to be sustained by the use of armed force. Many people would try to break such economic sanctions, and so we would have to be ready to impose a quarantine area around the Libyan coast. Such a quarantine was imposed by President Kennedy during the Cuban missile crisis and would represent legitimate pressure under the terms of the United Nations charter. It would have been far preferable to an air strike. Curtis Le May, the air force general in the United States at the time of the Cuban missile crisis, suggested an air strike, but the suggestion was rejected by Robert McNamara, the then Defence Secretary, and President Kennedy, as it would have caused civilian casualties. Even with the new technology of lasers that we have heard of today, we have discovered that it is still possible, even if it was the deposition of a bomber in distress, to damage civilians.

If a quarantine did not work, the next escalation of sanctions, if one had to take any bombing action at all, would be to take out the loading piers for the oil. All that is a graduated response. Throughout that graduated response it would be necessary to go to the Security Council and start producing the evidence of Colonel Gaddafi's involvement in terrorism. Once it became clear, as it undoubtedly did, that Libya was deeply implicated in the bombing of the Berlin discotheque, that evidence should have been produced.

As far as we could, we should have taken world opinion with us. We failed to do that. As a consequence, Britain is now unable to convince the world that the action we took was justified. It is a tragedy that the Prime Minister, who values the American relationship perhaps as much as any Prime Minister who has held office, should be the Prime Minister who, in recent decisions, not just in this area, has done much harm to Anglo-American relations. It would

[Dr. Owen]

have required great courage to say no to President Reagan. The right hon. Lady should have said no. She will regret it, and this country and the world will regret her decision.

8.59 pm

Mr. Tony Marlow (Northampton, North): I apologise to the right hon. Member for Plymouth, Devonport (Dr. Owen) if I do him any wrong, but I believe that if he had been Foreign Secretary he would have agreed to the American use of our bases.

Yesterday morning at 7 o'clock when I heard the news from Tripoli I was deeply alarmed. I did not know whether it was a crime or not but it seemed to me that it was worse —it was a political and military mistake. We shall see. The justification for any military action is not what has happened before but what happens afterwards — the result, the outcome. The justification for our dispatch of the task force to the Falkland Islands was not the illegal act of the Argentinians but the fact that we secured the rights of the Falklands Islanders.

Tonight we have an important question to answer. That question is not whether we agreed with the United States approach or whether we agreed with the details of the United States action, but whether it was right for us and our Government to allow the United States to use our Royal Air Force bases.

The right hon. Member for Cardiff, South and Penarth (Mr. Callaghan) said that, had he been Prime Minister, he would have said no. Had President Carter — Jimmy Carter, the friend of the right hon. Member for Cardiff, South and Penarth—come to the right hon. Gentleman and said that his forces had been subjected to terrorism and that he wanted to take action against the source of that terrorism, I am sure that the right hon. Gentleman would have counselled him, as I am sure my right hon. Friend the Prime Minister counselled the present President of the United States. The right hon. Gentleman would have counselled him about all the difficulties and disadvantages, but if Jimmy Carter had said that he wanted to go ahead I doubt whether the right hon. Gentleman would have said no.

My right hon. Friend the Member for Old Bexley and Sidcup (Mr. Heath) said that in similar circumstances he would have said no. He gave as an example the Yom Kippur war, when two of our allies were in dispute. He gave us the example of a Cypriot air base. There, a third party was involved. Given the circumstances of this week —a terrorist state with a terrorist leader and a request from America, our most important ally within NATO and our most important western connection — I doubt, despite what my right hon. Friend said, whether he would have said no. The circumstances he cited were different.

Mr. Heath: I do not think that my hon. Friend has any justification for doubting my word as to my view about this situation and what I would have done.

Mr. Marlow: My right hon. Friend is not currently the Prime Minister. I am saying had he been Prime Minister and in those circumstances, I wonder.

The right hon. Gentleman the leader of the Liberal party said that what has happened has irritated the Europeans. Had we declined the request of the Americans we would certainly have irritated our American ally. The right hon. Gentleman hit the nail on the head on television today. He gave a reason why we should give our acquiescence to the Americans. He said that the United States is inward-looking. Had not only the rest of Europe, but we in the United Kingdom, said no to the United States in these circumstances on a matter that was vital to it, what would that have done to the Atlantic Alliance? What strains would have built up between Europe and America? It would have had long-term and significant effects. I believe that my right hon. Friend the Prime Minister was totally right in the circumstances and that it would have been inconceivable too for her to have come to another conclusion.

My right hon. Friend the Member for Old Bexley and Sidcup brought us to the really important issue — the matter of the Palestinians. We should be talking today not so much about Libya as about the 4 million Palestinians who themselves suffer from terrorism. If we are to be even-handed in this issue, when we talk about what happened at Rome and Vienna as terrorist acts, surely what happened in Tunis, when innocent Tunisians were killed, was also a terrorist act.

In 1981 I was in Beirut. I saw there the result of some Israeli precision bombing. Eight-storey apartment blocks were razed to the ground—no military target at all—and hundreds of people were killed. In 1982 I was outside Beirut and saw the pall of smoke as Beirut was blown off the map by the Israeli air force. That also was terrorism.

If we are to be even-handed, let us be even-handed. If we are concerned with the subject of terrorism, let us seek out terrorism wherever it is and let us in future, when we debate this issue, debate the real issue. The real issue is the Palestinian people, their lack of a country, and the need to satisfy that lack.

9.6 pm

Mr. Andrew Faulds (Warley, East): Had I time enough, I would have enlarged on President Reagan's capability and on the Prime Minister's culpability. Perhaps it is as well that time prevents my doing either. [HON. MEMBERS: "Hear hear."] There will be a chance.

What have been, and will be, the results of Reagan's criminal activities in acting out his cowboy dreams, with our compliance, against Libya? First, we have alienated the Arab world by what is only the latest in a series of humiliations that the West has inflicted upon it. The worst damage has been done to those countries that are closest to the West—to Egypt, whose Government may well not survive much longer; to Jordan, whose king has been increasingly cold-shouldered by the West and who could not have been more committed to the West than he has been; to the Gulf states, whose regimes are under the greatest strain from the political anti-Western developments of fundamentalism in the region; and to Saudi Arabia, which could bring the West to its knees if it had leaders with the will to do so, and if it had more concern for its brothers in the Arab world and less concern for the artificial price per barrel.

There will be great damage to both American and British interests throughout the Arab world, and grave danger to people of both nationalities—especially, I am sorry to have to say, to members of our embassies and others on official work. God help them.

However, the most significant — indeed historic — result will be the enormous boost to Islamic fundamentalism. Reagan will prove to have been the most effective recruiting officer for that cause. The actions against Libya

have made, and will make, millions of converts to that cruel faith. Islamic fundamentalism is now unstoppable. Watch out—it grows by suffering and death. Western interests will be increasingly under attack and eventually will be forced to beat a retreat from most of that area and other areas of the Moslem world.

What massive misjudgments the policy makers of the United States have been guilty of. What a price they will pay, and what a price we will pay for the Prime Minister's compliance with their operations. Are the misjudgments over? Will the United States now encourage Israel to seek out the terrorists whom they suppose to be working from Syria? Is Israel poised to attack that country? Are plans being made to bomb Damascus, on the pretence that Abu Nidal runs Syria?

Have I time to comment on the Foreign Secretary's supine performance? Perhaps not. Perhaps I had better not. However, his deceit of his EEC colleagues is something that they will find unforgivable and will damage his performance as chairman when he comes to that role in a couple of months.

There is only one way to bring international terrorism in the Arab context to an end. Ignoramuses like American politicians either do not know, or do not want to know, because of the overpowering Zionist pressures that they feebly yield to and pander to in the United States, that until the rights of the Palestinians are recognised—after many years a number of my colleagues are slowly coming to this realisation — and their own country is established following self-determination, there will be no stop to such actions. They are an increasingly desperate people, but if it takes one generation, two generations or three generations or more, their struggle will go on. The Palestinian problem will not go away.

Several Hon. Members *rose*——

Mr. Speaker: Order. Before I call the Front-Bench spokesmen, I should tell those Back-Bench Members who have sat throughout the debate that I am sorry that they have not been called. I shall give them precedence when we have a foreign affairs debate, which I hope will be soon.

9.10 pm

Mr. Denis Healey (Leeds, East): This has been an exceptionally serious debate. All hon. Members have made a genuine attempt to think through a difficult problem. Very few of the speeches have followed party lines. Indeed, I do not think I have ever agreed so much with the right hon. Member for Old Bexley and Sidcup (Mr. Heath) since those golden days before the war when we fought shoulder to shoulder in a hopeless battle to prevent Lord Hailsham — then Quintin Hogg — from becoming Member of Parliament for Oxford.

It was clear from the debate that hon. Members on both sides of the House abhor international terrorism and want to defeat it. Nearly all of us accept Colonel Gaddafi's word that he supports such terrorism and has been responsible for financing and organising terrorist crimes in many parts of the world. The question to which we have addressed ourselves is how do we deal with terrorism in general, and with Gaddafi in particular?

Britain has a longer experience of terrorism than any other country going back to the colonial days. Even in my lifetime, we have fought terrorism in India, Palestine, Malaya, Cyprus and Kenya, and we are fighting it today in Northern Ireland. In this long experience of terrorism, we have learnt three lessons. The first is that the indiscriminate use of force in a campaign against terrorism simply creates more terrorists. It is a major objective of terrorists to compel the legal authorities to use excessive force against them. We have also learnt that there are only two answers to terrorism. The first is painstaking police work supported by effective intelligence, combined with the protection of the more vulnerable targets. The second is political action to remove the grievances which are the breeding ground for terrorism. If we do that, we have at best often succeeded in converting terrorists into statesmen —for example, Nehru, Makarios, Kenyatta and Begin— and at least, if we cannot turn them into friends or statesmen, we can rob them of the water in which they swim. We can detach them from the public support upon which they absolutely depend to operate.

The Opposition have paid tribute to the Prime Minister's courage in trying to deal with terrorism in Northern Ireland and for trying to create an international framework in which progress can be made on removing some of the grievances and relaxing some of the tensions which divide the communities there. There was broad agreement in the House today that a precondition for dealing with the international terrorism which has disfigured so much of the middle east and Europe in recent years is finding a permanent state for the Palestinian nation —the Prime Minister of Israel recently referred to the Palestinians as a nation.

The Palestinian refugees in Lebanon, after appalling suffering during the past 40 years, are the major recruiting ground for international terrorism. President Reagan should have learnt something from the fact that when Israel attempted to wipe out terrorism in Lebanon by military force, it proved a disastrous failure. The number of terrorist groups operating from Lebanon greatly increased. Those of Palestinian origin got active support from the Syrian Government. Now a new threat has been created among the Shi'ite population of Lebanon which gets active support from the Government of Iran.

Dr. Henry Kissinger and many other experts have been right to point out in recent days that, in the list of Governments supporting international terrorism, Gaddafi comes pretty low down. Even if, as seems possible from what we heard in some news bulletins, Gaddafi disappeared from the scene today, terrorism, as a result of the activities of the United States and Britain in the last two days, would continue, not diminish.

A question that we should ask the Foreign Secretary is whether Her Majesty's Government will support more American bombing against other Governments, if my prediction proves true, or take the route put to her by my right hon. Friend the Member for Cardiff, South and Penarth (Mr. Callaghan) and use all her influence with the United States Government to take a more even-handed position on middle eastern affairs, so as to move slowly and painfully towards a lasting settlement of the Palestinian problem.

Those of us who oppose Government support for American action rest our case partly on the fact that the action taken on the night of Monday of this week was seriously contrary to international law. When Israel took similar action against those it believed to be terrorists in Tunisia, she was strongly rebuked by Her Majesty's ambassador at the United Nations with the words:

[Mr. Denis Healey]

"Arbitrary and disproportionate violence of this sort, even in retaliation, is a clear breach of this obligation."

He was referring to article 2 of the United Nations charter, and he was right. If he were not right, Britain would have been perfectly justified in bombing buildings in Boston or New York and Chicago, where known IRA terrorists have their residences.

If the Prime Minister is right in accepting America's bombing of Libya as legitimate self-defence, that would certainly justify the Nicaraguan Government, if it had the capacity, bombing the CIA headquarters at Langley in Virginia.

I do not believe that it is possible, nor do most of those jurists who have written to the newspapers in recent days, to justify the action of the American and British Governments under international law. Those of us who oppose that action are also moved by the consideration that the actions Her Majesty's Government supported this week will be counter-productive and fail to achieve any of the objectives that the United States Administration had in mind when they ordered that action.

There is an overwhelming reason to agree with Sir Anthony Parsons, to whose advice I know the Prime Minister has in the past paid particular attention, when he said, of President Reagan,

"that sort of vigilantism is more likely to provoke terrorism than prevent terrorism."

In the course of provoking terrorism such action has also destroyed the Anglo-Saxon influence in the middle east, and undermined those few friendly Governments that the west still has in the middle east. It has also divided the Commonwealth, divided Europe and divided the Atlantic alliance.

What is perplexing is that Her Majesty's Government seemed right up to late on Monday evening to share all the views that I have just expressed. On Monday afternoon, the Secretary of State for Defence told Radio Clyde:

"My colleagues and I are very dubious as to whether a military strike is the best way of doing this. It is liable to hit the wrong people. It will create other tensions in the area."

He was speaking for his Cabinet colleagues and he was right. When he said that, he must have known that the broadcast would be put out by Radio Clyde on Tuesday morning.

That very afternoon the right hon. and learned Gentleman the Foreign Secretary spent many hours trying to persuade his European colleagues to draft a document which ended with an appeal for restraint to all concerned and which asked them to avoid a further escalation of military tension in the area. The right hon. and learned Gentleman was sufficiently impressed by the results of his work as to describe the communiqué as "vigorous and appropriate". Immediately after the meeting in The Hague ended his German colleague left to go to Washington to present the document to the American Government. But before Herr Genscher's plane touched down, his journey was destined to prove fruitless because a few hours after the Foreign Secretary left The Hague, and a few hours after the Defence Secretary had made his wise and prudent broadcast, F111 fighter bombers were roaring off British bases to bomb Libya, with the full support of the Prime Minister.

As I said, the Foreign Secretary described his work in The Hague as "vigorous and appropriate". Next day the Prime Minister described it as "passive" and "supine". None of us who were here yesterday afternoon will forget the icy venom with which the right hon. Lady castigated what she called Europe for its passivity and supineness.

The very bombing of Tripoli, on which the Defence Secretary had shown such doubts and which the Foreign Secretary appeared to be steering his European colleagues to oppose, was justified yesterday by the Prime Minister with that strident absolutism which we have learned to recognise as the best sign of her inner insecurity.

In the light of those facts, I must ask the Foreign Secretary to answer a question: when he was negotiating with his European colleagues in The Hague on Monday, did he know that the United States was about to launch the task force, with British agreement and support, a few hours later? If he did, he was deliberately deceiving his colleagues. His Belgian colleague, Mr. Tindemans, has already given warning that if that was the case, the Foreign Secretary will have a very uncomfortable afternoon with them tomorrow.

The Secretary of State for Foreign and Commonwealth Affairs (Sir Geoffrey Howe): The right hon. Gentleman pursues this point which I must assure him is without foundation. It is important to put the matter beyond doubt. Around the table in The Hague on Monday it was common knowledge that United States military action against Libya was a possibility and, indeed, an early possibility, but that no final decision had been taken. It is impossible to say in what detail any of our Community partners were privy to United States planning. Ambassador Walters visited a number of European capitals besides London discussing United States plans, and the discussion on that day was focused almost entirely on how the 12 should respond collectively to Libyan terrorism. There was scarcely any mention of the United States intention. No evidence emerged during the discussion that any Foreign Minister was aware during the meeting of a final American decision to attack. For my part, I had no confirmation of any decision by the President, still less of any decision to authorise raids that night, until I came back to London and met the Prime Minister.

Mr. Healey: The House and the Foreign Secretary's colleagues will want to reflect on this important personal statement by the Foreign Secretary, and I shall require injury time for the time he took to read his carefully prepared draft to the House. He has answered the second question. Presumably the Defence Secretary did not know either. Yet Mr. Larry Speakes told the American press the other day that last week the President asked his staff, "Shall we make it Monday night?" and they replied, "Yes." If the Foreign Secretary was not deceiving his colleagues, President Reagan was deceiving the British Government.

We all want to understand a little better how much the Foreign Secretary and the Defence Secretary were involved in this affair. Most surprising to me, apparently they were not present at the meeting between General Walters and the Prime Minister. The Prime Minister told us yesterday—and this is a matter for a connoisseur of "Yes Minister"—when asked whether they were privy to a decision she replied,

"we have acted together in knowledge of one another's views".

We always assume that the Prime Minister knows her colleagues' views and we usually assume that she ignores them. The Prime Minister also told us yesterday without explaining the meaning of her words:

"the Overseas and Defence Committee of the Cabinet met on Monday morning."—[*Official Report*, 15 April 1986; Vol. 95, c. 731.]

She did not tell us whether the Committee was told, apparently not, or what its members discussed. Perhaps they just sat admiring another of the manic monologues from the Prime Minister that always shed about as much light on the issue as an electric grill. The House and the country rely for knowledge about the degree of Cabinet involvement in these matters on a stream of information from the team at No. 10 that gave us the Westland drama, a mixture of ambiguities and disingenuities which the world is still trying to disentangle.

It is clear that the Prime Minister decided to offer the F111s after her meeting with General Walters. We now need to know why on earth she did that. She had no obligation to do it. The right hon. Member for Old Bexley and Sidcup told us that in similar circumstances he refused such facilities in 1973. In view of what has been written in the press in the last day or two, can the Foreign Secretary confirm that the requirement of the United States to get British consent for the use of these bases gives Her Majesty's Government a veto? A positive answer to that would reassure many of us. If he is unable to answer the question directly in the affirmative, we shall want to pursue much further the details of the regime that covers these bases.

The Prime Minister said that she offered the F111 aircraft on the grounds that they were essential to reduce civilian casualties and to save service lives. But as far as we know, the only civilian casualties caused in the Libyan bombings were those caused by the F111 aircraft, and the only aircraft that was lost was an F111. Therefore, that argument does not stand up to even the most cursory examination.

I suspect, as do many others, that there was one reason only why President Reagan sought the Prime Minister's support. It was not military — it was political. He wanted to have at least one companion in crime, and when Mr. Speakes was asked that specific question twice at a press conference two days ago, he refused to answer.

The Prime Minister, thank goodness, today moved away from the "inconceivable to refuse" statement that she made several times yesterday to the original draft that her civil servants prepared for her, which indicates that the next time that President Reagan wants to have a go—as he has told us he will—she will want to consult him again. But how do we know that next time, as always in the past, when President Reagan says, "Jump", she will not reply, "How high?".

All of us on both sides of the House must be deeply concerned that the Cabinet does not seem to have been involved in these decisions. Even the Foreign and Defence Secretaries, who made their views known in public before the bombings took place, do not deem to have pressed their very sensible views. Faced by the impenetrable complacency with which the Prime Minister armours her invincible ignorance, they decided not to molest her with the facts. Many of us hoped that after the unedifying disasters that the Prime Minister underwent in the early months of this year she might have learned something about the need to consult her colleagues. To be honest, we saw some signs in the ensuing weeks of Ministers, who had been imprisoned in the dungeons of Cabinet for many years, emerge blinking into the sunlight chanting the hymn to freedom from Fidelio.

Now, all this new Cabinet discussion appears to amount to a ritual and dreary debate every Thursday, at which obscure Ministers are compelled to volunteer views about issues on which they know and care nothing, while the real problems facing the country are still decided by the Prime Minister—and, I suspect, a tiny team of civil servants—at No. 10.

That just is not good enough for a British Government who must take serious decisions. The decision that the Prime Minister took last week will increase terrorism throughout the middle east. It has already split Britain from the rest of Europe, the rest of the Commonwealth and all members of the United Nations except the United States and Israel. She has thrown away her chance to use Britain's influence for good in seeking a middle east peace settlement, and she has exposed our own people — as she admitted this afternoon — to new and very unwelcome dangers.

For all these reasons, I ask the House to vote against the Adjournment motion.

9.34 pm

The Secretary of State for Foreign and Commonwealth Affairs (Sir Geoffrey Howe): The right hon. Member for Leeds, East (Mr. Healey) commenced his speech by saying, rightly, that in this serious debate a number of views which are at variance with any party position have been expressed, and it is right that that should be so.

The House was told by my right hon. Friend the Prime Minister that I would inform it, so far as I could, of the information from Tripoli this evening. The information is necessarily incomplete. There was shooting earlier in the day, apparently centred around the Azizya barracks. It is not possible to assess the significance of that. A few minutes ago the head of the British interest section in Tripoli reported that about 90 minutes ago there was further firing in the streets. A blackout is in force in Tripoli, and there is no news of Colonel Gaddafi's whereabouts. Mr. Donoughue is not aware of any injuries to British citizens, although there is a possibility that one British citizen has been detained. That is the position in Libya.

During this debate a great deal of time has been devoted, understandably, to the middle east. My right hon. Friend the Member for Chelmsford (Mr. St. John-Stevas) paid tribute to the speech made by the right hon. Member for Cardiff, South and Penarth (Mr. Callaghan). He echoed the important point made by my right hon. Friend the Member for Old Bexley and Sidcup (Mr. Heath) about the fundamental importance underlying all these problems of seeking a peaceful solution to the central questions of the middle east. I wholly endorse that proposition. It must be said that action by outsiders cannot be a substitute for the vital steps that the parties involved must take for peace. As my right hon. Friend said, it is right that the west as a whole must address itself to the problems of the areas in which terrorists thrive.

The Government have been playing a sustained part in trying to promote that process. My right hon. Friend the Prime Minister will be seeing His Majesty King Hussein tomorrow, and she will be visiting Israel within a few

[Sir Geoffrey Howe]

weeks. We were all glad to welcome Prime Minister Peres to this country recently. The Government remain firmly committed to this search for a peacefully negotiated settlement on the basis of the principles set out in the Venice declaration, which are upheld by our European partners, of respect for the right of Israel to secure borders and equal respect for the right of the Palestinians to self-determination. Let there be no doubt about our recognition of the importance of that issue.

Even if we could solve the middle eastern dispute, it would not put an end to the problems of terrorism. I agree with the right hon. Member for Leeds, East that solving that dispute may well serve to isolate state-sponsored terrorism. It would not stop it, but even to isolate and identify it would be an achievement.

I must take issue with the right hon. Member for Leeds, East because he seems not to have made the important distinction, which was made by his right hon. Friend the Member for Cardiff, South and Penarth, between terrorism and state-sponsored or state-directed terrorism. It is that about which we are concerned. It is quite distinct from traditional terrorism, although, God knows, that is bad enough. We have suffered enough from traditional terrorism, most obviously from the impact of IRA terrorism. IRA terrorism is not state-sponsored or state-directed terrorism. That is why the right hon. Gentleman was being more than usually fanciful in talking about a response to the IRA in the form of bombing Ireland or the United States. It is a completely different question.

Ordinary terrorism has to be dealt with through the ordinary agencies and instruments of law enforcement, but, in the words of the right hon. Member for Cardiff, South and Penarth, state terrorism is quite different. We are dealing with countries that recruit, train and finance groups of people whom they dispatch to promote terrorism in other countries. The key feature of the terrorism with which the House is dealing today is brutality and onslaught, sustained and organised by a sovereign state, and managed, financed and dispatched through the agencies of Government. There is overwhelming evidence that Colonel Gaddafi's Government is just such a Government.

This afternoon, the Prime Minister gave detailed evidence of incidents of that kind. Right hon. and hon. Gentlemen on both sides of the House are familiar with that evidence. In the speeches made throughout the debate today there has been no doubt about the implication of the Libyan Government in state-directed terrorism. That was the view of the Leader of the Opposition, the leader of the Liberal party, my right hon. Friend the Member for Old Bexley and Sidcup, and the right hon. Member for Cardiff, South and Penarth.

We know, too, that the British people are among Colonel Gaddafi's targets. We know that because of the very immediate impact on us of Libya's direct and continuing support for the Provisional IRA — support that has continued over a number of years. The House will recall the case of the motor vessel Claudia, which was intercepted by the Irish navy off the Irish coast in 1973 and which was carrying five tons of weapons from Libya for the Provisional IRA. The House remembers statements by Colonel Gaddafi himself saying that Libya is committed to support IRA terrorism in this country. Further evidence of that support was the recovery in Ireland, on 26 January this year, of rifles, pistols and ammunition supplied to the Provisional IRA that had clearly originated in Libya.

In these circumstances, there is a plain right of states to defend themselves and their citizens against attacks and sustained threat of attacks directed, promoted and organised by another state. That point was clearly put by my right hon. and learned Friend the Member for Southport (Sir I. Percival). The right hon. Member for Plymouth, Devonport (Dr. Owen) said that in those circumstances the right of self-defence is not clearly defined, and certainly not defined in article 51. The point of that article is that, although it does not define, it recognises the inherent right of states to self-defence against attack. The existence of that right is not in doubt. My right hon. Friend the Member for Chelmsford put the matter clearly when he said that the motivation for what has been done was not lust for reprisal. *[Interruption.]* I will come to that. The motivation is to reduce the risk of injury from terrorism to the citizens of this country and of the rest of the world.

It must be said as well that the right of self-defence is not an entirely passive right. It plainly includes the right to destroy or weaken the capacity of one's assailant, to reduce his resources, and to weaken his will so as to discourage and prevent further violence. All that is comprised in the right of self-defence. Of course, it is right that we should look first for a peaceful solution, but heaven knows how often and hard we have sought such a solution in this case. There has been resolution after resolution of the United Nations, and meetings of the seven summit countries, and of the European Community.

The Leader of the Opposition suggested the possibility of economic sanctions, a suggestion made in many comparable situations. In this case it may be right to argue that Libya is particularly susceptible to sanctions of that kind because of its dependence on oil revenues — and that is the point made by the right hon. Gentleman—but problems still remain. The question is whether such sanctions will be effective, and the lesson of history is that sanctions have not been effective unless they are universally applied. History also shows that, so far, sanctions are not universally applied, so that the lesson is that there is no relief and remedy down that road.

It was in those circumstances that the United States decided that the time had come to resort to the use of force in self-defence. In the circumstances described by my right hon. Friend, the United States sought our agreement to the use of aircraft based in this country. In the face of that request, our consent was necessary. [HON. MEMBERS: "Our consent?"] The consent of Her Majesty's Government was necessary, just as it would be necessary in respect of a similar request on another occasion for the use of United States bases in this country.

My right hon. Friend the Member for Old Bexley and Sidcup reminisced about some aspects of this matter from Suez to the Yom Kippur war. Those right hon. and hon. Members who heard him speak about Suez will have found that the view he presented this evening is different from that which he presented at that time as a Government Chief Whip. I suppose that it must be comforting to reflect that even Chief Whips have the right to change their mind.

In his substantive point, my right hon. Friend the Member for Old Bexley and Sidcup was dealing with a different situation. The request that was put to him at the time of the Yom Kippur war was, as he rightly said, to

allow intervention on one side of a conflict between two states engaged in a dispute. However, that was not the situation faced by Her Majesty's Government this weekend. On this occasion the request was to allow the use by an ally of her bases in this country for her self-defence against state terrorism, which threatened us as well as her. So that parallel is not the same. However, in every other respect the position was the same.

It was for the Prime Minister, in consultation with her colleagues, to decide, in the interests of the British people, whether or not to agree to the United States proposal. It was in consultation with her colleagues — [HON. MEMBERS: "Which colleagues?"] Let me answer the question. I am delighted to do so. There was consultation, among others, with my right hon. Friend the Secretary of State for Defence and me. The right hon. Member for Leeds, East created a mystery of the fact that I was not at the meeting with General Walters on Saturday morning. I was at a meeting in Germany that had been arranged long before then, to which I had gone on Friday night. I was back in Britain by lunchtime on Saturday and I was in contact with my right hon. Friend the Prime Minister during the weekend. There is no mystery about my absence from the meeting with General Walters. The consultation was proper and it was for my right hon. Friend to decide, in the interests of the British people, whether or not to agree to the United States proposal. There was no obligation to say yes, there was no coercion to say yes, and there was no undue influence to say yes. We had to engage in a full consideration of British interests. Those interests included—*[Interruption.]*

Mr. Speaker: Order. The Foreign Secretary.

Sir Geoffrey Howe: Those British interests included our right and duty to secure the defence of our people against terrorism. They also included the defence of our people against Libyan state-directed terrorism. To answer the question of the hon. Member for Monklands, West (Mr. Clarke), the action had to be proportionate to the threat. As my right hon. Friend the Secretary of State for Defence explained in his interview on Monday, it was a difficult question. *[Interruption.]* Opposition Members may laugh, but it would have been profoundly serious if this question had not been seriously considered, and in earnest. And it was.

Dr. Owen: Did the Prime Minister and the Secretary of State for Defence know that one of the targets was in a civilian area of Tripoli?

Sir Geoffrey Howe: I shall come to that point in a moment. My right hon. Friend asked many questions.

Mr. Faulds *rose*——

Sir Geoffrey Howe: I am just answering one question and then I will proceed with my speech.

My right hon. Friend asked many questions. He asked about the nature and conditions of targeting. Quite rightly so. Specific conditions were imposed. As my hon. Friend the Member for Bury St. Edmunds (Sir E. Griffiths) pointed out, not merely were those conditions clear and explicit; they involved very strict rules of engagement, clearly observed.

Let me correct one other misunderstanding here. At that time we were not setting out to destroy terrorism but to assist the defence of the United States against one particularly virulent export of state terrorism. In that attack, the F111 was rightly used because the assurance that we were given was that it was best calculated to achieve the objectives necessary with the lowest possible risk of civilian or United States service casualties. It was emphasised to us that the aircraft's advanced avionics and precision strike capabilities made it particularly suitable in that respect. We recognised the force of the argument because the F111 aircraft is regarded as particularly appropriate for attacking difficult and well-protected targets with as much accuracy and safety as possible. In answer to the question raised by my hon. and learned Friend the Member for Colchester, North (Sir A. Buck), the F111 aircraft are assigned to NATO but can be withdrawn from that assignment on notification. It was in those circumstances that consent was given to the use of those aircraft for the operation.

Hon. Members have asked if this action will not build up Gaddafi. Will it not build up support for him in the moderate Arab states? A proper assessment of that will show that significant, realistic support for Gaddafi will certainly not be increased in the moderate Arab states because they share the view of the rest of the world, that his wicked conduct of state-directed terrorism needs to be brought to an end quickly.

Will it build Gaddafi up in his own country? It is far too soon to say what the answer to that may be. But if that argument is allowed to be decisive, it has the result that the director of state terrorism is for ever left free to build up and sustain himself without challenge of any kind. That conclusion would be quite unacceptable.

Hon. Members have suggested that we have given the Americans a blank cheque for the future, that we risk in some way being drawn ineluctably into a further escalation of violence. It is an understandable fear, but it is, specifically, palpable nonsense. In the first place, as my right hon. Friend the Prime Minister made clear in her speech today, our undertaking to support the American use of military force under extreme provocation was based on the American assurance that it would be directed against specific Libyan targets which were demonstrably involved in the conduct and support of terrorist activities.

Mr. Heffer: The French embassy?

Sir Geoffrey Howe: Let us be quite clear about this: in any action of this kind there is bound to be the risk of injury and damage to innocent citizens. That risk is inherent in any form of self-defence. It is no reason for rejecting the concept of self-defence in the face of terrorist action which ruthlessly and deliberately sets out to damage, destroy and kill innocent people.

In the second place, our agreement that United States aircraft should fly from bases in the United Kingdom, should that be judged necessary, was clearly and explicitly based on the same assurance.

In the third place, our position on any question of further action which might be more general or less directly targeted against terrorism was explicitly reserved. There was no blank cheque. There was a single, carefully drawn up agreement, and its limitations have been fully and honestly respected. I would have expected no less. Moreover, as my right hon. Friend told the House, it is clearly understood with President Reagan that if there were any question of using United States aircraft based in this country in any further action, that too would be the sub-

[Sir Geoffrey Howe]

of a further approach to the United Kingdom under the joint consultation agreements. Once again, our consent would be necessary. We have no wish——

Mr. Douglas: The Foreign Secretary has given a detailed exposition of the nature of the agreement made between the Prime Minister and the United States Government. Will he publish that in total?

Sir Geoffrey Howe: It is not a question of a publishable agreement. I am describing the series of exchanges between my right hon. Friend the Prime Minister and the President of the United States, to which my right hon. Friend referred in her statement yesterday.

We have no wish to go down the road of force—far from it. We have no quarrel with the Libyan people; our quarrel is with the deliberate sponsorship and practice of terrorism by the present Government of Libya. The question that we must now consider is what else must be done to bring to an end that conduct of terrorism; what else must be done to rid the world of a growing scourge that leads to nothing but bloodshed and misery for victims and perpetrators alike.

That is why the Government have been consistently pressing their European partners for non-military measures. I was grateful to the right hon. Member for Cardiff, South and Penarth for his acknowledgement that we had been active in that sphere. We took our own measures in May 1984. We and our European partners have repeatedly condemned terrorism, most explicitly in our statement of 27 January.

However, we have not so far provided the necessary reinforcement for collective action by putting peaceful, moral and political pressure on Libya. I agree with those hon. Members who said that we can and should look for a more active response from our friends in Europe. The hon. Member for Wentworth (Mr. Hardy) and my hon. Friend the Member for Leominster (Mr. Temple-Morris) —although critical of the Government in other respects —made great play of that point.

What we now need from Europe, among others, is a concerted programme of measures designed to choke the supply of arms to the terrorists, to close their command centres, and to limit their freedom of movement in and out of countries. On Monday the Foreign Ministers agreed on such a framework, but alas too late. When the House rises tonight, I shall be going to Paris for a meeting at eight o'clock tomorrow morning, when I shall invite my colleagues once again to face the challenge that I believe they must meet.

Despite the differences of opinion created by the United States' use of military force earlier this week, the task now is to agree urgently on steps that will make the policy effective — strict implementation of the ban on arms exports from Europe to Libya; strict monitoring to prevent arms from reaching terrorist hands; a reduction in the staff of the Libyan peoples bureaux—if we cannot agree to close them altogether, we can at least reduce them to a level at which they can no longer do any effective harm — the tightening of restrictions on the movement of Libyans in those bureaux, whose role in the campaign of terror has been proved beyond any possibility of doubt — the bureaux are the main sinews of state-directed terrorism, where messages are passed to and fro and where commands are given — and the tightening of visa requirements for Libyans entering our country.

There is no doubt that the most effective step of all will be to close all the Libyan peoples bureaux throughout Europe. I understand the problems that that would cause to some European countries. Nevertheless, I shall continue to advocate that step and the others that I have outlined with all the force at my command. Tomorrow morning, I shall be reviewing that matter with my European colleagues.

I do not believe that further escalation of violence is unavoidable. On the contrary, now that the Americans have shown their willingness and ability to use force, our aim must be patiently to persevere in a collective and coherent policy of pressure and persuasion — a policy bringing our fellow Europeans, the moderate Arabs and the United States into line. The United States has resorted to the use of military force under extreme provocation; it is for us to lead in trying to find a way to ensure that the circumstances that brought the Libyans to act as they did are never repeated.

We must show the Libyan Government and any other Government or organisation involved in terrorism that we are not going to tolerate the continuing abuse of our freedoms at the expense of our citizens.

I invite the House to vote in support of the Government tonight.

Mr. Speaker: The Question is, That this House do now adjourn.

Mr. Tony Banks: On a point of order, Mr. Speaker.

Mr. Speaker: Order. I have put the Question.

Mr. Banks *(seated and covered)*: On a point of order, Mr. Speaker. A number of hon. Members have sat here throughout this debate and failed to catch your eye. Why, when the Foreign Secretary finished speaking at 9.59 pm, are we not allowed to use the extra minute to ask further questions or make a contribution?

Mr. Speaker: Order. I did not see the hon. Gentleman rise but I did see the Front Bench leaning forward apprehensively in case the debate was talked out. That was why I put the Question.

The House having divided: Ayes 206, Noes 325.

Division No. 144] **[10 pm**

AYES

Abse, Leo	Brown, Hugh D. *(Provan)*
Alton, David	Brown, N. *(N'c'tle-u-Tyne E)*
Anderson, Donald	Brown, R. *(N'c'tle-u-Tyne N)*
Archer, Rt Hon Peter	Brown, Ron *(E'burgh, Leith)*
Ashdown, Paddy	Bruce, Malcolm
Ashley, Rt Hon Jack	Buchan, Norman
Ashton, Joe	Caborn, Richard
Atkinson, N. *(Tottenham)*	Callaghan, Rt Hon J.
Banks, Tony *(Newham NW)*	Callaghan, Jim *(Heyw'd & M)*
Barnett, Guy	Campbell, Ian
Barron, Kevin	Campbell-Savours, Dale
Beckett, Mrs Margaret	Canavan, Dennis
Beith, A. J.	Carlile, Alexander *(Montg'y)*
Bell, Stuart	Cartwright, John
Benn, Rt Hon Tony	Clark, Dr David *(S Shields)*
Bennett, A. *(Dent'n & Red'sh)*	Clarke, Thomas
Bermingham, Gerald	Clay, Robert
Bidwell, Sydney	Clelland, David Gordon
Blair, Anthony	Clwyd, Mrs Ann
Boothroyd, Miss Betty	Cohen, Harry
Boyes, Roland	Conlan, Bernard
Brown, Gordon *(D'f'mline E)*	Cook, Frank *(Stockton North)*

Cook, Robin F. *(Livingston)*
Corbett, Robin
Corbyn, Jeremy
Craigen, J. M.
Crowther, Stan
Cunliffe, Lawrence
Cunningham, Dr John
Davies, Rt Hon Denzil *(L'lli)*
Davies, Ronald *(Caerphilly)*
Davis, Terry *(B'ham, H'ge H'l)*
Dewar, Donald
Dixon, Donald
Dobson, Frank
Dormand, Jack
Douglas, Dick
Dubs, Alfred
Duffy, A. E. P.
Dunwoody, Hon Mrs G.
Eadie, Alex
Eastham, Ken
Edwards, Bob *(W'h'mpt'n SE)*
Evans, John *(St. Helens N)*
Ewing, Harry
Fatchett, Derek
Faulds, Andrew
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Foot, Rt Hon Michael
Forrester, John
Foster, Derek
Foulkes, George
Fraser, J. *(Norwood)*
Freud, Clement
Garrett, W. E.
Gilbert, Rt Hon Dr John
Godman, Dr Norman
Golding, John
Gould, Bryan
Gourlay, Harry
Hamilton, James *(M'well N)*
Hancock, Michael
Hardy, Peter
Harman, Ms Harriet
Hart, Rt Hon Dame Judith
Hattersley, Rt Hon Roy
Haynes, Frank
Healey, Rt Hon Denis
Heffer, Eric S.
Hogg, N. *(C'nauld & Kilsyth)*
Holland, Stuart *(Vauxhall)*
Home Robertson, John
Howells, Geraint
Hoyle, Douglas
Hughes, Dr Mark *(Durham)*
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
Hughes, Simon *(Southwark)*
Janner, Hon Greville
Jenkins, Rt Hon Roy *(Hillh'd)*
John, Brynmor
Jones, Barry *(Alyn & Deeside)*
Kaufman, Rt Hon Gerald
Kennedy, Charles
Kinnock, Rt Hon Neil
Kirkwood, Archy
Lambie, David
Lamond, James
Leadbitter, Ted
Leighton, Ronald
Lewis, Terence *(Worsley)*
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
Lofthouse, Geoffrey
Loyden, Edward
McCartney, Hugh
McDonald, Dr Oonagh
McGuire, Michael
McKay, Allen *(Penistone)*
McKelvey, William
MacKenzie, Rt Hon Gregor
Maclennan, Robert
McNamara, Kevin
McTaggart, Robert
McWilliam, John
Madden, Max
Marek, Dr John
Martin, Michael
Mason, Rt Hon Roy
Maxton, John
Maynard, Miss Joan
Meacher, Michael
Meyer, Sir Anthony
Michie, William
Mikardo, Ian
Millan, Rt Hon Bruce
Miller, Dr M. S. *(E Kilbride)*
Mitchell, Austin *(G't Grimsby)*
Morris, Rt Hon J. *(Aberavon)*
Nellist, David
Oakes, Rt Hon Gordon
O'Brien, William
O Neill, Martin
Orme, Rt Hon Stanley
Owen, Rt Hon Dr David
Park, George
Parry, Robert
Patchett, Terry
Pendry, Tom
Pike, Peter
Powell, Rt Hon J. E.
Powell, Raymond *(Ogmore)*
Prescott, John
Radice, Giles
Randall, Stuart
Raynsford, Nick
Redmond, Martin
Richardson, Ms Jo
Roberts, Ernest *(Hackney N)*
Robinson, G. *(Coventry NW)*
Rogers, Allan
Rooker, J. W.
Ross, Ernest *(Dundee W)*
Ross, Stephen *(Isle of Wight)*
Rowlands, Ted
Ryman, John
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon R.
Shore, Rt Hon Peter
Short, Ms Clare *(Ladywood)*
Short, Mrs R.*(W'hampt'n NE)*
Silkin, Rt Hon J.
Skinner, Dennis
Smith, C.*(Isl'ton S & F'bury)*
Smith, Rt Hon J. *(M'ds E)*
Soley, Clive
Steel, Rt Hon David
Stewart, Rt Hon D. *(W Isles)*
Stott, Roger
Strang, Gavin
Straw, Jack
Thomas, Dafydd *(Merioneth)*
Thomas, Dr R. *(Carmarthen)*
Thompson, J. *(Wansbeck)*
Thorne, Stan *(Preston)*
Tinn, James
Torney, Tom
Wainwright, R.
Wallace, James
Wardell, Gareth *(Gower)*
Wareing, Robert
Weetch, Ken
White, James
Wigley, Dafydd
Williams, Rt Hon A.
Wilson, Gordon
Winnick, David
Wrigglesworth, Ian
Young, David *(Bolton SE)*

Tellers for the Ayes:
Mr. Sean Hughes and
Mr. Allen Adams.

NOES

Aitken, Jonathan
Alison, Rt Hon Michael
Amery, Rt Hon Julian
Amess, David
Ancram, Michael
Arnold, Tom
Ashby, David
Aspinwall, Jack
Atkins, Rt Hon Sir H.
Atkinson, David *(B'm'th E)*
Baker, Rt Hon K. *(Mole Vall'y)*
Baker, Nicholas *(Dorset N)*
Baldry, Tony
Banks, Robert *(Harrogate)*
Batiste, Spencer
Beaumont-Dark, Anthony
Bellingham, Henry
Bendall, Vivian
Bennett, Rt Hon Sir Frederic
Benyon, William
Biffen, Rt Hon John
Biggs-Davison, Sir John
Blackburn, John
Blaker, Rt Hon Sir Peter
Bonsor, Sir Nicholas
Boscawen, Hon Robert
Bottomley, Peter
Bottomley, Mrs Virginia
Bowden, A. *(Brighton K'to'n)*
Bowden, Gerald *(Dulwich)*
Boyson, Dr Rhodes
Braine, Rt Hon Sir Bernard
Brandon-Bravo, Martin
Bright, Graham
Brinton, Tim
Brittan, Rt Hon Leon
Brooke, Hon Peter
Brown, M. *(Brigg & Cl'thpes)*
Browne, John
Bryan, Sir Paul
Buchanan-Smith, Rt Hon A.
Buck, Sir Antony
Budgen, Nick
Bulmer, Esmond
Burt, Alistair
Butcher, John
Butler, Rt Hon Sir Adam
Carlisle, John *(Luton N)*
Carlisle, Kenneth *(Lincoln)*
Carlisle, Rt Hon M. *(W'ton S)*
Carttiss, Michael
Cash, William
Chalker, Mrs Lynda
Channon, Rt Hon Paul
Chapman, Sydney
Chope, Christopher
Churchill, W. S.
Clark, Dr Michael *(Rochford)*
Clark, Sir W. *(Croydon S)*
Clegg, Sir Walter
Colvin, Michael
Conway, Derek
Cope, John
Cormack, Patrick
Couchman, James
Cranborne, Viscount
Critchley, Julian
Crouch, David
Currie, Mrs Edwina
Dickens, Geoffrey
Dorrell, Stephen
du Cann, Rt Hon Sir Edward
Dunn, Robert
Durant, Tony
Eggar, Tim
Emery, Sir Peter
Evennett, David
Eyre, Sir Reginald
Fairbairn, Nicholas
Fallon, Michael
Farr, Sir John
Favell, Anthony
Fenner, Mrs Peggy
Finsberg, Sir Geoffrey
Fletcher, Alexander
Forman, Nigel
Forsyth, Michael *(Stirling)*
Forth, Eric
Fowler, Rt Hon Norman
Fox, Marcus
Franks, Cecil
Fraser, Peter *(Angus East)*
Freeman, Roger
Galley, Roy
Gardiner, George *(Reigate)*
Gardner, Sir Edward *(Fylde)*
Glyn, Dr Alan
Goodhart, Sir Philip
Goodlad, Alastair
Gorst, John
Gow, Ian
Gower, Sir Raymond
Grant, Sir Anthony
Greenway, Harry
Griffiths, Sir Eldon
Griffiths, Peter *(Portsm'th N)*
Grist, Ian
Ground, Patrick
Grylls, Michael
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hampson, Dr Keith
Hanley, Jeremy
Hannam, John
Hargreaves, Kenneth
Harris, David
Havers, Rt Hon Sir Michael
Hawkins, C. *(High Peak)*
Hawkins, Sir Paul *(N'folk SW)*
Hawksley, Warren
Hayes, J.
Hayhoe, Rt Hon Barney
Hayward, Robert
Heathcoat-Amory, David
Heddle, John
Henderson, Barry
Heseltine, Rt Hon Michael
Hickmet, Richard
Higgins, Rt Hon Terence L.
Hill, James
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holland, Sir Philip *(Gedling)*
Hordern, Sir Peter
Howard, Michael
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Howe, Rt Hon Sir Geoffrey
Howell, Rt Hon D. *(G'ldford)*
Howell, Ralph *(Norfolk, N)*
Hubbard-Miles, Peter
Hunt, David *(Wirral W)*
Hunt, John *(Ravensbourne)*
Hunter, Andrew
Hurd, Rt Hon Douglas
Irving, Charles
Jackson, Robert
Jenkin, Rt Hon Patrick
Jessel, Toby

Johnson Smith, Sir Geoffrey
Jones, Gwilym *(Cardiff N)*
Jones, Robert *(Herts W)*
Jopling, Rt Hon Michael
Joseph, Rt Hon Sir Keith
Kellett-Bowman, Mrs Elaine
Key, Robert
King, Rt Hon Tom
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Knox, David
Lamont, Norman
Lang, Ian
Latham, Michael
Lawler, Geoffrey
Lawson, Rt Hon Nigel
Lee, John *(Pendle)*
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lewis, Sir Kenneth *(Stamf'd)*
Lilley, Peter
Lord, Michael
Lyell, Nicholas
McCrindle, Robert
McCurley, Mrs Anna
Macfarlane, Neil
MacGregor, Rt Hon John
MacKay, Andrew *(Berkshire)*
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
McQuarrie, Albert
Madel, David
Major, John
Malins, Humfrey
Maples, John
Marland, Paul
Marlow, Antony
Mates, Michael
Mather, Carol
Maude, Hon Francis
Mawhinney, Dr Brian
Maxwell-Hyslop, Robin
Mayhew, Sir Patrick
Mellor, David
Merchant, Piers
Mills, Sir Peter *(West Devon)*
Miscampbell, Norman
Mitchell, David *(Hants NW)*
Moate, Roger
Monro, Sir Hector
Montgomery, Sir Fergus
Moore, Rt Hon John
Morris, M. *(N'hampton S)*
Morrison, Hon C. *(Devizes)*
Morrison, Hon P. *(Chester)*
Moynihan, Hon C.
Murphy, Christopher
Neale, Gerrard
Neubert, Michael
Newton, Tony
Nicholls, Patrick
Norris, Steven
Onslow, Cranley
Oppenheim, Phillip
Oppenheim, Rt Hon Mrs S.
Osborn, Sir John
Ottaway, Richard
Page, Richard *(Herts SW)*
Parkinson, Rt Hon Cecil
Patten, Christopher *(Bath)*
Patten, J. *(Oxf W & Abgdn)*
Pattie, Geoffrey
Pawsey, James
Percival, Rt Hon Sir Ian
Pollock, Alexander
Portillo, Michael
Powell, William *(Corby)*
Powley, John
Prentice, Rt Hon Reg
Price, Sir David
Prior, Rt Hon James
Proctor, K. Harvey
Pym, Rt Hon Francis
Raffan, Keith
Rathbone, Tim
Rees, Rt Hon Peter *(Dover)*
Renton, Tim
Rhodes James, Robert
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Ridsdale, Sir Julian
Rifkind, Rt Hon Malcolm
Roberts, Wyn *(Conwy)*
Robinson, P. *(Belfast E)*
Roe, Mrs Marion
Rost, Peter
Rumbold, Mrs Angela
Ryder, Richard
Sackville, Hon Thomas
Sainsbury, Hon Timothy
St. John-Stevas, Rt Hon N.
Sayeed, Jonathan
Shaw, Giles *(Pudsey)*
Shaw, Sir Michael *(Scarb')*
Shelton, William *(Streatham)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Shersby, Michael
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Smith, Sir Dudley *(Warwick)*
Soames, Hon Nicholas
Speed, Keith
Speller, Tony
Spencer, Derek
Spicer, Jim *(Dorset W)*
Spicer, Michael *(S Worcs)*
Squire, Robin
Stanbrook, Ivor
Stanley, Rt Hon John
Steen, Anthony
Stern, Michael
Stevens, Lewis *(Nuneaton)*
Stewart, Allan *(Eastwood)*
Stewart, Ian *(Hertf'dshire N)*
Stokes, John
Stradling Thomas, Sir John
Sumberg, David
Tapsell, Sir Peter
Taylor, John *(Solihull)*
Taylor, Teddy *(S'end E)*
Tebbit, Rt Hon Norman
Temple-Morris, Peter
Terlezki, Stefan
Thatcher, Rt Hon Mrs M.
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thurnham, Peter
Townend, John *(Bridlington)*
Tracey, Richard
Trippier, David
Trotter, Neville
Twinn, Dr Ian
van Straubenzee, Sir W.
Vaughan, Sir Gerard
Viggers, Peter
Waddington, David
Wakeham, Rt Hon John
Waldegrave, Hon William
Walden, George
Walker, Bill *(T'side N)*
Walker, Rt Hon P. *(W'cester)*
Wall, Sir Patrick
Waller, Gary
Ward, John
Wardle, C. *(Bexhill)*
Warren, Kenneth
Watson, John
Watts, John
Wells, Sir John *(Maidstone)*
Wheeler, John
Whitfield, John
Whitney, Raymond
Wilkinson, John
Winterton, Mrs Ann
Winterton, Nicholas
Wolfson, Mark
Wood, Timothy
Young, Sir George *(Acton)*
Younger, Rt Hon George

Tellers for the Noes:
Mr. Tristan Garel-Jones and
Mr. Gerald Malone.

Question accordingly negatived.

General Certificate of Secondary Education

10.13 pm

Mr. Andrew F. Bennett (Denton and Reddish): I beg to move,

That an humble Address be presented to Her Majesty, praying that the Education (Schools and Further Education) (Amendment) Regulations 1986 (S.I., 1986, No. 542), dated 17th March 1986, a copy of which was laid before this House on 26th March, be annulled.

We have called for this debate because we believe that the Government must answer some crucial questions about the new general certificate of secondary education, the GCSE exam. The Opposition have always welcomed the idea of a new examination at 16. In the year before I entered the House in 1974 I was teaching one of those experimental exam syllabuses that was designed to show that one could have a combined exam for all those young people at 16. I very much regret—I make no criticism of the present Ministers — the ministerial indecision which has meant that we have had to wait 15 years for the new examination.

I believe that it was right for the Secretary of State to opt for the new examination. However, he should have made absolutely certain that he could provide the resources to turn the examination into an efficient and practical reality. Without the resources to carry through the examination, we are heading for disaster. Sadly, we now have a pantomime farce. The Secretary of State is paying that the new examination will go ahead, the teachers are saying, "Oh no it won't," parents' associations are saying, "Oh no it shouldn't," local authorities, including Conservative councillors even in areas such as Finchley are saying, "Oh no it shouldn't," and some examination boards are now saying that it should not go ahead.

I believe that it is imperative for the Government to recognise that they cannot force the new examination through and make it a success. They can make it a success only if they can win the consent of the whole of the education world. I believe that that is what the Government should be addressing themselves to and that is what I hope the Minister will make clear when he replies to the debate.

The examination has to be credible to the nation as a whole. It has to be credible to employers and to those people who will use the standards set by the examination for entry into further and higher education. If it is to do that, it has to be an efficient, effective and prestigious examination. Secondly, it has to be fair to all pupils and it has to be seen by the pupils and their parents to be fair. Thirdly, it has to be practical for the teachers to teach the syllabuses and it has to be especially practical for them to assess the elements in the examination which will be measured by continual assessment. It also has to be practical to administer the examination.

Sadly, because of the crisis in our schools over the last two years and the arguments about resources for the preparation for the examination, the climate does not exist for there to be confidence in the new examination. I do not think that any pupil looking to start a two-year course next year can feel that he will have a fair deal. Also the Minister cannot possibly convince those youngsters who, sadly, in 27 or 28 months' time will receive their examination results and discover that they have grades which are just a little lower than they require to get a job or gain entry into further and higher education, that they have had a fair deal. The Minister cannot do that if he insists on forcing through this examination.

It is clear that in many areas there has been insufficient time for preparation and for teachers to devise the new assessment procedures for the examination. I do not believe that there is sufficient information in schools at the moment for some pupils to choose the courses they will follow next term. In some places the syllabuses are still not widely available. Therefore, children who are being asked to choose their fourth year options are unable to make their choices.

I also suggest that in many local authorities there has been insufficient time for preparation and insufficient resources to make it possible for the books and equipment to be bought. Obviously, those problems vary a great deal from one area to another, from one subject to another and according to the syllabuses that schools have taught in previous years. It is also clear that in some local authorities, where there is a good capitation allowance and good staffing ratios, the problems are less acute.

I would also suggest that there are problems with the way in which the Government's prepared suggestions for the introduction of the new examination are being brought forward. The first stage in which the Open University prepared the packages for teaching the new material went well. Sadly, transferring those packages to the heads of departments appears to have been very patchy. In some areas the information has not yet reached the heads of departments.

The order deals with the next stage, which is to provide two days this term which will enable those heads of department to pass information on to colleagues. In many areas that could work well, but in other areas there will be problems because some heads of department do not have the information.

However, the area to which the Government have paid no attention is the subject-specific preparation, which will vary considerably from one area to another and from one syllabus to another. Some of the time does not have to be found during the summer term but could be provided during the next two years. The Government must recognise those problems.

The Secretary of State met the National Union of Teachers this afternoon. I welcome that development. I hope that he will arrange to meet the other teacher unions very quickly. I suggest very strongly to the Government that if they can win over the teachers, the parents and the local authorities and establish a consensus in the next few days, it should be possible for the examination to be brought in. That is the challenge for the Government. Either they must achieve a consensus in the education world to make a success of the new examination, or they must face the possibility of cancelling or postponing it for a year.

The Secretary of State has said that he cannot postpone the new examination. I challenge him on that. The old examinations will exist for the whole of next year, and it would be perfectly possible to retain those examinations for a further year after that. However, I agree with the Secretary of State that we do not want to be involved in that problem. We want the Government to achieve the necessary consensus. What the NUT wants is a new

[Mr. Andrew F. Bennett]

examination that is effectively administered and resourced. I believe that that is what the NUT today pressed the Government to provide.

Mr. Harry Greenway (Ealing, North): Is the hon. Gentleman suggesting that the same syllabuses should be carried forward for an extra year? If so, what attention has he paid to the dynamics of education?

Mr. Bennett: Most of the O-level and CSE boards do not change their syllabuses every year. The better boards have brought them up to date every four or five years. Postponing the examination is not the ideal solution, but if there cannot be a new examination which is credible and practical, postponement would be a better solution than bringing in a new examination without resources or national credibility.

I hope that Conservative Members will agree that the Government still have an opportunity to bring the examination in and establish the necessary consensus. If the Government are to do that, however, they must turn to the question of the necessary resources.

Three key requirements must be met before a consensus can be established. First, there must be a commitment by the Government to make the extra resources available. Secondly, there must be more time for teacher training and preparation. Thirdly, some of the boards must show more urgency in providing the material for the examination.

The regulations allow the local authorities to close schools to pupils for two days this term so that the teachers can go in to the schools for training and preparation. I believe that the Secretary of State should try to make available at least one more day. That day could be found by a further day closure, or I stress this possibility—by paying teachers extra to come in to school during their holidays.

We are all aware that the schools have recently been closed more than most of us want. However, if the Government will discuss the matter with the teachers' unions, as I understand they are now willing to do, and if they will provide more time for training to establish the initial examination procedures, that will be helpful.

The Government must also consider allowing more time during the next two years for teacher training in some subjects, especially in the fourth stage. That will be very necessary. Some examination boards with modern syllabuses will need to make only small changes in their teaching methods for the new examination. Other boards, of which we have been rightly critical, which have not brought their syllabuses up to date, will need more time for the new examination. I hope that the Government will allow them a little more time for training.

When the Government announced the regulations they talked about an extra £20 million. The Opposition welcome that extra money, although it is difficult to discover why the Government plumped for that figure. Perhaps they are saying that we need £20 million in this financial year, which will cover two terms of a six-term course. The Government may provide more money for the other four terms, which would fall in other financial years. If that was so, they would be moving a little closer to the only estimate that I can find of the money needed—the £100 million suggested by the local authority associations.

If the Government can find £100 million to bail out Johnson Matthey overnight, they should be able to provide more than £20 million. Conservative Members should consider where the £20 million would go. If, by putting up extra money, the Government could win the support of the teachers and the country, it would be worth doing.

Between 500,000 and 650,000 pupils in England and Wales will sit the new examination. It is difficult to say how many subjects they will take, but it will be five or six subjects on average. The £20 million spread over two years would work out at £40 per pupil. When broken down into different subjects, in some subjects authorities will be lucky if they receive £8 per pupil, which means £4 per year. The high cost of textbooks means that that money will not go very far. In some cases, pupils will be able to use existing textbooks, but in other subjects they will have to use new materials. Many schools are rightly getting rid of craft rooms, which were designed for traditional woodwork and metalwork, and re-equipping them for subjects such as combined craft design technology. Considerable costs will be involved in that.

Many syllabuses will require the extension of field work for biology, geography and geology, visits to historic buildings and fine art establishments, and £8 per subject will be insufficient. The syllabuses contain the good idea of computer literacy across a wide range of subjects. In some schools, where the training and vocational education initiative operates, many children have the opportunity to get hands-on experience of computers so that they can bring that literacy into a wide range of subjects. Other schools do not have those resources.

If the Government want to win consensus, they must discuss how much money is necessary. I hope that the offers that appear to have been made to the NUT to get into serious talks will be firmly pursued. I hope that the Government will get other teacher unions, parents' groups and local authorities around the table and will try to resolve the question of necessary resources to carry through the new examination.

Having got the whole idea of the new examination there, it would be very sad if it failed because we did not have the resources.

On rather smaller points, I would press the Secretary of State to look at the urgency that some examination bodies are giving to syllabuses. Almost all the syllabuses have now been approved, but that is not the issue. They actually need to be in the teachers' hands. Unfortunately, in the past what has tended to happen with syllabuses is that there are five or six copies for a large school, and teachers can consult them from time to time. In the present circumstances, the Government must make sure that each subject teacher has that subject syllabus in his hands quickly.

We have to go beyond that and make sure that some mock examination papers are available, because anyone who has taught knows too well that one can put grand ideas into syllabuses, but one has actually to change them into examination papers. I therefore press the Government to understand that, while some of the examining bodies have got on well with this and have done a good job, in other areas there are not the syllabuses available for ordinary teachers to look at, and there are now examples of the sort of examination papers that will be set.

There is a problem of training in some of the minority subjects, and the Government should address a little more attention to this. It is easy enough in a big school in a department such as English, where, if the heads of department have gone on the initial training, they can pass

the information on to their colleagues. In many minority subjects, there is only one teacher and sometimes only half of that teacher's time is given to that minority subject. I believe that the Government should be giving more attention to the training of those teachers, particularly in the subject-specific parts of the training.

The Government must also look at the problems which will arise when those teachers are away during the two years that they are teaching, and continual assessment has to be undertaken. In a big department it is possible for other people to do the assessment, particularly of the oral and aural contents of the courses. With written work, it is easy enough to leave it until a member of staff returns to mark, but in the oral and aural assessment we really need people there to do it. The Government should give more attention to that.

The message that I want to put across to the Government tonight is that, if they could get the teaching unions, the parents and the local authorities together, they could offer to talk about the extra resources, and the extra training time. I still believe that the Government can create the consensus to make the examination succeed. If the Government cannot do that quickly, it will be disastrous for all concerned.

My plea to the Government is, face up to the problems. Come up with the money and the resources; otherwise you will do a great deal of damage to our children. The whole idea of the new examination system will be totally discredited, and the Secretary of State will leave a legacy of disappointment and frustration for his successor.

I plead with the Government to come up now with the resources and the extra time for training.

10.34 pm

The Minister of State, Department of Education and Science (Mr. Chris Patten): In debating tonight the Education (Schools and Further Education) (Amendment) Regulations 1986, we are debating more than just the two simple provisions in the regulations. There are wider issues at stake, the most important of which is the education of some 600,000 pupils, who will be in the first GCSE cohort this autumn.

I know that many hon. Members have expressed concern — deep concern, I recognise — about the prospects for these children. I share that concern. In case there is anywhere any doubt let me say that the government want to do their best by those children; that we put their interests first; and that that is why we stand firm that the GCSE will be introduced as planned this autumn.

The GCSE is no mere educational fad or whim. The new examinations follow, as the hon. Member for Denton and Reddish (Mr. Bennett) said very fairly, some 15 years of thought, debate, planning and trial examinations. The education world does not often move quickly: and, after 15 years, I do not think that we are open to the charge that the GCSE is being rushed. The GCSE is sometimes described as requiring radical changes in educational practice. In some ways it is radical—in its insistence on practical work, for example, and on course work in all subjects. Yet these and the other requirements are not novel: they are based on sound educational thought and development and represent the best of current practice. The GCSE is designed to effect real improvements in the education offered to our children, to provide a better and fairer assessment of what they can do; to challenge and stimulate all pupils to do better; and to equip pupils for future study and adult and working life. These are not just the Government's ideas, although we endorse them. They derive from the widespread educational thinking to which I have referred.

That is why we need the GCSE, and why the Government have taken action—whipped on two years ago by the educational world — to introduce it this autumn. Few dissent from the aims and purposes of the GCSE. There has been a remarkable degree of unanimity — amongst teachers, schools, parents, employers and others—for this education reform. As the hon. Member for Denton and Reddish has reminded us, Opposition Members share our view of the importance of the reform. I totally recognise the sincerity of the hon. Gentleman's concern. We take the view that while good work, and much of it, goes on in many of our schools, pupils can be encouraged to do better than they do now, they can be presented with more challenging and more motivating examination courses, and examinations can be made a better record of what pupils actually do.

Mr. Martin Flannery (Sheffield, Hillsborough): The hon. Gentleman keeps intoning that he and his Government want the very best for the children. He knows as well as I do that Her Majesty's inspectors put out an annual report which shows a great lack of cash in schools, a shortage of books, and buildings in a mess. The Secretary of State went round my city and described the schools as "crummy". That was after he had ratecapped the city. The Minister has said that he wants the best. Let it be made clear that the teacher unions have been asking for this examination for many years. [HON. MEMBERS: "Question."] I have only one more sentence. The unions have asked for the examination, so the teachers want it. They are the last people on earth to try to struggle against it coming in. But they need the money and the books. Therefore, they want the examination to be put off for a year or £100 million to be spent on adequate training for teachers.

Mr. Patten: Next time the hon. Gentleman rises, I shall know not to give way.

The goal of introducing the GCSE is great, and the prize is great too. It is a target which the Government set themselves, not — whatever may be said outside this place — for their own good, but for the good of the hundreds of thousands of children in our schools who, year on year, take public examinations. It is for them that we need the GCSE, and it is for them that we need it this autumn.

The argument, therefore, as put by some hon. Members, is about the means and about the timing, as the hon. Member for Denton and Reddish said, and not about the ends. One of these means is in the substance of the regulations before the House tonight—the provision for maintained schools to be closed to pupils during this summer term for up to two days for GCSE training. But before coming to the regulations in detail, as I shall in a moment, it is worthwhile putting them in the context of what else the Government and others have been doing to pave the way for the GCSE. It is only in that context that we can form a proper view of the regulations.

I have said in this House and elsewhere that the programme of preparation for the GCSE is unprecedented. No other examination reform—not GCE, not CSE—and no other education reform—certainly not the raising of

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the school leaving age—has ever been associated with a preparatory phase of this quality and on this scale. We have in place a programme which can deliver the opportunity for every teacher to prepare himself or herself for the GCSE. As the hon. Gentleman said, the training programme falls into four phases. Phase 1 was the preparation, by the Secondary Examinations Council and the Open University, of teachers' guides and associated videos, and the preparations by the examining groups for the later phases. In phase 2, the examining groups provide training seminars for leaders in each subject, on the basis of the teachers' guides; this phase is being conducted now. In phase 3, local education authorities, schools and colleges organise seminars for all other GCSE teachers. These are largely school-based and are led by the subject leaders trained in phase 2. The hon. Gentleman was right to underline the importance of phase 4. It is perhaps the most important phase of all. The purpose of phase 4, which is likely to begin in the autumn, is for teachers to meet under the guidance of examining groups to prepare for individual GCSE syllabuses.

The Government have made a significant contribution to all this. We have supported the preparation of teachers' guides and videos and the training to be conducted by the groups, with a grant of £860,000. We are supporting at a rate of 90 per cent. local education authorities' costs in providing supply teachers to cover for the teachers attending the phase 2 seminars. This is to the tune of £6 million. We will provide an additional £600,000 in the current financial year and next year to meet the cost of the provision of materials for phase 4. That is, the training for each individual syllabus.

We should be clear that some have called for the GCSE to be postponed for professional reasons. Others have had other reasons, not connected with examinations, for adding their voices. We listened to the professional reasons which were put to us, and my right hon. Friend responded to these with his announcement on 13 March. The reasons chiefly concerned two matters: money for the provision of books and equipment for the examination courses; and more time for teachers in which to prepare themselves for the start of the GCSE.

We were asked for money and we propose to allocate £20 million for GCSE books and equipment. I do not want to go into detail about the money, although I will if pressed. As the hon. Gentleman fairly said, it is certainly not the case that all GCSE courses will require new textbooks. I should like to read from a publication which does not often fall into my hands. It is called the *PA News* and is from the Publishers Association. The issue dated 21 March 1986 says:

"£20 m. additional funding for GCSE books

EPC's submissions to Government and approaches to Ministers over the need for additional funding for books for the GCSE examinations have achieved a considerable success. EPC asked for £30 m. to be made available over a three year period. The Government has responded by saying that it will make an additional £20 m. available for books and equipment over the same period."

It goes on to say:

"this must be regarded as a major fillip achieved by the Association".

The distinguished director of the Educational Publishers' Council is a Labour party candidate in Finchley. That was the view of The Publishers Association about the £20 million we made available through the education support grant. We were asked for time and we propose to give time —two training days this summer term. That is in the regulations before the House. We went further and offered to contribute to the cost of providing further phase 2 seminars to accommodate those teachers who absented themselves from the seminars that they were due to attend. Those were the professional concerns and we responded to them. I should now like to turn to phase 3 and the regulations before the House.

Mr. Andrew F. Bennett: The Minister has said that the £20 million pleases the book publishers, although I think there are some doubts. How did he arrive at that figure of £20 million? Has he taken into account the expensive equipment needed for courses like combined technology courses? There is also the matter of the way in which schools will record material, especially for standardisation of oral and aural parts of courses. How does the Minister measure that £20 million against the suggestion by local authority associations that at least £100 million is needed? That is now backed by a lot of the teachers' unions.

Mr. Patten: Without being flippant I can say to the hon. Gentleman that almost any figure that one mentions in the world of education is rapidly multiplied. Perhaps I may add one or two other observations. First, we are talking about an addition to the capitation that is already being made by a number of education authorities. We are not talking just about £20 million for GCSE but about £20 million on top of what was already planned. Secondly, we are talking about how we can find the money from central Government, and the means available to us are not as considerable as some people occasionally suggest or would like them to be. Within the statutory powers given to us by the House we can spend only a ½ per cent. of the total LEA budget through ESG. That amounts to about £53 million a year. There is not all that much elbow room in that amount when one takes account of the programmes to which we are already committed. The £20 million through ESG is as much as we could find, although I hope that in a year or two we may be able to find a little more. It depends upon other priorities.

Thirdly, I repeat what I said earlier—and the hon. Gentleman knows this to be the case—that we are not talking about new textbooks for every subject. If one takes the most popular 10 or 11 subjects, in my judgment there are probably considerable resource implications for five or six — history, geography, physics, chemistry, biology and perhaps craft, design and technology—but not all the others. It was on that basis that we came to £20 million, and I am delighted that the £20 million was welcomed by the Publishers' Association.

I now come to phase 3 and the regulations before the House. In phase 3, subject leaders, having themselves received training, conduct seminars for colleagues in their schools teaching the same subject for this phase. The organisation is devolved to individual schools and local education authorities. We expected some authorities to use "occasional days" — where they were not consolidated into school holidays — and others to exploit the slack period after the summer examinations to free teachers for this training. We had already committed £2 million to the cost of supply cover which authorities could use as a help in arranging for phase 3.

But we listened to the arguments—from the GCSE examining groups; from the ACC; from more than one third of LEAs; and from three teachers' associations—the NAHT, the AMMA and the NUT. They said that additional school closures were necessary if phase 3 was to be organised properly in all local authorities and if all schools were to have an equal opportunity to prepare their teachers for the GCSE.

That is why we brought forward these regulations, and that is why we need them. We want all teachers to have the chance to engage in professional discussion about the implications of the GCSE for their subject. These regulations give them that chance.

Paragraph 1 of the regulations is the usual citation. Paragraph 2 amends regulation 10 of the Education (Schools and Further Education) Regulations 1981, which relate to the school year and the school day. The regulations provide, for the current academic year, that a school session devoted to the training of teachers for the GCSE — and where pupils are not present — may be regarded as a session on which the school has met for the purposes of the 1981 regulations. The amendment is limited to four sessions, or two days.

Some say that this time is not enough. Obviously, some teachers would like more time, just as some teachers—and there are many of them — already familiar with GCSE concepts may not need a full two days. But the national training programme is to help teachers to prepare for the new courses. It is not a substitute for the normal preparation which teachers do, year on year, when examination syllabuses change, and training does not end with phase 3 as the hon. Member for Denton and Reddish properly said. I have already referred to phase 4 training on which I put considerable emphasis—the continuing help and training that the GCSE examining groups will offer to teachers using their specific syllabuses.

LEAs will, I am sure, drawing upon the help of their advisers as necessary, want to take up a key co-ordinating role in overseeing the arrangements that schools will need to make, to take advantage of these training days. They may, for example, and with benefit, encourage groups of schools, or subject departments within different schools, to come together for phase 3 training. This would be a way of easing any problems associated with patchy, phase 2 attendance. These regulations give LEAs, as I am sure they recognise, the chance to ensure that phase 3 training is conducted efficiently in all their schools.

We need to explain clearly to parents the purpose behind these regulations. Regrettably, many of them will this year have seen their children sent home from school because of action by teachers. Many parents will be anxious at the prospect of their children missing a further two days of schooling. But most of us in the House know, and all parents know, that schools are more relaxed places towards the end of the summer term. It is clear that the educational benefits of allowing two training days far outweigh the loss of teaching time at that period of the year.

Some hon. Members have asked in correspondence and elsewhere how we can expect to bring the GCSE in this year in an orderly way. Some people have predicted chaos. In my judgment, if we were to postpone the GCSE, there really would be chaos. We would not solve the problems associated with bringing in the new examinations: we would add to them.

Those who seek postponement of the GCSE have not thought about what follows. It is no automatic process to halt the GCSE machine and to start it again next year. It is just not possible to wind down all the effort and preparations that have been made so far and expect to wind them up again after a delay of that time. What of next autumn? No GCE O-level and CSE syllabuses for 1988 examinations exist. Schools would need, and need very quickly, a great deal of information about procedures and assessment which is simply not available. The machinery for O-level and CSE examinations is being dismantled, and some boards say that they are past the point of no return.

Like my right hon. Friend, I do not believe that a year's postponement would mean that all the teachers would immediately direct their energies towards the introduction of the GCSE in 1987, and start preparing for it. Phase 2 and 3 training would have been completed this summer term and cannot be repeated. The momentum would be lost.

We have been receptive to every genuine concern and every anxiety from professional judgments. To these we have listened and responded, and we shall continue to listen and to try to respond. We have proposed directing education support grant so that LEAs may fund a real increase in relevant expenditure. We have contributed to the most massive programme of training ever undertaken. Most of the syllabuses have been approved. Some are in schools and many more will follow shortly. Every teacher has a specially written guide to his or her subject, and all teachers can take part in the training seminars.

Mr. Jack Dormand (Easington): The Minister is making a persuasive case, but it is clear from his past few remarks that he assumes that he will receive the full co-operation of the teachers. That is manifestly not the case. *[Interruption.]* If it is the case, for the Minister to say that the Government are proceeding because arrangements have been made and it is too late to withdraw, must at best be a gamble. Is the Minister saying that the Government are prepared to undertake a gamble on such a serious, major issue as this?

Mr. Patten: Obviously, I should like to address the hon. Gentleman's point, because it is probably the key. I do not think that some of the professional arguments that I have mentioned are in any way impossible to circumvent. I shall come directly to that point.

No teachers can rightly claim that they are unable to make themselves ready for the start of the GCSE. Some who claim that to be the case have made reference to the resolutions adopted at the Easter conferences of the NAS/UWT and the NUT. I shall look at them in turn, and then come to the hon. Gentleman's point.

The NAS/UWT resolution has three parts, representing genuine concerns, which we recognise. But steps are being taken to meet them. First, there is time for preparation for the GCSE. In allowing schools to close for up to two days this summer term with these regulations, we are giving all teachers adequate time to prepare, especially considering the importance of ensuring that phase 4 training is adequately carried out and that there are adequate resources for it.

The second relates to staffing levels for the new examination courses. The Department and the local authorities have published a joint report on school teacher

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numbers and deployment in the longer term, in which the staffing consequences of Government policies for examinations were acknowledged. The Government are considering the implications of that report for their future public expenditure plans.

The third relates to payment for internal assessment. The GCSE examining groups have set up a working party specifically to look at this question.

The resolution adopted by the NUT concerned the planning for and the funding of GCSE. I should tell the House that my right hon. Friend met representatives of the NUT this afternoon. At that meeting he made it clear that the Government do not intend to postpone the introduction of the GCSE. He noted the NUT's concern about the funding of and training for the examination. On these matters, both sides agreed that officials should have a continuing dialogue during the next few weeks.

In response to the hon. Member for Denton and Reddish I want to make it absolutely clear that my right hon. Friend and I stand ready to meet again the NUT, or any of the other teachers' associations, to discuss these matters. In my judgment, we are doing all that we can to ensure that the GCSE is brought in successfully and on time. The original timetable has been held to. Nothing has changed since it was set by my right hon. Friend nearly two years ago—nothing, that is, but the attitude of some of the teachers' associations. I urge them to reflect on their responsibilities and to work and plan to make the GCSE the success that it can be and that it deserves to be.

Mr. Greenway: Will my hon. Friend give way?

Mr. Patten: I shall make one other point and will then allow my hon. Friend to intervene. Of course I accept that a successful introduction of GCSE is more likely if there is a successful conclusion to the ACAS negotiations. However, if we do not end the dispute with the teaching profession on terms that are fair to teachers, parents, local education authorities, ratepayers, taxpayers and, above all, the children, a great deal more than the GCSE will be put at risk.

Mr. Greenway: I am grateful to my hon. Friend for giving way. Am I wrong in assuming that there will be a standardisation procedure, largely under the control of teachers, or former teachers, or those who have been approved by the boards, which will assess and examine the undertakings in schools by teachers? Will teachers from one school who are assessing the work in another school be paid, and will the teachers in those schools also be paid? They have not been paid under the CSE arrangements.

Mr. Patten: That is being considered under the auspices of the examining groups. As is the case with a number of other educational matters, this does not concern my Department directly. However, it is a matter in which we take, I hope, a benign interest.

I hope that every teacher will seize all the opportunities that are available to help himself or herself as the start of the GCSE draws nearer. The training days allowed by these regulations will enable all schools to help teachers to do just that. I am wholly committed — the Government are committed—to making a success of this key reform. I do not believe that postponement for a year is an option. If we do not get the GCSE successfully in place this autumn, my fear is that there is a real risk of it slipping back into the middle, chaotic distance. I repeat that I want to make it the success that it deserves to be, and for that reason I commend these regulations to the House.

10.58 pm

Mr. Sean Hughes (Knowsley, South): Despite what the Minister of State has said, I still hold by the view that the 31 May deadline for the publication of accepted syllabuses leaves no time for adequate planning for September, from the point of view of teaching strategies, the deployment of resources, and adequate consultation with parents and pupils. The Secretary of State has been praised for his determination to introduce this reform. The Minister of State referred to it as a radical measure. Most right hon. and hon. Members agree that it is a radical measure, that it is a reform, and that it could be a very important reform, but would such a reform in any other area of our national life be introduced within such a time scale, against such a background, and with such limited resources?

Does the Minister of State seriously believe that the training programme for the teacher, which is of critical importance if the quality of the examination is to be safeguarded, is adequate? Even those members of staff willing to be trained stand little chance of adequate preparation before September. The two days at the end of the summer term are totally inadequate. The first prerequisite is for the syllabus to be produced, because until that happens the teachers cannot know what is involved, nor can it really be known what resources will be required. I checked with one large comprehensive school in my borough yesterday. It had received notification of 17 approved syllabuses, but approved syllabuses were still required for history, chemistry, biology, geography and technical subjects.

Using the Cascade method of training, after two days the head of department, or whoever, will be sufficiently expert to be able to train his or her colleagues. There is nothing wrong with that, the Secretary of State and Minister of State will tell us, because the change in teaching style is, in the Secretary of State's words, simply a matter of using good current practice. Is it indeed? Let us take, for example, the northern examining authority's biology course. The pupils have to be assessed for 31 separate practical skills, so they require to be taught the skills, then to be assessed, and subsequently to be given an opportunity to achieve a "pass" assessment. That means lots of planning and lots of time for the teachers to acquire the skills and the ability to assess. Even in perfect circumstances it would require a vast deal more planning and development work to produce the practical tests for all these skills.

Then there is the problem of resources. The Association of County Councils has estimated that it will cost over £100 million. The teachers unions have argued that it will cost substantially more than the £20 million over two years that the Government are offering. But if the Government's assessment is wrong, who will pick up the bill to make the new examination work? Or, more dangerously, since this is the Government who will never admit to the possibility of error, the shortfall may never be made up, and the new examination will have been half strangled at birth. It is the pupils who will suffer.

When we speak of hundreds of millions of pounds, or £20 million, such figures have little meaning for the ordinary parent, pupil or teacher, who can see with his or her own eyes what is happening. I looked at a couple of departments in one large comprehensive school in my borough with about 1,800 pupils. I looked at those disciplines which Members on both Government and Opposition Benches would recognise as crucial to the economic well-being of the country.

The physics department of that school already works on eight sets of apparatus for classes of 25 to 30 pupils. Assessing practicals, which is what the GCSE demands, will mean one set of apparatus per pupil, involving an increase to three or four times the present level, that is £3,000 for apparatus. Textbooks suitable for the GCSE cost approximately £6 each. If that figure is multiplied by 220, the number of pupils, the result is £1,320, which means an increase of over £4,000 for just that department, which at present operates on a budget of £1,000. That is what is needed to begin the GCSE course. After the initial outlay, it is estimated by the physics department that the annual figure would reduce to around £3,000 a year, plus inflation.

In the same school, the biology department has difficulty even now. This was the crux of the comments of my hon. Friend the Member for Sheffield, Hillsborough (Mr. Flannery) about the present level of expenditure, to which we shall add further burdens. The biology department cannot afford more than 16 sets of equipment per class now, which means that pupils are working in pairs from year one. When the GCSE is introduced, they will need to work and to be assessed individually, so that biology department will need twice the current finance for practical equipment. On top of that comes the cost of textbooks. So an initial sum of £2,400 is needed, according to the department's estimates, for the fourth year, and £1,500 for the fifth, as well as double the money for consumables in all subsequent years.

Because there is a particular problem about inner-city children of average or below average attainment, many science teachers believe that for such pupils the GCSE is inappropriate. In my constituency teachers hope to develop a modular science scheme for certification in the northern examining authority's unit accreditation scheme. To develop such a course, the school would need time for a group of teachers to work together to create the scheme.

There is, of course, trust money available for such a purpose, but in my borough of Knowsley that money comes down to £400 per school, plus £10 per member of staff. In the school that I have used as an example, that would amount to £1,600 a year. Current supply teaching costs are £68 a day, so that school could afford about 24 supply teacher days per year. If five science staff worked for five days on the scheme, that would use the whole of the school's allocation for one year.

The effects of the new examination are not limited to the fourth and fifth years; they have a knock-on effect lower down the school. Obviously changes in examinations mean that there must be changes lower down the school. Yet one mathematics department received its syllabus only on Monday of this week, with a statement by the northern examining authority that

"two issues of principle have yet to be resolved."

It should be remembered that, in mathematics, grade limitations and grade boundaries have yet to be determined.

At the same time as all those problems have to be overcome, pupils will have to chose their option subjects and parents will have to be consulted on those choices. Therefore, we are left with the conclusion that the timetable for the introduction of the GCSE — despite what the Minister said — was devised and imposed without any thought for the practicalities.

Experience has surely taught us that no examination system can succeed if it does not have the confidence of the parents. How in heaven's name can this Government — who are piloting a Bill through Parliament whose primary aim is to involve parents more in the education process — deny an adequate period for parental consultation on this issue?

I believe that the objectives of the GCSE are correct, but the task facing teachers and pupils, especially in the inner-city areas, is daunting. It can be met only with proper advance training, smaller classes and more generous preparation time. After all, pupils have only one life to live, and if we get it wrong we could mess up their whole futures. In my sort of area, with indecent levels of youth unemployment, there are precious few opportunities for them.

I urge the Government to pay heed to what has been said and to consider postponing the introduction of the GCSE for 12 months and increasing the funding for its implementation.

11.8 pm

Mr. Mark Carlisle (Warrington, South): I had not intended to intervene in the debate. However, I wish briefly to tell my hon. Friend the Minister how encouraged I was by his speech. He has shown the clear commitment of the Government to the introduction of the GCSE. He made it clear that the Government believe that it is possible to achieve the timetable that they have set. They have provided extra funding and the opportunity for training.

I want to take up a point made by the hon. Member for Easington (Mr. Dormand), which is the reason for my intervention. He said that he, too, was impressed by what my hon. Friend the Minister said. He reminded the House that the successful introduction of the examination depended on the good will and co-operation of the teachers.

I sincerely hope that the teachers will give their co-operation and good will. The very first meeting I had after I became shadow spokesman on educational matters in 1978 was with representatives of the National Union of Teachers. When I met the NUT, it was concerned only to persuade me to give a commitment that a Conservative Government would be committed to the GCSE in recognition that it would be a better form of examination than the O-level and the CSE. I was persuaded by Dr. Roy and others to accept that which the NUT was advancing.

I believe that the GCSE is the right answer for many reasons and that it is important that it is introduced. I am bound to say to the hon. Member for Sheffield, Hillsborough (Mr. Flannery), who speaks for the NUT in the House, that it would be a disaster if the NUT, having pressed, among others, for the introduction of the GCSE, should now attempt, in the light of the resolutions which it passed at its Easter conference, to sabotage the successful introduction of the examination.

I appeal to the teachers to give their co-operation and good will, which the hon. Member for Easington mentioned. If they do so, they will help to remove the

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crisis of morale and the many problems that we face in the teaching profession and enable us to return to a decent concern on everyone's part for the interests of the pupils.

11.11 pm

Mr. J. F. Pawsey (Rugby and Kenilworth): One of the problems surrounding the introduction of the GCSE is that it has become almost a continuation of the teachers' dispute by other means. The hon. Member for Denton and Reddish (Mr. Bennett) called for consensus, but I think that he will accept that the real problem is a lack of good will and not a lack of syllabuses, a lack of training, a lack of time or even a lack of funds. That point was well made by the hon. Member for Easington (Mr. Dormand).

I happen to believe, perhaps naively, that children and parents have a right to expect the appropriate measure of good will to ensure that the GCSE is implemented correctly. It was as long ago as January 1984 that my right hon. Friend the Secretary of State for Education and Science announced his decision to introduce the new examination. The national criteria were produced in 1985 and sent to all schools and colleges. The GCSE examination groups prepared and issued the draft syllabuses and began the preparations for teacher in-service training. The Secondary Examinations Council prepared the appropriate materials for the training seminars. It is worth remembering that Her Majesty's inspectorate's advice has been sought from the outset and has been taken.

Details of Government funding have been announced. In February, the Department confirmed that it would fund over 90 per cent. of the cost of supplying teacher cover for teachers who were released to attend training seminars. At that time £8 million had been earmarked. That was considered to be the appropriate sum. As my hon. Friend the Under-Secretary of State has said again this evening, that £8 million has been increased substantially. A further £20 million has been made available for extra books and equipment, with the appropriate provision for ensuring that teachers will be trained properly for the implementation of the GCSE.

The hon. Member for Denton and Reddish referred to syllabuses, and the House might be interested to know that about 176 syllabuses have now been approved. Three syllabuses have been approved subject to minor modification. By 30 April, a further 86 syllabuses will have been approved. Almost all syllabuses have now been completed. Despite all the propaganda, no previous examination has been so thoroughly prepared. That was a point well made by my hon. Friend the Minister in his opening speech. It is good will that is lacking and not preparation.

I believe that the overwhelming majority of teachers are anxious to see the successful implementation of the GCSE. Why should they not take that view? After all, the examination is almost their brainchild. They wish to see the examination introduced with the least possible delay and as successfully as it can be. It should be remembered that teachers are fully aware of the confusion that exists sometimes in schools when attempts are made to teach CSEs and GCEs. Clearly, some confusion does come from that.

Therefore, it is an entirely laudable aim that we try to have one examination. It would remove the necessity for schools, teachers and pupils having to make the difficult choice of which examination would suit a particular child. It would simplify the situation in schools and remove the necessity of having to teach two separate syllabuses. It would meet the aims of industry and commerce and it would take away the second-class status that is sometimes attached to the CSEs and those who sit them.

Substantial benefits will come, as the House acknowledges, from the introduction of this examination. I regret, as I think all hon. Members do, the fact that some children's education might be damaged by the lack of co-operation that might exist among some teachers.

The examination will go forward as planned because there will be no alternative examination. Indeed, in a recent parliamentary answer, my hon. Friend said:

> "There are no GCE or CSE syllabuses for 1988, and in many cases the machinery which would be necessary to create them has already been dismantled."—[*Official Report*, 8 April 1986; Vol. 95, c. 4.]

That is a clear statement and, with the utmost respect to the hon. Member for Denton and Reddish, there is not much point in his shaking his head.

Like other hon. Members I regret that the exam——

Mr. Andrew F. Bennett: Will the hon. Gentleman accept that the present system goes on for another year, so all the machinery is there for next year because people are studying the syllabuses for next year? What we are talking about is an exam which could be extended for one more year after that.

Mr. Pawsey: No, I do not agree with the hon. Gentleman. The machinery has been dismantled, but, if by some miracle it could be put back in place, there would then be the problem of trying to work two systems. That would be impossible.

Like other hon. Members I regret that the new examination has been caught up by the teacher's dispute. I doubt whether parents will forgive those whom they consider to be responsible for damaging their children's education. Parents believe that the new examination should be introduced. It can be introduced successfully provided there is the appropriate co-operation and good will. Parents and children have the right to that good will.

The future of many of our children depends on the results that they will obtain and it is most unfortunate that they are being put in jeopardy by those whose job it is to protect them and I hope that, despite the arguments, the new examination will go forward in order that pupils may derive the maximum benefit from a much needed change.

11.18 pm

Mr. Clement Freud (Cambridgeshire, North-East): I too was impressed by the Minister's speech and I wish that I could say that I was convinced by it. The Minister will keep having to ask himself — this is relevant to the intervention of the hon. Member for Easington (Mr. Dormand)—whether the GCSE is not too good an exam to risk imposing on the children of Britain in the current scenario of teachers who, if not unable, are certainly unwilling to co-operate.

The GCSE is the most major overhaul that the secnodary school system has undergone. I do not just mean the examination system, but the whole system since the 1944 Education Act. It is intended to provide a minority of pupils who have never really coped with changing demands with a system appropriate for all children, testing

what they can do rather than what they cannot do. In fact, everything about the GCSE is handsome, full of promise and ambitious except the piddling funding limits and the shortness of the timetable imposed by the Government. I think that it is interesting to compare the £20 million made available for this with the £10 million which was given to TVEI.

The paramount consideration in our deliberations must be the interests of the children. We must see how continuation and postponement could affect them. I am concerned that, without the extra resources or time, the GCSE will give a worse deal to those children for whom it is intended to do most. The children in the private sector of education will, as a result, be better prepared than those in the maintained sector because the bright children will be better able to surmount the teething troubles than those children who are less bright. The children who will get a worse deal are those who already get less than a fair chance. They are the ones who would benefit most from a healthy GCSE.

Those education questions, which I believe all point towards consideration or postponement, have somehow been buried beneath the political questions which persuade the Secretary of State to press ahead. The implications are that postponement will be seen as a symbolic defeat, but only by a minority. The teachers will still be able to disrupt things in a year's time although they have not been asked if they would promise co-operation in return for more time and resources. We see those arguments, but the GCSE exemplifies the extent to which partnership in education has broken down. The lesson has to be that the best reforms are worthless if the partnership that would make them work has been destroyed in advance. It has been destroyed by a discredited Secretary of State who could now come up with the best ideas in the world and receive no consideration and no co-operation from the disillusioned teaching force.

I think that the GCSE shows that the Government have lost the talent, if not the will, to carry their partners with them. If it is to go ahead, the Government must show that they will examine not the teachers or the preparation of the school but the children. They must allow the teachers to shop around and look at the five different boards on offer. If they cannot do that and argue the case on educational grounds alone, the case for going ahead collapses.

I checked today with the major comprehensive in my constituency and I simply asked whether it was ready. It was in no doubt that the examination should be postponed for one year. I do not accept a postponement of one year because I believe that in one year's time the same trouble would exist. However, it is right that the Minister should know that.

It is wrong to compare the GCSE with other examination reforms, because of the scale of the revolution. My schools have not yet received the syllabuses and some will not arrive until the end of May, one month late. The two days training is irrelevant if the teachers do not attend. I wonder whether the Minister would concentrate his mind on the legal position of a teacher who does not attend the training if the two days are in the school term.

The Secretary of State talks about the interests of the children. In their interests, I believe that unless the examination can be made properly ready it would be time to look at postponement.

11.23 pm

Mr. Peter Griffiths (Portsmouth, North): I shall be brief. It would be well for a word of tribute to be paid to those teachers who, despite the difficulties of the past 12 months or so, have worked so hard within their schools to prepare themselves and their departments for the examination which they have looked forward to. One thing is certain, 12 months ago, the teaching profession, to which I am proud to belong, was virtually unanimous in favour of the GCSE. My view is that teachers are still very much in favour of this examination. I believe that there is no advantage to be gained by delay.

I want to welcome the evidence of flexibility and good will coming from the Department for teachers, whether they have approved the disruptive action in the past 12 months or not, who have found it difficult to carry out the sort of preparation that they would have accepted was necessary for the introduction of the examination.

The flexible approach of the Department has made it possible to increase the likelihood that the examination will be introduced properly in September. It is not fair to say that only £20 million and two days have been allowed for preparation. Many teachers have been preparing for years. It was from teachers that the original syllabuses came. Many teachers realise already that it is only a matter of detail that is holding up the provision of the syllabuses. They understand the broad thrust of the examination.

It is not fair to say that the £20 million is to provide all the equipment for the work of the GCSE. All the existing equipment will be relevant, and the normal capitation provisions for the schools will still be available. There will also be the additional funding to which the Minister has referred tonight.

The danger of settling for delay is that we would lose momentum, and the enthusiasm of the teachers for the examination. We must make it clear that the Government have a firm commitment. I trust that the Opposition will not divide the House tonight. If they carried their motion, they would simply remove the opportunity for training. I assume that the motion is a welcome device to enable us to hold the debate.

I trust that no one will suggest that anything is to be gained by making the introduction of the examination more difficult. That is not the way towards the proper introduction of the examination. I trust that the Minister will have the support of the House. I hope that we will tell the teachers through him that, despite the differences of the past few months, we should now make the new examination, which offers so much to our children, the success that it deserves to be.

11.27 pm

Mr. Chris Patten: I should like to respond briefly to the interesting speeches that have been made. The hon. Member for Knowsley, South (Mr. Hughes) spoke about resources. The point was also referred to by my hon. Friend the Member for Portsmouth, North (Mr. Griffiths) in his interesting speech. As my hon. Friend said, the £20 million which has been mentioned is not the total sum of money available for the GCSE. Many authorities have already made provision for additional expenditure for the examination.

It is not the case that all existing stocks of books and equipment will be made redundant. French is still French, and mathematics is still mathematics. Many—probably

[Mr. Chris Patten]

most—books will remain relevant where schools have chosen GCSE syllabuses with broadly the same content as their existing syllabuses. The need is rather for books and other materials to be supplemented over time in the light of the requirements of individual syllabuses. The position will vary between schools and local education authorities, depending on their past choice of syllabuses and present choice of GCSE syllabuses. The LEAs will not be spending money wisely if they rush out to buy new books simply because the educational publishers—I mean no disrespect to them—have put the magic letters "GCSE" on the cover.

National introductory training was specifically designed to be syllabus-free. Following what the hon. Gentleman said, I wondered whether he thought that teachers were teaching subjects or syllabuses. Teachers can consider the implications of assessing oral French without being slaves to particular syllabuses.

The hon. Member for Cambridgeshire, North-East (Mr. Freud) referred in passing to syllabuses, as did the hon. Member for Knowsley, South. The Secondary Examination Council has now approved over 180 syllabuses, representing two thirds of all those so far submitted. Draft syllabuses have been available in many subjects for a number of months. By consulting them and the national criteria that have been in schools for a year, teachers have been able to make proper preparations for their new courses for some time. Approved syllabuses differ from draft syllabuses mainly in detail about assessment procedures, and not in syllabus content.

In his robust speech my hon. Friend the Member for Rugby and Kenilworth (Mr. Pawsey) referred to the availability of O-levels and CSEs in 1988. As my hon. Friend said, the syllabuses may be extendable, but the examination papers have not been developed and progress should have been made on that by now. As my hon. Friend was fair enough to admit, if we extended those syllabuses, we would be extending syllabuses that were years out of date.

Finally, I should like to underline the comments of my right hon. and learned Friend the Member for Warrington, South (Mr. Carlisle)——

It being half-past Eleven o'clock, MR. DEPUTY SPEAKER, *put the Question, pursuant to Standing Order Order No. 4 (Prayers against statutory instruments, &c. (negative procedure)).*

Question put and negatived.

Disposals of Land (Northern Ireland)

Motion made and Question proposed,

That the draft Commission on Disposals of Land (Northern Ireland) Order 1986, which was laid before this House on 19th February, be approved.—*[Dr. Boyson.]*

11.31 pm

Mr. Stuart Bell (Middlesborough): This is one of the best speeches I could make. When *Hansard* sends down a little note to me asking for my notes, I can reply that I have no notes to give as I have nothing to say.

Question put and agreed to.

Local Authority Services (Islington)

Motion made, and Question proposed, That this House do now adjourn—*[Mr. Maude.]*

11.32 pm

Mr. Chris Smith (Islington, South and Finsbury): We are approaching the local elections which are to take place on the 8 May. A crucial issue will be the standards, quality and the level of service provided for the people of the boroughs and districts of England and Wales. The need to preserve and protect those services and to prevent any further erosion of those services will be a major issue at the elections.

However, many local electors may fail to recognise that the blame for much of the deterioration of the services that they currently receive must lie at the door of central Government. Central Government have a crucial role to play in determining what local people in districts and boroughs receive. My hon. Friend the Member for Islington, North (Mr. Corbyn) will wish to contribute to this all-too-short debate if he should catch your eye, Mr. Deputy Speaker.

I should like to concentrate my remarks on two specific areas of policy. Before I do that, I shall examine the Government's general policy towards local authority services and finance. Through the rate support grant system and now through the operation of the Rates Act 1984 and the rate capping which is a consequence of it, the Government have a major role to play in determining the services that people receive.

Initially the Government attempted to squeeze local authorities by the operation of penalties and controls and by the withdrawal of rate support grant. In my borough of Islington, rate support grant was cut from £30 million in 1980 to £6 million in 1984-85. That was the extent of the squeeze on rate support grant Government money which should have come as of right to the hard pressed inner city area of Islington.

Rate capping has led to a modest but welcome increase in rate support grant. As a natural consequence of the operation of rate capping and the grossly inadequate levels of provision of services which the Government have forced on the borough of Islington, the borough has been able to provide a decent level of service to the people only by making strenuous efforts to preserve services, to eradicate waste and to use every possible financial manoeuvre. Those decisions should be taken by the people of Islington through the ballot box, not by central Government sitting in Whitehall determining arbitrary and inadequate funding through the rate support grant settlement and the rate cap limits which are placed on the borough which I have the honour to serve as Member of Parliament.

Education in my area is provided by the Inner London education authority. It is the only authority in the country that does not receive any rate support grant from the Government. The people of inner London have, for the past two years, paid with their taxes to support the education services of all other education authorities, but not their own. The provision of education in inner London has had to be financed entirely through the rates and from ratepayers' pockets. In addition, ILEA is rate-capped and is struggling to provide a decent education service.

The Government say that ILEA spends too much and that it costs too much to provide education in inner London. The Government do not apply the same argument to the Metropolitan police, which costs twice as much per policeman and per head of population as the next most expensive urban police authority in the country. The Government recognise, rightly, that London has special policing needs and that it is more expensive to police London. However, they do not take the logic of their argument as they should and determine, as they should, that the education, housing and social services needs of London are also special and are likely to be more expensive and in need of more resources than many other parts of Britain.

Our children's education is an investment for the future. Unfortunately, because of the Government's attitude towards the Inner London education authority, the parents of inner London are being sold short.

In 1980, the housing investment programme allocation for Islington was, at present-day prices, £69 million. In the current financial year, it is only £29 million, and that figure includes approximately £4 million, supposedly to take account of the transferred stock from the GLC which, until this year, was the responsibility of the GLC for maintenance and improvement programmes. The allocation for housing provision available to the local authority — the amount that it is allowed to spend by central Government—has been cut to one third of what it was six years ago. That is no way to treat the thousands of families in Islington who depend on ther local council for a decent home at a price that they can afford. Of course, those who have £100,000 to spend can probably buy a small family house in some parts of Islington, but those who do not have that sort of money cannot buy properties. They must turn to the local authority for somewhere to live.

Thousands of families in my constituency are desperate to move into good quality rented accommodation. By reason of so little building, repair and rehabilitation work, which stems from the enormous cut in housing allocations imposed by this Government on the local authority, many of them are forced to live in overcrowded, damp and inadequate accommodation.

That is the Government's answer to the homeless and the badly housed, and to those in my constituency who are simply in need of a good home. That is no proper answer to the needs for services for many thousands of my constituents. The blame for the absence of the services which they need must lie fairly and squarely at the Government's door, and I hope that on the 8 May the people of Islington will realise that fact.

11.41 pm

Mr. Jeremy Corbyn (Islington, North): I thank my hon. Friend the Member for Islington, South and Finsbury (Mr. Smith) for allowing me part of the time of his debate. He has outlined the problem that people in Islington face concerning housing, education, and the way that our local authority has been treated in general by central Government.

I would like the Government to understand the strength of feeling about the needs of the people in Islington at present. Above the town hall there is a large red sign which indicates the number of registered unemployed. That figure is around 18 per cent. of the registered work force. It varies across the borough, but it is a scandalously high figure. If one takes those who are not registered, or those

[Mr. Jeremy Corbyn]

young people on youth training schemes not able to register, the real figures of unemployment goes well over 25 per cent. across the whole borough.

The Government have often told us that one of the reasons why unemployment is high in the inner city areas is to do with high rates. Historically, unemployment in Islington has been above the London and south-east average for at least the last 15 years, if not longer.

The movement of industry out of Islington has been consistent with the movement of industry out of inner city areas throughout the country. It is not special to our area. There is no indication that the loss of industrial jobs, as firms have moved out, lured away by tax holidays and enterprise zones to other places, is any different in our borough from any other London borough.

What is different is that our borough council, together with the Greater London Enterprise Board and the GLC, before it was so tragically abolished, have done a great deal to try to promote employment activity in the borough, and promote the building of small units and workshops and co-operative development agencies. We have an active co-operative development agency.

What is different is that our borough is rate-capped, and because of that we have lost out over the past four years on a great deal of Government money, some of which could have been used to promote employment within the borough.

When one surveys the problems that the people in both our constituencies face, and looks at the levels of unemployment and skills that have been offered at the jobcentres throughout the borough, one sees both the tragedy and the solution. We see the tragedy of houses that need repair and rehabilitation, of hospitals that need to be built up, of health facilities that need to be expanded. We see building workers walking past those places on the dole, their lives wasting away for want of public investment to solve both problems. In microcosm, many inter-city problems have been found in the borough that we represent.

I want to mention the conditions of life for many of the elderly and poor people within the borough. Islington has a considerable number of elderly people. This is consistent with the inner city problem, particularly in London, where the younger and middle-aged people have often moved away from central London, either to the suburbs or into the new town areas, encouraged by Government policy over the years, leaving behind them elderly people. Those elderly people are often lonely. They are often poor. Many of them rely entirely on the state pension or supplementary benefit. I would imagine that the number who actually have pensions and are in private pension schemes is much less than any other part of the country. It is the condition of life of those people to which I want to refer. They rely heavily on the council social services department, day centres for the elderly and to some extent on old people's homes. The council has a splendid social services department which has worked incredibly hard in an innovative way to assist elderly people, but again it is hamstrung by lack of finance for the developments that it wants to make.

Alongside that problem is the way that the caring services in the borough have been treated. Because we have had a falling population until recently, under the resources allocation working party formula for the Health Service, Government funding of health services in Islington will decline steeply for the rest of the decade. By the end of the decade there will have been a cut of 15 per cent. in real terms in Health Service spending. That is not because the population of Islington is unusually healthy or because there is not a demand for the health services, but simply because of the bureaucratic interpretation of the RAWP formula, which insists on taking money away from an inner urban area. My hon. Friend and I both experience the problems of queues at hospitals. Centralisation of hospital facilities has taken place because of the closure of some hospitals such as the Liverpool road hospital. The royal northern hospital is declining fast because of the way its funding has been treated by the district health authority and the regional health authority. There is also centralisation at Whittington hospital.

Social services and health services also face the problem of the closure of the Friern Barnet hospital for psychiatrics and the transfer of those people into the community. I do not think any of us are opposed to community care, but we are concerned that community care seems to mean abdication by the Health Service, by the Government and by local authorities of the duty to care for those people. While there should be community care, at the end of the day the Government should be prepared to pay the bill.

The Select Committee reported last summer on the problem of the psychiatrically ill and the need for proper support for community care for them. I hope that in her reply the Minister will respond to the problems faced by the Health Service and the social services department of the council. I repeat a request that my hon. Friend and I made to the last Health Minister but one—they seem to change quite often—for a joint-funded post to study the effects of cost-cutting in the Health Service and the increased cost that that puts on the local social services department. I hope the Minister will take up that matter.

Often the local authority social services department has to pick up the pieces when there have been cuts in the National Health Service, with patients being released from hospital more quickly because of pressure of management techniques in the Health Service and the local authority social services department.

There are also problems concerning such things as occupational therapy. Both the Health Service and the local authority have shortages of occupational therapists because there is a national shortage and because there are insufficient training facilities. That might be a little problem of a small amount of money for the Government, but at the other end of the scale it means that often people have to wait six months to a year, or even longer, for simple occupational therapy treatment in their own homes. That is scandalous because it reduces the mobility of the people.

The issues of health and social services are important to the people of Islington. Over the past few years the local authority, through the rate capping legislation and the abolition of the GLC, has lost much funding. Because of that, and because of central Government control of expenditure, the local authority has lost its democratic rights. In the case of the Health Service we have very few democratic rights in the control of our own health authority. There is no political reflection of the make-up of the borough in the make-up of Islington health

authority. That may be beyond the scope of this debate, but it is a problem of which the Government should be aware.

Poverty and unemployment in the borough go hand in hand with the very large increase in the number of claimants at all the social security offices—at Tavistock square, at Arcola street and at the Archway tower itself. That also goes hand in hand with the cut in real terms in the number of staff available to deal with the claimants, the increase in waiting lists of people who merely want to see benefit officers and the problems of people being unable to claim or to see a benefit officer. The social security legislation offers us no hope in that direction. Indeed, it moves matters in the other direction.

The problems that we suffer in Islington are typical of the problems in inner city areas. There are enclaves of poverty in both our constituencies as bad as or worse than one could see anywhere in the country, and the only solution is the investment of large amounts of public sector finance to increase employment and increase hope. There is something quite scandalous about youngsters on the Holloway road or around the Angel or anywhere in the borough leaving school and having no hope of a job, apart from participation in a series of YTS projects for a short period. They wander the streets all day passing shops stacked high with video equipment. They pass by a consumer society that they are not allowed to join and in the streets cars pass them heading into central London.

There is a degree of poverty and despair about which many young people and, indeed, many old people in our borough feel deeply and strongly. I know that when they are given the opportunity to vote in the local elections they will reiterate their faith in the policies that our local authority has pushed to try to get resources into the borough. The answer to our problems lies with the Government and they must make the decisions. We look to the Government to recognise the problems we face and to finance our borough accordingly.

11.51 pm

The Parliamentary Under-Secretary of State for the Environment (Mrs. Angela Rumbold): Having listened to the hon. Members for Islington, South and Finsbury (Mr. Smith) and for Islington, North (Mr. Corbyn) I have to say how sorry I feel for their ratepayers. The one point I share with both hon. Gentlemen is that the ratepayers of Islington will take the opportunity to vote on 8 May. We have heard a great deal about deprivation in Islington. There is great deal of anxiety about the way in which Islington progresses. That has more to do with the extravagant Socialist policies that have been carried out by the local council to the detriment of the basic services and employment than with the policies of the Government.

Islington, unlike many areas with high unemployment outside London, has the very advantage that the hon. Member for Islington, North described—its foot in the door of the City. It has also a considerable architectural and historical heritage to build on. The hon. Member for Islington, South and Finsbury made a most eloquent speech. There is a clear, distinct and fundamental difference between his perception of the way in which central and local government should interconnect and the services that local government should provide, and how far the ratepayers should be expected to pay for them.

The hon. Gentleman knows very well that the Government's role is to look at local government expenditure in the context of the whole of public expenditure. It is right that central Government should set the tone and the general remit for the amount of central Government funding to local government. The amount of money going to local government should be entirely at the disposal of the local authorities and its allocation should be at their discretion.

The amount of money that central government give to local government has been reduced specifically because the Government feel that local authorities should be accountable to their ratepayers. If there is large expenditure, the ratepayers have to pick up a heavier bill. The hon. Gentleman complained bitterly about Islington being rate-capped, but he conveniently forgets that Islington council rejects the policies of the Government. That is well known. Our policy is to protect ratepayers from the depredations of irresponsible and extremist local administrations. Islington councillors reject the policy of the Government to encourage restraint in local adminstration.

It is a great pity that the hon. Gentleman takes that attitude, because even previous Labour administrations recognised that central Government have a role in seeking some restraint in local govenment expenditure. Therefore, we are not into a new game. Ten years on, the Government are still trying to restrain local government spending and to help authorities that wish to run their affairs in a sensible way.

While the Government are more than willing to assist local authorities to maintain services—particularly in Islington—at a reasonable level, they are confronted with the stated objective of Islington council, which wishes to continue to promote growth and development of local services apparently without end and totally oblivous to the cost that it is building up for the local community.

The hon. Member talked about education, and said that ILEA has no Government grant. That is entirely a matter for ILEA. If it chose to limit its expenditure, it would be entitled—just as every other local authority is—to get the Government block grant. But ILEA is the one education authority in the country that is not subjected, as all the others are, to the disciplines of having to bid within the general dispersal of services. Therefore, it is almost free-ranging in its ability to spend money without having to consider the needs and requirements of other areas of service that all other education authorities must consider simply because the local authorities in which they operate exercise those disciplines.

Fortunately, London parents will have the opportunity on 8 May to go to the ballot box and vote in a new authority. I hope that they will look not only at the amount of money that the present ILEA chooses to spend but at the quality of education delivered by the schools. If ever an authority demonstrated that throwing money at a problem does not necessarily get value for that money, ILEA is that authority.

The hon. Gentleman also referred to housing, and I listened carefully to what he said because I know that he has a great interest and considerable expertise in this subject. Of course I am aware of the council's housing needs and its problems in dealing with homelessness, unfit property and high levels of deprivation. These and all the other factors contained in the council's annual housing investment programme submission are taken into account. But recent HIP allocations have fully honoured—indeed, bettered—the undertakings given to the council

[Mrs. Angela Rumbold]

about the resources that it could expect within the overall resources available. We feel that Islington's needs have been adequately provided for.

My right hon. Friend the Secretary of State for the Environment announced on 20 November last that the total available nationally for HIP allocations for 1986-87 was £1,465 million, and of this £1,412·5 million has been initially allocated. London's share was £470 million, and that has been allocated on the basis of housing need identified by the boroughs in their housing strategy statements and their bids for capital resources.

London's share of the initial capital allocation is 30 per cent. in full recognition of its need. In addition, boroughs will be able to reinvest part of the receipts that they generate through sales of council homes to tenants and through sales of vacant housing land. As the hon. Gentleman probably knows, Islington's housing investment programme allocation for 1986-87 is £29·355 million. This is some 86 per cent. of the allocation for 1984-85, when it was advised to plan on the basis of receiving 70 per cent. The council will therefore be able to augment this allocation with the prescribed proportion of available capital receipts, as the hon. Gentleman knows only too well. I therefore believe that Islington's housing needs have been looked at with some care.

The hon. Member for Islington, North referred to the state of employment within the area and the state of the Health Service. It is true that efforts have been made through a number of schemes — not least, the open programme scheme and the efforts of my right hon. Friend the Secretary of State for Employment — to launch initiatives in Islington, not only to assist with the training of young people but also to assist and encourage business men to come into the area.

It is sad that some of those initiatives, particularly in the urban programme, are stifled somewhat by the borough's attitude to limiting the urban programme to supporting co-operatives. If the council could see fit to do otherwise, there would be a greater opportunity to provide jobs for youngsters and elderly people in the area.

I also know of the worry about the policy of developing local community care facilities following the closure of Friern hospital. I understand that the matter has now been referred to the regional health authority. As it may go to my colleagues in the Department of Health and Social Security for decision, it would be inappropriate for me to comment at this stage.

Question put and agreed to.

Adjourned accordingly at one minute past Twelve o'clock.

House of Commons

Thursday 17 April 1986

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

TEIGNMOUTH QUAY COMPANY BILL *(By Order)*

COUNTY OF SOUTH GLAMORGAN (TAFF CROSSING) BILL *(By Order)*

SOUTH YORKSHIRE LIGHT RAIL TRANSIT BILL *(By Order)*

BEXLEY LONDON BOROUGH COUNCIL BILL *(By Order)*

SHOREHAM PORT AUTHORITY BILL *(By Order)*

HARWICH PARKESTON QUAY BILL *(By Order)*
Orders for Second Reading read.
To be read a Second time upon Thursday 24 April.

MILFORD HAVEN PORT AUTHORITY BILL *(By Order)*
Order read for resuming adjourned debate on Question [18 February], That the Bill be now read a Second time.
Debate to be resumed upon Thursday 24 April.

BRITISH RAILWAYS (STANSTED) BILL *(By Order)*
Order read for resuming adjourned debate on Question [24 February], That the Bill be now read a Second time.
Debate to be resumed upon Thursday 24 April.

Oral Answers to Questions

Balance of Payments

1. **Mr. Pike** asked the Chancellor of the Exchequer what effects the recent fall in oil prices will have on the Chancellor's forecasts for the balance of payments in 1986 and 1987.

The Chief Secretary to the Treasury (Mr. John MacGregor): My right hon. Friend the Chancellor has asked me to apologise for his absence today as he is attending the annual OECD meeting in Paris.

The forecast in the financial statement and Budget report, which took into account the recent fall in oil prices, showed a current account surplus both this year and in the first half of 1987.

Mr. Pike: Does the Chief Secretary agree that not only will the fall in revenue from oil prices seriously affect our balance of payments, but so will the fall in oil products? Will that not mean a rapidly growing crisis in our balance of payments? What do the Government intend to do to rectify the present imbalance in our trade in manufactured goods, with which the Budget failed to deal adequately?

Mr. MacGregor: I do not think that there will be those consequences. In no previous five-year period in recent history has manufacturing output been so successful in holding its market share and keeping pace with world output. The hon. Gentleman will know from the Budget that the buoyancy in the non-oil part of our economy is showing through substantially.

Mr. Phillip Oppenheim: Is not the fact that the pound has remained reasonably strong during the past couple of months a tribute to the sound management of the economy by this Government?

Mr. MacGregor: My hon. Friend's remarks are absolutely right.

Mr. Robert Sheldon: Is it not clear that not only has the drop in oil prices affected the amount that we are likely to obtain in foreign exchange, but that our competitive position vis-a-vis France, Germany and especially Japan has worsened considerably because those countries have been paying substantial sums for their oil? In view of that, will the right hon. Gentleman consider at least starting talks with OPEC to ensure that we obtain a reasonable price for the very important asset that we own?

Mr. MacGregor: I hope that the right hon. Gentleman is not suggesting that we should have talks with OPEC about keeping up oil prices. He will surely agree that the United Kingdom economy is benefiting considerably from the fall in oil prices, although perhaps not as much as other economies. He must be aware of the beneficial position of the exchange rate in relation to the countries to which he referred.

Mr. Favell: Is not the United Kingdom doing the whole world a great favour by refusing to talk to OPEC or to put up oil prices to an unnecessary level?

Mr. MacGregor: I have not the slightest doubt that the fall in oil prices is helping the growth of the world economy, from which we must benefit.

Unemployment Costs

2. **Mr. Hardy** asked the Chancellor of the Exchequer what is his estimate of the cost of unemployment in 1986-87; and what proportion of the yield of income taxation this represents.

The Financial Secretary to the Treasury (Mr. John Moore): The overall cost to the Exchequer of unemployment and supplementary benefit paid to the unemployed is estimated to be about £5·6 billion in 1986-87. In addition, about £1·15 billion is paid in housing benefit—a benefit which can continue to be paid if the recipient finds employment. This in total is 17½ per cent. of forecast income tax revenue for 1986-87.

Mr. Hardy: Does not that answer, which touches on part of the cost of unemployment, illustrate the sheer scale of the failure of the Government's economic policies? For how much longer does the Minister think the country can tolerate that?

Mr. Moore: The answer certainly illustrates the problems and costs of unemployment. However, as the hon. Gentleman will notice from the employment and unemployment data published yesterday, alongside the tragic levels of unemployment there has been a rise in employment of 1 million new jobs since June 1983.

Mr. Maples: Does my right hon. Friend agree that if we added to the benefits paid to the unemployed the tax revenue lost as a result of their not being in work the total cost would be considerably greater? For a married man on average earnings, it could be as high as £8,000 a year. Does that not provide an excellent justification for the various job subsidy schemes introduced by the Government? Will my right hon. Friend consider extending the principle of job subsidies more generally?

Mr. Moore: My hon. Friend knows the difficulty of trying to extrapolate the potential additional tax and other revenues from people whom we obviously want to see in full employment. I am sure that he welcomes the additions to the programmes to help the long-term unemployed, which were added to in the Budget.

Mr. J. Enoch Powell: Is it not real that the true economic cost of unemployment could well be less, not more, than the total of transfer payments made to unemployed persons?

Mr. Moore: Clearly, that is correct.

Mr. John Townend: Does my right hon. Friend agree that the unemployment figures are grossly overstated, especially in the south of England, due to the expanding black economy? How much would the Exchequer save if 500,000 people were forced out of the black economy into the legitimate economy?

Mr. Moore: Without notice I cannot give my hon. Friend the specific cost, but anything that we can do to lower taxes and further deregulate the economy to reduce the attraction for people to go into what we would all deplore—the black economy—will be of benefit to all.

Dr. McDonald: In view of the sharp rise of 37,000 in the underlying jobless trend last month, will the Government now consider using the money spent on unemployment benefit and the tax revenue forgone through unemployment on job creation instead of on maintaining the ever-growing army of unemployed?

Mr. Moore: The hon. Lady would want the House to be reminded of the happy increase in the long-term employed as well as the tragic increase in those who are unemployed. I am sure that she will never begin to grasp the fact that real long-term jobs come not from state expenditure but from the underlying success of enterprise in the economy.

World Debt

3. **Mr. Skinner** asked the Chancellor of the Exchequer what recent discussions he has had with the Governor of the Bank of England and others regarding rescheduling of world debt; and if he will make a statement.

The Economic Secretary to the Treasury (Mr. Ian Stewart): The Governor of the Bank of England and my right hon. Friend the Chancellor of the Exchequer discussed the question of debt at last week's IMF and World Bank interim and development committee meetings in Washington. The meetings welcomed the progress that is being achieved in strengthening the current debt strategy tailored to individual cases and aimed at promoting durable growth in debtor countries.

Mr. Skinner: Is it not true that the strategy about which the Minister talks has resulted in the debts of Third world countries getting higher and higher as each year passes? Is he aware, for instance, that the debt is about $900 billion? Is it not also true, as the "War on Want" publication issued today asserts, and as hon. Members have done in the House, that Western, Latin American and Nigerian bankers have been living like fat cats while the people in their countries are getting poorer. Is it not time that we changed a system that allows British banks to write off their bad debts against tax while those poor people are getting poorer?

Mr. Stewart: The hon. Gentleman has overlooked the fact that the fall in the dollar interest rate in particular, and in interest rates generally round the world during the past year, and especially in recent months, has had a beneficial effect on the problems of debtor countries. I do not deny that there is a heavy burden of debt and that it is difficult for many countries to service it, but the fall in oil prices will have benefits other than the reduction in interest rates. Many oil importers, such as Brazil, which is the largest debtor in the world, will benefit substantially from that change.

Viscount Cranborne: My hon. Friend referred to the effect of the decline in the oil price. Does he accept that that shows that it is universally to be welcomed and that it will help the Third world as well as ourselves?

Mr. Stewart: Yes, I endorse what my hon. Friend has said. Indeed, the communiqué of the interim and development committee referred to the improved outlook for sustainable growth in the world. Of course, that applies to developing as well as industrial countries.

Mr. Duffy: What has the Chancellor of the Exchequer done to fulfil the high hopes raised by the Baker-Darman plan, to which, incidentally, his right hon. Friend was party at last September's World Bank and IMF meeting? The House wants to know what are the realistic prospects for that growth-oriented adjustment, about which Mr. Baker had so much to say all winter long.

Mr. Stewart: The prospects for the Baker plan are good, contrary to much of the public comment about it

after the meetings, which, as the hon. Gentleman said, I attended last year, and the recent meeting in Washington. The World Bank has approved higher lending limits. It has decided to increase the amount of structural adjustment lending and policy-oriented lending, and there is already greater co-ordination between the IMF and the World Bank. There has also been agreement in those committees that lending by export credit agencies should follow much more closely upon agreement of a programme with the IMF. That initiative was proposed by my right hon. Friend the Chancellor at the 1984 meeting. I am glad to say that the agreement on the multilateral investment guarantee agency, which was initiated — *[Interruption.]* I am trying to give a comprehensive answer to the question. The United Kingdom was the first of the G5 countries—the Group of Five—to be signatory to that agreement. That is a welcome development.

Mr. Beaumont-Dark: Does my hon. Friend accept that although the fall in inflation is good news for Third-world countries, the most important single achievement would be to nudge the Bank of England to get interest rates down more quickly? A little risk at home on interest rates would benefit us a little, but would it not benefit even more those who need to have their world debt rescheduled?

Mr. Stewart: The decline in interest rates around the world has been extremely helpful for debtor as well as industrial countries, such as the United Kingdom. However, significant reductions in interest rates have already taken place over the past few weeks, not only here, but in the United States, Japan, Germany, and, this week, in France. I welcome that development. So long as the inflationary pressures generated by high oil prices continue to abate, that prospect can continue.

Mr. Blair: I congratulate the Government on embracing so heartily in Washington last week the principle of Government intervention in the economy to stimulate growth. However, the hon. Gentleman is ludicrously complacent about the Baker plan and the position of Thirdworld debtors. Debtors hit by falling commodity prices and by the need to adjust to the United States budget deficit have no prospect at all of increased living standards for their people unless the European and Japanese Governments adopt policies of greatly increased growth — in other words, practise at home what they preach abroad.

Mr. Stewart: The prospects in Europe and Japan for increased economic growth are encouraging. Indeed, they are part of the basis on which the countries exporting primary products will need to base their plans.

It is wrong to suggest that the Government are complacent about the Baker plan. Much progress has been made in implementing those measures. Colombia has recently had a loan, which was completed in accordance with the principles of the Baker plan, and I welcome that.

Drugs (Importation)

4. **Mr. Sackville** asked the Chancellor of the Exchequer what plans he has to improve prevention of importation of dangerous drugs through regional airports.

Mr. MacGregor: Customs and Excise is well aware of the risk of drug smuggling through regional airports. It is making increasing use of risk assessment, intelligence and information in identifying potential drug smugglers and drug trafficking routes. Technical aids are also being increasingly used. Although the prevention of drug smuggling is not simply a matter of numbers, additional staff have been allocated to certain provincial airports where the risk is greatest to deal specifically with drugs.

Mr. Sackville: Is my right hon. Friend aware that the north-west has a major drug problem and that Manchester airport is probably one of the major channels for the importation of heroin into this country? Will he guarantee that whatever resources are made available at Heathrow and Gatwick in terms of Customs manning levels, sniffer dogs, thermal imaging and technology are also made available at Manchester?

Mr. MacGregor: I am well aware of and share my hon. Friend's concern about this matter. In the three years from 1985 to 1987, 560 new posts were allocated, and the great majority of the new officers were engaged on the prevention of drug smuggling. We are also increasing the number of technical aids and the money spent on their development and introduction. Decisions on manpower at Manchester this year depend on the advice of local managers.

Mr. Ron Brown: Most hard drugs come from Pakistan, especially through Pakistan International Airways. Will the Minister make an effort to control that situation? Will he ban PIA aircraft from entering Britain and thereby make much easier the job of the Customs and Excise staff, who are under great pressure at present because of cuts?

Mr. MacGregor: The banning of airlines is not a matter for me. We have increased not only the Customs and Excise staff, but the effort to deal with the problem of drug smuggling at the source.

Mr. Fletcher: In view of the seriousness of the problem, does my right hon. Friend agree that prevention is cheaper than cure? Despite the resources that he has just announced to the House, will he give an undertaking that the resources made available for the prevention of drug smuggling is demand-led, not cash limited?

Mr. MacGregor: We look at this matter each year in the public expenditure round. I hope my hon. Friend will agree that my concern is shown by the fact that we have considerably increased the sums and posts this year. As he rightly recognises, prevention is most important, and it is having an effect, as Customs and Excise is increasingly seizing more heroin and cocaine each year.

Job Creation

5. **Mr. Winnick** asked the Chancellor of the Exchequer if he has yet quantified the expected effect of his Budget on unemployment.

Mr. Ian Stewart: The purpose of the Government's economic policy is to encourage a vigorous and enterprising economy, generating sustained growth of output and employment. The Budget proposals include a considerable number of measures directed to the problems of unemployment.

Mr. Winnick: Despite the way in which the unemployment figures have been fiddled yet again, is it not clear that the true level of unemployment is now more than 4 million? Why does the Minister not state clearly that

the Budget will do nothing to end the misery of mass unemployment? That is certainly a reason why the Government will be rejected at the general election. Fulham is just the start.

Mr. Stewart: I disagree with all parts of the hon. Gentleman's question. The dependence of the economy on growth and output for improving employment has been well demonstrated by the figures published yesterday, which show that 1 million new jobs have been created during the past three years. We now have the lowest corporation tax, at 35 per cent., since the war, and the small companies rate is 29 per cent. That is how the private sector can generate the jobs that we need.

Mr. Forman: The Budget obviously contains some sensible measures designed to alleviate unemployment, but is not the more important factor about which the Treasury must be concerned the rise of 5·7 per cent. in unit labour costs last year and of 4·5 per cent. tbhe preceding year? Therefore, we must see some improvement during the coming period.

Mr. Stewart: I absolutely support what my hon. Friend has said. Nothing would do so much to improve the prospects for the expansion of British industry, and the creation of further additional jobs than if our unit costs were to rise at a rate not greater than that of our major competitors.

Mr. Hoyle: Why does the Minister not tell the House that the Budget will do nothing for unemployment? Does he agree that if we are to have a recovery, it must be through industry? Will it not be a great disappointment to industry that interest rates have not decreased today? Is that not a direct result of the free market economy?

Mr. Stewart: The Budget was well received in the financial market, and I am sure that the sound, responsible economic policies that my right hon. Friend the Chancellor of the Exchequer introduced in his Budget are a direct reason why interest rates have been able to fall by 1·5 points since that day.

Mr. Holt: In reflecting on the Budget and unemployment, does my hon. Friend accept that at least one hon. Member is bitterly disappointed? The Treasury did not take up my suggestion to introduce measures to assist with the relocation of labour by taking account of the figure of £8,000, referred to by my hon. Friend the Member for Lewisham, West (Mr. Maples), which if given to an unemployed person in the north to help him relocate in the south, where house prices are out of his reach, would have done much to help unemployment.

Mr. Stewart: The measures in the Budget which apply to the economy as a whole are a better way of devoting limited resources to encourage the expansion of the economy, which is the best way to maintain jobs throughout the country.

Mr. Tony Lloyd: Is the Minister aware that, among those who did not welcome the Budget, were manufacturers in the north of England and elsewhere, who for six years have faced real problems, created by the Government, in increasing production, investment and ultimately employment? What in the Budget will increase output and employment in the manufacturing industries?

Mr. Stewart: The most important factor for manufacturing areas, whether in the north of England or anywhere else, is a reduction in inflation. The reduction in interest rates has already taken place and there is a low rate of corporation tax, so industries can reinvest the profits in additional growth in the future.

Mr. Powley: Does my right hon. Friend agree that many other factors affect the levels of employment and unemployment, besides the welcome measures that were introduced in the Budget? In particular, does he agree that measures such as restrictive practices in commerce and industry, and the introduction of new technology, can affect the level of unemployment? Is it not just as important to pay attention to those measures as to the welcome the measures that were introduced in the Budget?

Mr. Stewart: I note the point that my hon. Friend has made. Several factors inhibit the working of the labour market, and we have done our best to try to reduce them. We have also tailored the specific employment measures in the Budget particularly to deal with the most difficult areas—the young, the long-term unemployed and those who need training. I am sure that they are the right areas on which to concentrate.

Mr. Terry Davis: As the original question refers to the effect of the Budget on unemployment, and as the Treasury must have calculated the effects of the Budget on employment, will the Economic Secretary at least admit that he is simply too ashamed to publish that Treasury forecast? As he referred to the Department of Employment figures published yesterday, will he confirm that those same figures show that unemployment has increased by more than 100,000 during the past year, and that the Department of Employment yesterday—only one month after the Budget — announced a resumption in the upward trend of unemployment?

Mr. Stewart: The hon. Gentleman may have overlooked the fact that the announcement yesterday demonstrated that jobs are rapidly being created in the economy. I should have thought he would welcome that.

Mr. Meadowcroft: What is the Treasury's estimate of the effect on unemployment of 1p off the standard rate of tax, compared with a 10 per cent. reduction in the employers' national insurance contribution, the cost being identical?

Mr. Stewart: The reduction in taxation, whether for individuals or for companies, will improve the level of efficiency and incentives in the economy and therefore lead to a continuation of the very satisfactory expansion in the number of jobs in the economy. I remind the hon. Gentleman that the substantial restructuring of national insurance contributions, which was announced in the Budget last year, has come into force only this winter, so the major effect of that restructuring is still to be felt.

Personal Incomes

6. **Mr. Chapman** asked the Chancellor of the Exchequer what will be the combined income tax and national insurance contribution liability, when the Budget resolutions take effect, of a single person earning *(a)* £50, *(b)* £75 and *(c)* £100 per week.

Mr. Moore: The figures are £3·98, £13·98, and £24·98, respectively.

Mr. Chapman: I welcome and appreciate the significantly reduced income tax and national insurance

liability of the low-paid over the past two Budgets, as instanced by the fact that a single person earning £50 a week has had that liability halved, but if it is correct that a person now earning only half average earnings still has to pay about 25 per cent. in income tax and national insurance contributions, must it not remain a top priority for the Chancellor in future Budgets to reduce that tax liability further?

Mr. Moore: I thank my hon. Friend for his support for what we have been able to do. He is absolutely right. I would not want to be precise on the figures, but for those on half average earnings about 25 per cent. would go in national insurance and income tax. I welcome his support and that of all hon. Members for anything further that the Government can do, within a sound economic performance, to reduce further the actual rates of income tax.

Mr. Penhaligon: Will the Minister confirm that if the £100 to which he referred had been unearned and a sole income, the Government's take would have been less? Can the Minister say what is logical about that?

Mr. Moore: What the Minister can say quite clearly, as my hon. Friend the Economic Secretary said a few moments ago, is that the attempt to reduce national insurance contributions at the bottom, and this time the combination on top of that, has given us a much better opportunity to add to employment.

Income Tax

7. **Mr. Greenway** asked the Chancellor of the Exchequer what increase would be needed in the standard rate of income tax in order to raise an additional £24 billion of revenue by this means alone; and if he will make a statement.

Mr. MacGregor: About 20p, bringing the basic rate to 49p in the pound.

Mr. Greenway: Does my right hon. Friend agree that electors opting for the 41 per cent. VAT rate and the 49p in the pound standard rate of tax, currently on offer by the Labour party, and rising like a cash register all the time, must be practising masochists? The Liberal and Social Democratic parties are not much better. Would it not be much better for the electors to stay with the tax-cutting policies and sound economic growth policies of the Conservative party?

Mr. MacGregor: I entirely agree with my hon. Friend's last comment, but to be fair to the Opposition I must make it clear that under their policies the electorate has a choice—either 49p in the pound on income tax, or 41 per cent. VAT. To be fair, it is not both, but either.

Mr. James Lamond: Do not the figures that the right hon. Gentleman has just given show that to finance the £18 billion a year defence budget is costing on income tax alone about 14p in the pound? If that is so, why was it necessary for the Prime Minister to emphasise time and time again that we need hundreds of thousands of American troops in Europe to protect our freedom? How much extra would it cost in income tax if we were able to protect our freedom without American troops?

Mr. MacGregor: The hon. Gentleman is not making a fair point with regard to income tax, because Labour party spokesmen have made it clear that they would not reduce the overall proportionate cost of defence on GDP. Therefore, there is no implication of a reduction in tax from any change in defence policy by the Labour party.

Sir William Clarke: Does my right hon. Friend agree that if £24 billion was added to public expenditure, a married man would be able to retain only 44p from every £1 that he earned over £70 a week for himself and his family?

Mr. MacGregor: I agree with my hon. Friend. The proposals which are still being put forward, and which have not been denied, would have a devastating effect on the overall tax burden and, therefore, on jobs in the economy.

Mr. Hardy: If unemployment were reduced by half, would not the savings to the Treasury and the contributions of those employed, certainly if they were on anything like half average earnings, equal the amount of money that the hon. Member for Ealing, North (Mr. Greenway) mentioned in his rather extravagant, if obedient, question?

Mr. MacGregor: It is certainly not extravagant, because the figures that I have put forward have still have not been denied. The hon. Gentleman will know that his right hon. Friends on the Opposition Front Bench, even with their high levels of expenditure, are not predicting anything like a drop to half in the level of unemployment. They are expecting a comparatively small drop over two years, but are completely ignoring the devastating effect on existing jobs of those high expenditure programmes.

Public Expenditure

8. **Mr. McCrindle** asked the Chancellor of the Exchequer when he expects to commence discussions on public expenditure programmes for 1987-88; and if he will make a statement.

Mr. MacGregor: Spending plans for 1987-88 will be reviewed during the summer and autumn as part of the 1986 public expenditure survey.

Mr. McCrindle: I recognise the continuing need to restrain Government expenditure and the important role that my right hon. Friend will play in that procedure, but will he nevertheless take note that there is a good deal of pressure for greater resources to be introduced, particularly into health and education, and will he confirm that, as the new round of expenditure control begins, he will try to keep a balanced view between desirable tax cuts, to which we all look forward, and essential Government expenditure, for which there is considerable public support?

Mr. MacGregor: My hon. Friend will agree that the desirable tax cuts are beneficial to economic growth. Not only do we receive desirable tax cuts from a prudent control of Government spending but we get policies which can produce lower interest rates, which are equally beneficial. But of course my hon. Friend is right. We must keep a balanced approach to these matters. In particular, we must keep a clear view of priorities within the overall public expenditure programme. I have noted his priorities and he will know that we have devoted great priority to health and, after allowing for inflation, there has been real growth of over 20 per cent. in the health programme since 1979.

Dr. M. S. Miller: When the Chancellor is considering expenditure programmes for 1987-88, will he take into consideration the fact that today's lower oil prices—and no doubt they will continue for some time—are making it extremely difficult for the coal industry? Will he make sure that the coal industry is not totally emasculated because it is unable to compete with oil?

Mr. MacGregor: Obviously many of these points are matters for the coal industry, and it will have to look, for example, at its investment programmes and everything else, both in relation to falling oil prices and the negotiation that it has with its customers.

Mr. Marland: When these discussions begin, will my right hon. Friend continue to explain to those representing local authorities that substantial savings can be made if they seek to privatise many of the services that they currently carry out?

Mr. MacGregor: Certainly I believe that the Audit Commission has shown that there are still very considerable efficiency savings to be achieved by local authorities. My hon. Friend is right in saying that contracting out and that sort of thing still have some way to go in contributing to those substantial savings.

Mr. Sheldon: As the final figures for the public sector borrowing requirement for last year have now turned out to be £2 billion less than anticipated, surely it will make some difference to the right hon. Gentleman's expectation of public expenditure over the forthcoming year?

Mr. MacGregor: I am sure that the right hon. Gentleman, who follows these matters very carefully, will know that we have an expectation of oil prices over the year. Obviously we cannot predict exactly what the future course of oil prices will be, so we must have a prudent approach in that respect. The PSBR, of course, is always within a margin of error, and it is roughly the same margin of error as in recent years, but in a beneficial direction. I think that that illustrates the buoyancy of the non-oil sector of our economy. That has contributed substantially to this favourable outcome on the PSBR, and I would have thought that the right hon. Gentleman would welcome that.

Sir Peter Hordern: Is it not time, before these decisions are made, for a comprehensive review to be made of one form of public expenditure as against another? Is my right hon. Friend aware of the growing concern at the consistent over-runs in defence expenditure on new, untried equipment, which nobody else appears to want to buy, and the continued underfunding of other programmes, such as the education programme?

Mr. MacGregor: I agree that the overall look at public expenditure is a very important aspect of each year's public expenditure round. I am making some technical changes in the sequence of putting together the material for collective ministerial discussion and decision this year and I hope that that will contribute further to that process.

Research and Development

9. **Mr. Stan Thorne** asked the Chancellor of the Exchequer how much direct support for research and development was contained in the Budget measures.

Mr. Ian Stewart: The scientific research allowance has been kept at 100 per cent. despite the reduction of other investment allowances to 25 per cent. this year. The proposal in the Budget to allow companies to make one-off gifts to charities will benefit institutions which sponsor research and have charitable status.

Mr. Thorne: As Government support for research and development compares unfavourably with that of some other industrial countries, how can Britain be competitive in world markets?

Mr. Stewart: This country devotes a bigger proportion of GDP to research and development than the United States, Germany or Japan. There is, indeed, a substantial contribution to defence research and development. With regard to expenditure on civil research and development, companies with higher profits and a lower tax rate will have plenty of room to increase their expenditure on R and D, as they need to in their investments for the future.

Sir Anthony Grant: Nevertheless, is my hon. Friend aware that there is evidence of a scientific brain drain, particularly in Cambridge? Will he therefore look rather more favourably upon requests for money for research to be allocated in the next review than was the case in the last one?

Mr. Stewart: I must remind my hon. Friend that increases in both the science and the research budgets, through the University Grants Committee, were made in the autumn statement.

Mr. Wrigglesworth: Is the Economic Secretary not aware that the fall in the price of oil will increase the balance of payments deficit by about £2·5 billion this year? In the light of that deterioration in the current account of the balance of payments, is not his reply to the question totally inadequate? Do not the Government need to invest a great deal more in civil research and development?

Mr. Stewart: The evidence certainly does not suggest that the balance of payments surplus this year will be affected on anything like the scale that the hon. Gentleman suggests. We are expecting a further substantial surplus this year. Set against the decline in oil revenues, one must have regard to the fact that the costs of industry and commerce will be very substantially reduced, with the result that they should become very much more competitive.

Mortgage Income Tax Relief

10. **Mr. Nicholls** asked the Chancellor of the Exchequer what recent representations he has received calling for the abolition of mortgage income tax relief.

Mr. Moore: My right hon. Friend has received a few such representations.

Mr. Nicholls: Is my right hon. Friend able to confirm that some of those representations must have come from the leaders of the alliance party? Does he recall that in a recent article in *The Times* the right hon. Gentleman the leader of the Social Democratic party approved of the New Zealand Government's action in removing income tax relief? Bearing in mind that the Liberal party's environmental spokesman has also called for the abolition of mortgage income tax relief, should not house owners in this country realise what a threat the alliance is to their homes?

Mr. Moore: I have not received a representation from the leader of the SDP. However, my hon. Friend will be aware that all hon. Members are equally confused. I noticed that article in *The Times*, in which the leader of the alliance seemed to approve of New Zealand's policy of abolishing mortgage interest relief. I noticed also the comments of the hon. Member for Truro (Mr. Penhaligon), who seemed to be arguing a different set of policies. The alliance policies on this matter seem to depend upon the audiences that it addresses and the spokesman who address those audiences.

Inflation

11. **Mr. Kenneth Carlisle** asked the Chancellor of the Exchequer what is the latest estimate for the rate of inflation over the next 12 months.

Mr. MacGregor: The latest forecast for inflation was given in the Budget statement. I expect the rate to fall to 3½ per cent. by the fourth quarter of this year.

Mr. Carlisle: Does my right hon. Friend agree that we need lower interest rates if investment and the creation of jobs are to be helped, and that we need to control inflation if interest rates are to fall? Does he also agree that confidence is needed that low inflation will be sustained in future years? What are the prospects for this?

Mr. MacGregor: The best prospects for maintaining low inflation are to keep a Conservative party in power. My hon. Friend knows that the lowest inflation rate during the whole period of the last Labour Government was above the highest inflation rate under this Government since the last general election. As my hon. Friend the Economic Secretary to the Treasury said earlier, interest rates have been reduced by 1·5 percentage points since the Budget because of prudent economic management and a prudent Budget. The continuation of low inflation helps with that trend.

Mr. Campbell-Savours: Would inflation be higher if unemployment were lower?

Mr. MacGregor: Inflation has come down because of the prudent economic policies that we have pursued. I believe that there is agreement between both Front Benches that one of the greatest contributions to employment is low inflation. The difference between us is that we are achieving the low inflation.

Depository Receipts (Taxation)

12. **Mr. Sumberg** asked the Chancellor of the Exchequer how much revenue he anticipates arising from the imposition of a 5 per cent. duty chargeable when United Kingdom shares are converted into depository receipts.

Mr. Ian Stewart: The measure is intended to compensate for the fact that when shares are bought and sold through the market in the usual way stamp duty is payable on each occasion, but no duty is payable on purchases and sales of depository receipts after shares have been converted into them. The purpose of the charge is therefore to safeguard the £600 million revenue from stamp duty on shares generally.

Mr. Sumberg: I thank my hon. Friend for his reply. However, is he aware that there is a widespread belief that this will put major British companies at a disadvantage when they want to raise capital on the international market? In the light of the fact that there is no reference to it in the Finance Bill, is there some hope that the Chancellor of the Exchequer has accepted the criticisms and that he will scrap the tax?

Mr. Stewart: I am aware of the comments of a number of American and British companies, but we have done nothing in the Budget to prevent foreigners buying shares direct in London. We have made it proper to do so by cutting the stamp duty rate with effect from later this year. We will carefully consider representations on the matter of ADR, as we always do on all Budget measures. Those provisions were not included in the print of the Finance Bill, published yesterday, for the technical reasons that I announced on 21 March.

Mr. Freeman: When my hon. Friend tables amendments to the Finance Bill, will he bear in mind the key principle that we should not be deterring foreign investment in United Kingdom shares?

Mr. Stewart: There is nothing in the Budget, nor will there be in the Finance Bill, to deter foreign investment in United Kingdom shares through London, and we are reducing the rate for doing so.

PRIME MINISTER

Engagements

Q1. **Mr. Penhaligon** asked the Prime Minister if she will list her official engagements for Thursday 17 April.

The Prime Minister (Mrs. Margaret Thatcher): This morning I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in this House I shall be having further meetings later today, including one with His Royal Highness King Hussein of Jordan.

Mr. Penhaligon: Is the Prime Minister aware that her own Secretary of State for Defence, while recording an item for Radio Clyde on Monday of this week, said:

"My colleagues and I are very dubious"—*[Interruption.]*—"as to whether a military strike"——

Mr. Speaker: Order. Paraphrase, please.

Mr. Penhaligon: The Secretary of State clearly indicated that he and his colleagues were dubious as to whether a military strike was the best way of dealing with Gaddafi because it would create tensions in other areas and would hit the wrong people. What changed the Prime Minister's mind, from Monday to Tuesday, regarding that very sensible statement?

The Prime Minister: My right hon. Friend was indicating that we considered many aspects of the very difficult decision before us—and we did go over them very thoroughly and consulted about them — but we came together to the decision which the House knows.

Mr. Fry: Will my right hon. Friend find time today to consider what seems to have been the disappointing result of the meeting of EEC Foreign Ministers this morning? Will she consider pointing out to our European allies that the American action against Libya was very much due to frustration and the effective lack of the Western civilised world's opposition to terrorism? Does she agree that if we

wish to avoid further strikes, the rest of the countries of the Western world must get together to take effective action to stop terrorism?

The Prime Minister: I agree with my hon. Friend. I understand that the result of that meeting this morning is that Europe is prepared to take further measures. We now have to work at turning that general willingness into specific measures. The need to do that has increased because of recent events, and we shall be pursuing the matter vigorously.

Mr. Kinnock: I am sure that the Prime Minister and I, every other Member of the House, and people throughout the country, will be united in their condemnation of the vile murder of helpless and harmless British citizens in the Lebanon. The Prime Minister said yesterday that if there were any question of using United States aircraft based in this country in a further action that would be the subject of a new approach to the United Kingdom. Does that mean that refusal of the use of bases has now become, to coin a phrase, conceivable?

The Prime Minister: The right hon. Gentleman is making selective use of something that I said. I indicated that in all the circumstances, when we had considered every aspect, that was the conclusion which I had come to, and the conclusion which we agreed — that we should give our consent for the use of those bases. That was after a long period of terrorist action, and after a long period of the United States trying to secure peaceful measures for the prevention of terrorism. That referred to a decision taken after a long period of consideration of both of those factors. In future if the United States required the operational use of those bases again, it would have to ask specially, and we could agree or withhold our agreement.

Mr. Kinnock: That appears to be the second shift in position by the Prime Minister in the course of a week. As it is clear that the right hon. Lady has the right to say no, as was testified by two former Prime Ministers yesterday, and also has the power to say no, as we heard in the same testimony, will she show the will to resist? Will she accept that that is the very strong desire of the British people, who understand that there are much more effective ways of combating and defeating terrorism?

The Prime Minister: There has been no shift in position. Perhaps the right hon. Gentleman did not fully comprehend it, but there has been no shift in position whatsoever. Yesterday I set out the position on the use of the bases. I am delighted that the right hon. Gentleman renews his statement that he wishes to fight terrorism in every possible way. I hope that in future the Labour party will vote for the prevention of terrorism legislation.

Mr. Kinnock: I will not take that from the right hon. Lady. The sour and salutary fact about the prevention of terrorism legislation is that it has not prevented terrorism and it will not prevent terrorism. The right hon. Lady provokes terrorism.

The Prime Minister: The prevention of terrorism legislation has helped the police to prevent acts of terrorism. That is well known. I should be delighted if the Labour party, instead of voting against it, would in future vote for it.

Q2. **Sir Fergus Montogomery** asked the Prime Minister if she will list her official engagements for Thursday 17 April.

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Sir Fergus Montgomery: Is my right hon. Friend aware that expenditure on the National Health Service in the north-west in 1978, the last year of the Labour Government, was £380 million, and that today it is £903 million? Does my right hon. Friend not think that it is time we began to proclaim the true facts rather then let the Opposition parties continue to perpetuate myths?

The Prime Minister: My hon. Friend is correct to say that the National Health Service is now treating more patients, is better staffed and better financed and makes more effective use of resources than ever before. We shall do our level best to apply the resources to it. I am delighted that nurses, also, are better paid.

Mr. Norman Atkinson: Will the Prime Minister reconsider the statement that she has just made in reply to the Leader of the Opposition? As she now stands virtually alone among the political leadership of Europe in believing that military retaliation is an effective answer to terrorism of any kind, whether in the middle east or in Northern Ireland, and as I heard members of her own party saying privately last night that if she were to reconsider the views that she had put during yesterday's debate it would not mean either a loss of face for her or a loss of credibility in her own party, and recognising that no member of her own party could say that to her, will she recognise the sensitivity of her views and bring herself into line with the opinions expressed throughout Europe?

The Prime Minister: The decision was taken after prolonged and wide consideration. We came to that decision. I believe that it was the right decision. Should the United States wish to have the use of those bases again, it would have to make a totally fresh application. Our agreement would be required for their use for such an operation and we could either agree or withhold agreement.

Q3. **Sir John Biggs-Davison** asked the Prime Minister if she will list her official engagements for Thursday 17 April.

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Sir John Biggs-Davison: As the Leader of the Opposition and others more expert have questioned the present force of the long-standing agreement on the American use of Royal Air Force bases, will my right hon. Friend consider removing any doubts that may remain in the public mind after her clear speech yesterday by inviting President Reagan to make a joint statement with her to clarify the position?

The Prime Minister: I said yesterday that the arrangements are the same as they have been since they were agreed by Mr. Attlee and Mr. Truman. They have been renewed by every Prime Minister and every President since, and of course were renewed when the cruise missile question arose. They require that if the United States wishes to use bases in Britain for operational purposes it has to seek permission, seek agreement, and that permission can either be given or, as two former Prime

Ministers said yesterday, it can be withheld. In my speech yesterday I made a statement about President Reagan's and my understanding of the present position.

Mr. Steel: Does the Prime Minister now accept her share of personal responsibility for the boosting of Colonel Gaddafi's political support, as we saw on the streets of Tripoli last night? Does she also accept her share of responsibility for exposing British citizens to increased fanaticism and terrorism? Does she now recognise that that is what happens when one turns the British bulldog into a Reagan poodle?

The Prime Minister: The reputation of Colonel Gaddafi has not been enhanced. I hope that people will look at the terrorism that he has been using for a long period as a political weapon and bear in mind the many lives that have been lost as a result of that terrorist activity. In the Berlin bombing over 230 people were injured. If one lets the threat of further terrorism prevent one from fighting against it, the terrorist has won and he will hold to ransom every free society.

Q4. **Mr. Patrick Thompson** asked the Prime Minister if she will list her official engagements for Thursday 17 April.

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Mr. Thompson: Does my right hon. Friend agree that industrial action by prison officers would be regrettable, bearing in mind the valuable service they perform in our prisons? In Norwich prison the strains are showing to the extent that there have been recent escapes. Will my right hon. Friend do all that she can to support those who are working for them, negotiating better working practices and better arrangements for the benefit of all concerned?

The Prime Minister: I gladly pay tribute to the prison service for the way in which the staff have carried out their duties. As my hon. Friend is aware, we have put a great deal more resources into building and for the employment of more prison officers. The management of the service has repeatedly made it clear that it is prepared to talk to the staff to try to resolve the problem. The management must do everything that it can to use resources most effectively.

Q5. **Mr. Home Robertson** asked the Prime Minister if she will list her official engagements for Thursday 17 April.

The Prime Minister: I refer the hon. Gentleman to the reply that I gave some moments ago.

Mr. Home Robertson: Will the Prime Minister reflect on the prophetic words of the Secretary of State for Defence, who said on Monday that a military strike hit the wrong targets and would give rise to what he referred to as "other tensions"? Such tensions will, presumably, lead to reprisals against innocent British citizens. That has now happened. We in Scotland know that the Prime Minister has taken the right hon. Gentleman's advice often enough when he has been wrong. Why did she not take his advice on this one occasion when he was right? How on earth can he now remain in this bloodstained Government?

The Prime Minister: As I have said, my right hon. Friend the Secretary of State for Defence was telling the world that we considered all aspects of the situation that was put before us. Decisions of this kind are not easy. As I said yesterday, terrorism thrives on appeasement.

Q6. **Mr. Peter Bruinvels** asked the Prime Minister if she will list her official engagements for Thursday 17 April.

The Prime Minister: I refer my hon. Friend to the reply that I gave some moments ago.

Mr. Bruinvels: Does my right hon. Friend share my concern at the very high acquittal rate in trials by jury? Does she agree that today too many jurors have no respect for law and order, do not believe in crime meriting punishment and will do everything in their power to acquit rather than to convict? Will she introduce plans so that the selection of jurors is more representative of those who believe that the punishment should fit the crime?

The Prime Minister: Some days ago I saw the report that my hon. Friend has in mind and thought that it was very disquieting. The whole position regarding the challenging of jurors has been approached in the White Paper on criminal justice, and the matter to which my hon. Friend has referred will be considered by my right hon. Friend the Home Secretary.

Prison Service

3.30 pm

Mr. David Alton (Liverpool, Mossley Hill) *(by private notice)* asked the Secretary of State for the Home Department if he will make a statement following the result of the ballot by members of the Prison Officers Association in support of industrial action, and say what contingency plans he has for administering Her Majesty's prisons.

The Secretary of State for the Home Department (Mr. Douglas Hurd): The House will know that this morning the national executive committee of the Prison Officers Association announced that its members had voted for industrial action in the prison service, and that it would take such action unless the issues about which it is in dispute with the Prison Department have been resolved by 7 May.

I believe that the House will share my sense of sadness and concern at these developments: sadness because I do not believe industrial action is in any sense necessary; concern for what this means, not just for prison officers and those in their charge, but for the prison service itself.

Industrial action is unnecessary for two reasons. First, as my right hon. Friend the Prime Minister has just said, this Government have made clear their commitment to prison officers not just in words but by devoting record levels of resources to the prison service. Secondly, industrial action is unnecessary because prison service management has repeatedly stated its willingness to continue to discuss with the Prison Officers Association the issues in dispute. I hope that even at this late hour the leaders of the association will respond positively to that offer.

The Government have a range of contingency measures available to them to cope with any industrial action and its effects. I think that it would be wrong for me to describe these in any detail today: much will depend on whether action is taken and what form that action takes. The Government are prepared and will respond vigorously as necessary. In doing so, we shall have the safety of the public and the security of prisons as our first concerns.

Let me make it clear that we do not seek confrontation. Our chief efforts over the coming days, as in the last few weeks, will continue to be directed to resolving the dispute in discussion with the Prison Officers Association, so that resort to industrial action is not necessary.

Mr. Alton: Speculative reports have appeared in the press during the past week or so to the effect that the Home Secretary is considering sending troops into the prisons. Does he agree that, instead of turning our prisons into industrial battlegrounds, it would be better to begin negotiations with the POA? The Home Secretary's noble Friend Lord Glenarthur said on the radio that he was prepared to talk to the POA, so why did he refuse its request on 8 and 9 April for negotiations? Does not that lead to the sort of confrontation that the Home Secretary has just said he wanted to avoid?

Mr. Hurd: The position is clear. As we have repeatedly said, and as my right hon. Friend the Prime Minister said in her letter yesterday to prison governors, we are ready to consult the POA about manning levels but are not prepared to concede management's right to manage the prison service. Consequently, we cannot concede to anyone else the right to determine, in negotiations, what manning levels should be. But we are willing and, indeed anxious to consult, and that is the normal procedure.

Mr. John Wheeler (Westminster, North): Does my right hon. Friend agree that the basis of the dispute lies in the inflexible working practices and systems of working within the prison service? Does he further agree that the dispute takes place against a background of record levels of expenditure on the prison building programme, the provision of new prisons and resources, and on the number of prison officers employed?

Mr. Hurd: Yes, indeed. That is true both as regards prison building and as regards the number of staff being employed. The number of prison officers has increased by 18 per cent. over a period when the prison population has increased by 12 per cent. So we are improving the situation, despite the large rise in the number of people whom the courts sentence to prison.

Mr. Chris Smith (Islington, South and Finsbury): Does the Home Secretary agree that the root cause of the problem is that prisons, such as Pentonville prison in my constituency, are grossly overcrowded and that prison officers are grossly stretched in the work that they have to do? What plans do the Government have to reduce the overall number of people in our prisons?

Mr. Hurd: I agree that we are trying to remedy decades of neglect. I personally think that it is one of the scandals of administration that previous Governments allowed the prisons steadily to fill and did nothing about a prison building programme. We are now putting that right. But I agree with the hon. Gentleman that we need to make further efforts to persuade the courts that there are tough and practical alternatives to custody when it comes to sentencing first or minor offenders.

Sir John Farr (Harborough): The whole House is sorry that there has been this breakdown in talks with the Prison Officers Association, but will my right hon. Friend bear in mind that these officers have a splendid record of service to the country and have maintained the security of our prisons very well indeed, holding people of the most violent character without objection? Will my right hon. Friend bear in mind in the discussions that he may be having with the prison officers that they will not be taking action without bearing in mind their responsibilities to the nation and the security of their jobs?

Mr. Hurd: I agree with my hon. Friend's tribute. In the prisons that I have visited since taking office as Home Secretary I have been deeply impressed by the professionalism of the prison service, so I entirely agree. For that reason, I am very anxious that we should bring this dispute to an early close through discussion.

Mr. John Evans (St. Helens, North): Will the Home Secretary accept that prison officers who are at the sharp end of trying to deal with the vastly overcrowded prisons in the country have a perfect right to be consulted about staffing levels, and will he take this opportunity to deny the statement made by the chairman of the Prison Officers Association that resources are so limited and stretched that prisoners cannot receive even a change of underclothing?

Mr. Hurd: Resources are stretched, but they are less stretched than they were as we gradually make up the results of the decades of neglect of which I spoke.

Mr. Spencer Batiste (Elmet): Will my right hon. Friend take this opportunity to reassure all those who live around prisons that he will monitor the security of prisons and will take all steps necessary to maintain that security?

Mr. Hurd: Yes, indeed. That is why I mentioned that the security of prisons would be our first priority if it came to industrial action, which I hope it will not.

Mr. Frank Cook (Stockton, North): I am sure that the Home Secretary will agree that a major contributing factor to the situation is a combination of excessive numbers within prisons and the length of time for which prisoners are incarcerated. He knows from his report to clerks, registrars and judges that he has called for fewer and shorter sentences. However, his right hon. Friend the Member for Chingford (Mr. Tebbit) has called quite publicly for longer and harsher sentences. Will the Home Secretary please tell us who will win the day—he who has the authority, or he who has not?

Mr. Hurd: The hon. Member is inventing a contradiction. My predecessor and I and my right hon. Friend the Chancellor of the Duchy of Lancaster made it perfectly clear that for severe offences we favour severe sentences. What I was saying in my earlier reply was that, for lesser or minor offences, it is very important that the courts should have available to them tough and practical alternatives to custody so that people can do something useful for the community while serving their punishment instead of sitting in prison at great expense to the community.

Mr. Douglas Hogg (Grantham): Will my right hon. Friend the Home Secretary confirm, first, that prison officers are very anxious to maintain the present high level of overtime, and, secondly, that prison officers are extremely well paid? Taking into account overtime, the average officer earns only about £2,000 less than a Member of Parliament.

Mr. Hurd: I had better not get involved in that last point. However, I am worried about the level of overtime which, on average, makes up about 30 per cent. of prison officers' earnings and, on average, amounts to 16·5 hours per officer per week. I do not think that that is a sign of the proper use of resources.

Mr. Gerald Kaufman (Manchester, Gorton): Is it not a fact that, under the Government's 1984 Act, the Prison Officers Association has used the Government's most favoured method of a ballot to secure an overwhelming 81 per cent. majority for industrial action? Is not this verdict to be expected when the prisons are bursting at the seams, with almost as many inmates now as the Home Office predicted for 1993? What is the Home Office doing to alleviate that? What will the effects of industrial action be on visitors, the courts, solicitors, prison governors, probation officers and inmates? Why is the Home Office exacerbating this tense situation by being so adamant in ruling out the one key word to which the Prison Officers Association attaches importance — negotiation? What kind of Government is it under whom we have a record crime wave, a unanimous vote of no confidence in it by the Police Federation, and now an overwhelming vote for industrial action by the prison officers?

Mr. Hurd: The right hon. Gentleman is being captious. We inherited a situation in which the prisons had been neglected for decades. We are steadily putting that right by recruiting more prison staff than ever before and by building prisons. As I have now said twice, we must also try to make sure that for minor offences the courts have effective alternatives to custody.

If the right hon. Gentleman is telling us that it is Labour party policy that politicians should tell the courts, regardless of the evidence or the case, how many people should be sent to prison, that is incompatible with having an independent judiciary.

Business of the House

3.42 pm

Mr. Neil Kinnock (Islwyn): May I ask the Leader of the House to state the business for next week?

The Lord Privy Seal and Leader of the House of Commons (Mr. John Biffen): Yes, Sir. The business for next week will be as follows:

MONDAY 21 APRIL—Opposition day (11th Allotted Day), first part. Until seven o'clock there will be a debate on education on a motion in the names of the leaders of the Liberal and Social Democratic parties.

Remaining stages of the Animals (Scientific Procedures) Bill *[Lords]*.

Proceedings on the Statute Law Repeals Bill *[Lords]*.

Ways and Means resolution relating to the Social Security Bill.

TUESDAY 22 APRIL—Opposition day (12th Allotted Day). Until about seven o'clock there will be a debate entitled "Housing — Putting People First"; afterwards there will be a debate entitled "Transport — Putting People First". Both debates will arise on Opposition motions.

WEDNESDAY 23 APRIL — Second Reading of the European Communities (Amendment) Bill. The six monthly report on developments in the European Community July-December 1985 (Cmnd. 9761) will be relevant to the debate.

THURSDAY 24 APRIL—Remaining stages of the Housing and Planning Bill.

FRIDAY 25 APRIL—Private Members' Bills.

MONDAY 28 APRIL—Second Reading of the Finance Bill.

Mr. Kinnock: I am grateful to the right hon. Gentleman. Does he recall that on Tuesday the Prime Minister told me that during the period between the initial message from the President of the United States and the air strike against Libya on 15 April she and the Secretaries of State for Foreign and Commonwealth Affairs and for Defence

"acted together in knowledge of one another's views throughout?"—[*Official Report*, 15 April 1986; Vol. 95, c. 731.]

Does he further recall the Defence Secretary's broadcast, which was quoted in the House yesterday, and the Foreign Secretary's statement last night, in which he said:

"I had no confirmation of any decision by the President, still less of any decision to authorise raids that night, until I came back to London and met the Prime Minister." — [*Official Report*, 16 April 1986; Vol. 95, c. 950.]

The discrepancy between those versions of events must be obvious to the right hon. Gentleman and even to the more vociferous of his Back Benchers. Will he please ensure that a statement is made on Monday so that the House can form a judgment on which version is accurate?

Could the Leader of the House give an undertaking that on Monday there will also be a full statement from the Foreign Secretary about his further conference with European Foreign Ministers today?

Now that the Government have so much extra time because of the defeat of the Shops Bill, will the Leader of the House ensure that more time is given to debate other matters that are of pressing concern? I instance the worsening unemployment figures published today, which show the biggest monthly increase for five years. Can he arrange a day of Government time to debate unemployment so that the appropriate Ministers can come to the House and answer the charge that they are failing to reduce unemployment?

The right hon. Gentleman will have seen the announcement this morning about the bids which have been made for Land Rover and Freight Rover. He has promised a debate on the future of British Leyland. Can he not tell us when that debate will take place?

The need for a debate on foreign affairs is now even more necessary than when I have asked for it during the two previous business questions sessions. When will that debate take place?

Mr. Biffen: I will take the points mentioned by the right hon. Gentleman the Leader of the Opposition in the order in which he made them.

I note what the right hon. Gentleman said about the matters which formed part of the run-up to the American action in Libya. I should have thought that they were matters which had been covered by the recent debate and by exchanges this afternoon, but I will convey to the Prime Minister the point that he has mentioned.

On the desirability of a statement by my right hon. and learned Friend the Foreign and Commonwealth Secretary as a result of the meeting with the Foreign Ministers of the European Community, I take the point that the right hon. Gentleman makes and I realise that it will be echoed throughout the Chamber. I will see that the appropriate representations are made.

As to the Shops Bill, before history is set in concrete I should perhaps observe that at no stage did the Government suppose that the Floor of the House would be much detained by the passage of this eminently sensible and self-commending legislation, otherwise they would not have been prepared to suggest that the whole thing could have been propelled by the self-disciplining means of a free vote. We delude ourselves, therefore, if we suppose that there is now a great store of time that can be used for other debates. Nevertheless, I understand the genuine concern about the level of unemployment as exemplified by the recent figures, and I suggest, at least initially, that it is a matter that will very properly feature in the Second Reading of the Finance Bill.

I have already indicated to the right hon. Gentleman the circumstances in which I believe it would be helpful and appropriate for the House to debate the future of British Leyland. I will consider his recent remarks in that context.

I quite understand the interest in the House that there should be a debate on foreign affairs, notwithstanding our recent concern in the middle east, because there are many issues elsewhere, not least in Latin America. Perhaps this matter could be considered through the usual channels.

Sir Peter Hordern (Horsham): As both the Chancellor and the Foreign Secretary have recently announced that they are in favour of our joining the European monetary system, would my right hon. Friend make time for an early debate on this important matter so that the Prime Minister and the Cabinet may have full knowledge of the House's views?

Mr. Biffen: Most statements about this matter couched in terms of principle have also been matched by conditions

of time, but I take note of what my hon. Friend says. I suggest that the speech that he wishes to make he might essay on the Second Reading of the Finance Bill.

Mr. David Alton (Liverpool, Mossley Hill): Can the Leader tell the House if the Secretary of State for Education and Science will reply personally to the debate on Monday? Secondly, can he give the House any news about whether there will be a debate on the NIREX sites, the orders for which have still not been laid, and a debate on the report of the Select Committee on the Environment on the disposal of nuclear waste?

Mr. Biffen: I cannot confirm the first point, but the hon. Gentleman might also at some time inform the House whether any Privy Councillor from the Liberal party will take part in that debate.

As to the second point, I take account of the concern that there should be early consideration of these matters, but I cannot go further than that.

Mr. Andrew Rowe (Mid-Kent): Given the unequivocal statement of Labour party policy presented by the right hon. Member for Manchester, Gorton (Mr. Kaufman) that the law against shops opening on Sundays should now be enforced, will my right hon. Friend consider providing time to discuss the consequences of that?

Mr. Biffen: I think that at moments of synthetic triumph all sorts of rather dangerous comments are made. I would not like to go beyond that—not in the mood of charity that I entertain this afternoon. I do not think that the Government could provide very much more time for an inquest into the unhappy circumstances of last Monday.

Mr. Martin J. O'Neill (Clackmannan): Will the Leader of the House find time to take account of the end of the long take-over saga of the Distillers company, which should reach its conclusion tomorrow? Will he also find time for a discussion on the operation of monopolies and mergers legislation, because many of my constituents who are employees of Distillers feel that they have been rendered mere pawns in a stockbrokers' game?

Mr. Biffen: Without wishing to elevate the temperature in the Chamber, I can tell the hon. Gentleman that I very much understand his point. I shall refer his general remark to my right hon. Friend the Secretary of State for Trade and Industry.

Mr. Jonathan Aitken (Thanet, South): Does my right hon. Friend recall the breakneck speed with which the Channel tunnel project was announced, evaluated, and voted on just after Christmas? Can he now solve the mystery of what has actually happened to the proposed Channel Tunnel Bill—

Mr. Robert Adley (Christchurch): It is on the Order Paper today.

Mr. Aitken: I had hoped that the Bill would sink without trace. As it was promised before Easter, can my right hon. Friend now advise the House about its progress?

Mr. Biffen: The Government entertain the aspiration, which I hope is well founded, that that legislation might have better prospects than some other.

Mr. Jack Ashley (Stoke-on-Trent, South): Is the Leader of the House aware that there is now a great deal of publicity about the number of children dying from whooping cough? Are not the Government now urging further vaccination of children? Is the right hon. Gentleman aware that, although I support the immunisation programme, I also support the need for adequate compensation for vaccine damaged children, some of whom are severely brain damaged?

I am not terrified by the innuendo from Ministers and civil servants that those who support the claim for adequate compensation are damaging the immunisation programme. We are not. We support the immunisation programme, but we also demand proper compensation. Have not the Government admitted that one in 100,000 children are severely brain damaged by vaccination, with some of them being turned into cabbages?

Is the right hon. Gentleman aware that early-day motion 74 has been supported by 200 hon. Members from both sides of the House asking for adequate compensation?

[That this House believes that the proposed £20,000 payment to vaccine damaged children is grossly inadequate for a lifetime of severe disability; expresses its strong support for the immunisation scheme; but calls upon the Government to provide the few tragic and unwitting casualties of this state-sponsored scheme with compensation comparable to that given to industrially injured people, or that awarded by the courts to those similarly disabled.]

The Government have refused adequate compensation for devastated families. They do not want to pay them £20,000. Will the right hon. Gentleman find time for a statement on this matter next week?

Mr. Biffen: I quite understand the right hon. Getleman's point. He properly observes that the early-day motion has the general endorsement of hon. Members in all parts of the House. I cannot hold out any tangible and specific hope, but I shall certainly draw the attention of my right hon. Friend the Secretary of State for Social Services to the right hon. Gentleman's request for a statement.

Mr. Tony Marlow (Northampton, North): Would it be possible to introduce legislation to take from individuals the right to take out an act of mandamus against local authorities in order to restrain the army of bigots who would otherwise be released by the parliamentary wimps who sacrificed their judgment on the altar of what they thought to be short-term expediency on Monday night?

Mr. Biffen: I do not think that I am in any mood today to be lectured about expediency in relation to last Monday —[HON. MEMBERS: "Why not?"] I think that I was flexible beyond belief.

My hon. Friend's point is valid, but there is no prospect of an early passage in Government time of the legislation that he seeks. No doubt he knows well that there are opportunities available for private Members using their time.

Mr. Robert Parry (Liverpool, Riverside): Has the Leader of the House seen early-day motion 685 concerning the Transport and General Workers Union's campaign on the use of the weedkiller 2-4-5,T?

[That this House congratulates the Transport and General Workers Union on its national and international campaign against the manufacture and use of the weedkiller 2-4-5,T, in view of the link between the use and the incidence of cancer and other serious medical side

[Mr. Robert Parry]

effects, particularly amongst pregnant women through birth deformities, which has been reported worldwide; notes the recent meeting betweeen the high powered delegation of the Transport and General Workers Union and Mr. Lange, Prime Minister of New Zealand, which is the only country in the world still manufacturing the weedkiller; warmly welcomes the promise from Mr. Lange that he will re-examine his country's policy on the manufacture of 2-4-5,T; and calls upon the Government of New Zealand to act urgently to stop the manufacture of this deadly substance.]

Will the right hon. Gentleman ask the Foreign Secretary to make representations to the New Zealand Government concerning the manufacture of this deadly substance, especially in view of the effect that it has on pregnant women?

Mr. Biffen: Yes, I will certainly make those representations.

Mr. Andrew MacKay (Berkshire, East): In the light of the decision of the House to reject the Shops Bill, would it be wise next week for us to have a debate on the two possible immediate scenarios which will ensue: a widespread and increasing flouting of the law, which would be intolerable, or widespread and increasing prosecutions, which would be immensely unpopular?

Mr. Biffen: A short period of abstinence from consideration of those problems would do us no harm. However, I can understand that the problems will come to meet us some months hence.

Mr. Eddie Loyden (Liverpool, Garston): Will the transport debate include the effect of EEC regulations on lorry drivers in Britain whose conditions and hours are being affected by EEC regulations? If it cannot be embraced in the debate, will the right hon. Gentleman ask the Secretary of State for Transport to bring the matter before the House?

Mr. Biffen: The hon. Gentleman will appreciate that the subject for debate was chosen by the Opposition. I am sure that the Opposition Front Bench will have listened with constructive sympathy to the hon. Gentleman's request.

Mr. Eric Forth (Mid-Worcestershire): Will my right hon. Friend confirm that the European Communities Bill which will be debated next Wednesday concerns the Single European Act? Will he explain what role the House or a Standing Committee can have in judging that Act and seeking to amend it when it comes to us apparently already agreed by the Heads of Government?

Mr. Biffen: The answer to my hon. Friend's first question is yes. The answer to his second point is that that will be determined by the course of the debate.

Mr. Alex Carlile (Montgomery): Will the right hon. Gentleman find time for a debate on the manning levels in the prison service, and especially why the Government have such a patronising attitude to the Prison Officers Association that they are prepared to consult it but not negotiate with it?

Mr. Biffen: The hon. and learned Gentleman may have been out ot the Chamber when the matter was raised by —[HON. MEMBERS: "He was here."] In that case, he has no excuse for asking such a question.

Mr. Michael Forsyth (Stirling): Although the House has declined to bring the advantages of shopping on Sundays to the English as we enjoy them in Scotland, will my right hon. Friend find time for a debate on the merits of extending to England the benefits which we enjoy in Scotland of more liberal licensing hours?

Mr. Biffen: It would be unrealistic for the House to suppose that the future of flexi-hours will not have been conditioned to some extent by Monday's vote.

Mr. Harry Ewing (Falkirk, East): Does the Leader of the House realise that I have a good reason for asking a question about prisons? Does he remember that last Thursday I asked him to arrange for the Secretary of State for Scotland to make a statement on the crisis in Scottish prisons? Did he do anything about that? If he did not, will he do something this week before Scotland is faced with the same position as prevails in England and Wales?

While we are discussing prisons, would the Leader of the House discuss with Mr. Speaker introducing a prison system whereby those who behave themselves get preferential treatment while those who misbehave—in the House—are punished?

Mr. Biffen: Of course, I recognise that the hon. Gentleman has a valid reason for asking that question. May I say at once that so did the hon. and learned Member for Montgomery (Mr. Carlile). As his immediate neighbour, I would not wish to be thought dismissive of his contribution. He was not asking a question but making a point. Although that is frequently done, I like to have the chance to pay back in kind from time to time.

Of course, I shall again take up the hon. Gentleman's point in respect of my right hon. Friend the Secretary of State for Scotland. I understand the penal programme that he wishes to apply to the House and although I also understand why he should wish to invoke Mr. Speaker in this matter, I think it is something better left to the usual channels.

Mr. Richard Holt (Langbaurgh): My right hon. Friend is always concerned about employment and unemployment, and I understand that he has already this afternoon provided an opportunity for us to debate British Leyland. However, British Leyland is only one company, whereas there is an entire industry in this country—the furniture industry—in which we are importing twice as much as we export. The situation has changed over five years. If we are to maintain our manufacturing base in furniture, may we have a debate in the House and reverse current trends?

Mr. Biffen: I wish that current trends could be reversed merely by debate in the House. If my hon. Friend wishes to bring those wider considerations to the attention of the House, I think that in the first instance he should seek to have the matter debated on the Adjournment.

Several Hon. Members *rose*——

Mr. Speaker: Order. There is to be a statement, and then we have a fairly heavy day. I will allow business questions to continue for a further 10 minutes, and I hope that in that time, or less, everyone will have been called.

Mr. Frank Cook (Stockton, North): The Leader of the House has already told the hon. Member for Liverpool, Mossley Hill (Mr. Alton) this afternoon that representations will be made for early consideration of the report about the NIREX proposals. The right hon. Gentleman should be aware of the widespread anxiety felt throughout the country that the Government's response to the report on radioactive waste by the Select Committee on the Environment may well take a written form and that opportunity to debate that report will not be accorded prior to discussion of the special development orders when they are placed before the Chamber. Will the right hon. Gentleman now assure us both that there will be a debate on the report and that it will take place before the SDOs are discussed?

Mr. Biffen: I will bear in mind all the points that the hon. Gentleman has made, and his concern that we should move with some expedition in resolving those matters.

Mr. Sydney Chapman (Chipping Barnet): Next Thursday we shall debate the Report stage of the Housing and Planning Bill. The Committee stage was completed only seven days ago. During Committee stage Ministers promised amendments, not only arising out of assurances and commitments made during debate, but because amendments were successfully carried by Back Benchers. Will my right hon. Friend assure us that those Government amendments will be brought forward next Thursday and not left for later discussion in another place?

Mr. Biffen: My hon. Friend makes a fair point, and a House of Commons point. We will certainly see that as many of the amendments as possible are dealt with in the House, but it may be unavoidable for some of them to be dealt with in another place.

Mr. Tam Dalyell (Linlithgow): Table Office rules do not allow questions to be put on DefCon—that is the defence conditions agreement between Britain and the United States. Is there not therefore an obligation on Ministers to make a statement next week on the changes from categories 5 to 4, 3, 2, 1, or whatever they were, in the level of nuclear alert earlier this month as a result of the Libyan crisis? Is there not also an obligation to make a statement on the situation in which launchers of cruise missiles left their bases on the night of 10-11 April, both from Greenham and from Comiso, in very extraordinary circumstances that were not related to the exercise on 15 April? Should not there be an explanation by statement as the Table Office does not allow—I do not blame the Clerks—an explanation by parliamentary questions?

Mr. Biffen: The hon. Gentleman makes two quite separate but profoundly important points. I will certainly refer them to my right hon. Friend the Secretary of State for Defence.

Mr. Douglas Hogg (Grantham): The Leader of the House will remember that before the Easter recess I asked him to confirm that the special development order would not be laid until there had been a full debate on the Select Committee report relevant to NIREX. The Leader of the House will recall that he said that he treated that proposition with very considerable sympathy. Will he confirm to the House that his sympathy is in no way diminished but that, on the contrary, it has been enhanced?

Mr. Biffen: My sympathy is a static consideration.

Mr. Jeff Rooker (Birmingham, Perry Barr): The Leader of the House is first and foremost a parliamentarian. Is he happy to have announced business for next Thursday on a Bill that has no yet been reprinted? The Minister's office informs me that work has not yet been started on the amendments necessitated by a string of concessions made by Ministers—irrespective of the defeats that they suffered. Hon. Members and others will be in no position to prepare for an important debate on a number of matters, including the removing of security of tenure from 6 million families.

Mr. Biffen: I was aware of some of those factors when I answered the question of my hon. Friend the Member for Chipping Barnet (Mr. Chapman). I am advised that the Bill as reported by the Standing Committee will be available today. We therefore have to take account of the time that will be available for amendments to be tabled before next Thursday. I trust that the general wishes of the House can be met.

Mr. Michael Fallon (Darlington): May we have an early debate on the success of the privatisation programme, which has directly benefited over 1·5 million people? The Labour party could then clear up the confusion over its policy of compensation and renationalisation, in case it should ever come to power.

Mr. Biffen: I have great sympathy for that request, not least because it comes from one of my hon. Friends who is most dedicated to maintaining the intellectual initiative that sustains the programme. However, I have a much more prosaic task — that of handling Government business—and I do not think that there will be any better opportunity than the Second Reading of the Finance Bill.

Mrs. Ann Clwyd (Cynon Valley): On 12 February, at the end of a debate on the Felixstowe Dock and Railway Bill, the Chairman of Ways and Means promised to look at ways of reviewing the private Bill procedure. On 10 April, the Leader of the House said that the matter was still under consideration. What progress has been made?

Mr. Biffen: Consideration remains the state that I have to report, but I appreciate the hon. Lady's concern that the matter should be expedited.

Mr. Patrick Nicholls (Teignbridge): Will my right hon. Friend agree that the point raised by my hon. Friend the Member for Darlington (Mr. Fallon) goes even wider? There is some confusion about the fate of privatised industries. Is my right hon. Friend aware that the leader of the SDP has approved the privatisation of British Telecom, but that in an article in *The Guardian* the leader of the Liberal party raised the prospect of renationalisation? Should we not have a debate to try to clear up the threat that those contradictory policies pose to assets that people have bought with their own hard-earned money?

Mr. Biffen: My hon. Friend mades a compelling and pertinent case. However, I am bound by limitations of time. I also have sufficient faith in my hon. Friend's advocacy to feel confident that the good folk of Devon will know about the matter whether or not there is a parliamentary debate.

Mr. John Evans (St. Helens, North): Is the right hon. Gentleman aware that since the Government took office the House of Commons has not discussed in Government

[Mr. John Evans]

time the affairs of the Health and Safety Commission, which affects the life and safety at work of more than 20 million people. Will the Leader of the House consider the matter and announce, in the immediate future, at least one day's debate on that subject?

Mr. Biffen: I take note of what the hon. Gentleman says. It is a most important topic. However, in all fairness, I suggest that the hon. Gentleman might like to put a question to my right hon. and learned Friend the Paymaster General at Question Time next Tuesday.

Mr. Michael Brown (Brigg and Cleethorpes): I revert to the question about NIREX. I have in my hand a reply from the Minister of State at the Department of the Environment to a parliamentary question. That reply shows that it is the Secretary of State's intention to lay the SDO at the end of April. Can the right hon. Gentleman reconcile what he has said today with that answer to my parliamentary question?

Mr. Biffen: I should like to look at the parliamentary answer before making a considered comment, but I assure my hon. Friend that the answer that I gave to my hon. Friend the Member for Grantham (Mr. Hogg) stands.

Mr. Andrew Faulds (Warley, East): As the body count has tragically started of Britons killed in revenge for the Prime Minister's involvement with President Reagan's murder of Libyan civilians, will the right hon. Gentleman arrange for the Foreign Secretary to make a statement on Monday—he is absent at present—about what additional security measures are being introduced to defend the staff of British embassies, who, as I was told by an Arab diplomat at lunch today, are not sufficiently defended in present circumstances, and individual Britons working abroad in Britain's interests in sensitive areas?

Mr. Biffen: Obviously, I take note of the hon. Gentleman's points, and I shall ensure that my right hon. and learned Friend the Foreign Secretary is aware of the hon. Gentleman's request. However, the hon. Gentleman may like to consider the statement that will be made just after business questions.

Mr. Peter Bruinvels (Leicester, East): Now that, thankfully, the Shops Bill is no longer with us, will the House have an opportunity to debate the Shops Act 1950 to remind all large local authorities that it contains a power to prosecute any large companies for staying open on Sundays? Will my right hon. Friend also remind both my right hon. Friend the Home Secretary and my right hon. and learned Friend the Foreign Secretary of my continuing concern about the 157 technicians at Heathrow airport and the 27 trainee pilots, all from Libya who are still working here and who may represent a potential security threat to all who live in the United Kingdom?

Mr. Biffen: I hope that we shall not have to live too long with the residue of the Shops Bill. One of the first laws in politics is, "In a moment of triumph, do not crow." On my hon. Friend's second point, he raised anxieties of real substance, and I shall ensure that they are conveyed to both my right hon. Friend the Home Secretary and my right hon. and learned Friend the Foreign Secretary.

Mr. Dennis Skinner (Bolsover): Will the Leader of the House confirm that at last week's Cabinet meeting there was a discussion paper on the question of coal in relation to the fall in oil prices? Is he aware of the conflicting reports in the newspapers arising from that discussion paper? One suggests that the Government will allow market forces to operate, with the result that many more thousands of miners will lose their jobs. Is he further aware that in the 1950s and 1960s successive Governments of different political persuasions followed that course when they had cheap oil, and that the net result was that after the price of oil quadrupled we were short of energy and needed coal in abundance? Will he ensure that we have a debate or statement on that matter so that we can make it absolutely clear that we shall assure the livelihood of those miners who are presently engaged in the coal mining industry, and not follow the short-sighted policy of the 1950s and 1960s?

Mr. Biffen: Regarding what took place in Cabinet last Thursday, alas, one of the inhibitions made on me is not to report to the House or the press what goes on in Cabinet. It is a most irksome restraint, but I must live with it.

On the hon. Gentleman's second point, there is real concern throughout the energy consuming public, both industrial and domestic, that there should be a proper balance of alternative supplies of energy, within which coal will undoubtedly play a major part. I shall certainly consider the necessity of having a debate on that proposition.

Mr. Michael Meadowcroft (Leeds, West): Is the Leader of the House aware that the United States Administration have announced that on 23 April they intend to impose draconian regulations impeding exports to the United Kingdom which will impinge illegally on United Kingdom companies? Does he consider it important that we should have an urgent debate on the question of extra-territoriality?

Mr. Biffen: The whole question of extra-territoriality undoubtedly raises profound economic and trade issues which are of major national concern. I shall certainly convey the anxiety which has been expressed to my right hon. Friend the Secretary of State for Trade and Industry. He will certainly be encouraged to know that he has the support of the traditional free trade element of the House.

Mr. David Young (Bolton, South-East) *rose*——

Mr. Speaker: Order. Obviously the hon. Member was not present when I announced that I could not allow questions to continue beyond 10 past 4 o'clock, and it is now 13 minutes past.

Mr. D. N. Campbell-Savours (Workington): On a point of order, Mr. Speaker. Is it not a gross discourtesy to the families of the hostages who were so tragically lost in Lebanon today that the Prime Minister has sought to leave the Chamber and to quit before this highly important statement——

Mr. Speaker: Order. The hon. Gentleman knows perfectly well that that is not a matter for me.

Lebanon (Terrorism)

4.14 pm

The Minister of State, Foreign and Commonwealth Office (Mr. Tim Renton): With permission, Mr. Speaker. I should like to make a statement on British interests in the Lebanon and terrorism.

The British ambassador to Lebanon, Mr. John Gray, has reported that three bodies were found near Beirut earlier this morning. Pinned to one of the bodies was a notice claiming that they had been excuted as "CIA spies" by an organisation calling itself the Arab Fedayeen. Mr. Gray is urgently trying to arrange positive identification of the bodies. As the House will know, Mr. Alec Collett, a British employee of UNRWA, was kidnapped in Lebanon on 25 March 1985. Two British citizens, Mr. Leigh Douglas and Mr. Philip Padfield were kidnapped on 28 March this year, and Mr. Brian Keenan, of dual British and Irish nationality, was kidnapped in Beirut on 11 April. The House will wish to express to the relatives of the kidnap victims their sympathy in the terrible anxiety that they are now undergoing after all the acute stress to which they have already been subjected. Further information will certainly be given to the next of kin as soon as it is received.

Mr. Gray has also reported that another British citizen was kidnapped earlier this morning in west Beirut on his way to the airport. So far we have not received any claim of responsibility for his abduction. The ambassador is making inquiries with the authorities in Beirut and with community leaders.

Last week Mr. Gray repeated and reinforced his standing advice to British citizens against remaining in west Beirut and other areas in Lebanon where British citizens are at particular risk. All reasonable security precautions have been taken to protect Mr. Gray and his small staff. We have asked him urgently for his further advice on staffing of the British embassy and the safety of the remaining British community.

My right hon. and learned Friend the Foreign Secretary held an urgent meeting with his European colleagues in Paris this morning to discuss terrorism. A further meeting will be held early next week to discuss implementation of the recommendations of experts.

I understand that a suspected explosive device was found this morning at terminal 1 of Heathrow airport. The terminal was evacuated while the device was made safe. A women was arrested by the police.

This morning four rockets hit the ambassador's unoccupied residence in west Beirut. Mr. Gray was not present at the time, and he reports that there were no casualties, although some damage was caused to the building.

The whole House will wish to pay tribute to Mr. Gray and his staff, who are doing their work in the Lebanon with skill and courage in dangerous conditions.

Mr. Donald Anderson (Swansea, East): We on this side of the House express our condolences to the bereaved and our admiration for the ambassador and his staff in extremely difficult conditions in Lebanon. We take no satisfaction from the realisation of our prediction that we in Britain will now be in the front line of terrorist outrages.

The Arab Fedayeen, or Arab commando unit, which has claimed responsibility for the three deaths in Lebanon, has apparently claimed that those three murders were in direct retaliation for the United States' aggression against Libya. Does the Minister have any further information on this subject? Is it correct that those three are the first tragic victims of the Prime Minister's completely isolated support for President Reagan? What progress had the Foreign Secretary made in his negotiations last week with the Syrian Government about the release of those three Britons — progress which appears, tragically, to have been cut short?

What information is there about the terrorist group responsible for the outrage of shelling our residence in west Beirut? If sufficient evidence is available to show that a neighbouring Arab country was responsible, will the Government be tempted to invoke article 51—the self-defence article of the United Nations — and seek a retaliatory strike against that country? Where do we draw the line as we add up the mounting cycle of violence?

It is said that armed groups are now roaming the streets of west Beirut in search of foreigners as their victims. In those circumstances, what advice is the Foreign Office giving to residual staff at our embassies and to other British nationals? Is evacuation a practicable option in these circumstances? What special measures are being taken to protect our embassies and missions, both in the middle east and elsewhere, particularly in places where the Libyans have maintained their missions?

Finally, during the debate last night the Foreign Secretary told the House that he would today again urge our European partners to meet the challenge of terrorism. In the light of the results of this morning's meeting, is the Minister convinced that our European Economic Community partners have risen to the challenge?

Mr. Renton: I thank the hon. Gentleman for the sympathy that he has expressed to the relatives of the kidnap victims. His sympathy is obviously shared by the whole House. At present we do not have any information about who was responsible for these murders. Indeed, the bodies have not been identified. As soon as we have the information, we will contact the next of kin if the victims are British.

As the hon. Gentleman knows, "fedayeen" is a word commonly used in Arabic. Thus, the Arab fedayeen sounds like a wide group, not one of the specific terrorist groups on which we have previously received information. We cannot therefore be certain at this stage of the type and identity of the group claiming responsibility.

The shelling of our west Beirut residence obviously sounds alarming, but I point out to the hon. Gentleman that rocket attacks in west Beirut have been all too frequent in recent months. Our chancery building was subject to a rocket attack in August 1984. For that reason, for months we have arranged for all the United Kingdom staff to sleep in east Beirut rather than west Beirut.

As I said in my statement, we have given instructions to posts throughout the world, and particularly those in the middle and near east, to look carefully at their security measures. We shall be reinforcing this advice specifically in regard to Beirut after receiving further advice from the ambassador. The remaining British citizens in the Lebanon have for a long time been advised not to travel, for example, in west Beirut, in the Beka'a valley, or south Lebanon, unless they absolutely have to do so. Our ambassador has frequently pointed out to them that he is

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not able to give them the protection that British citizens abroad would normally receive. He is considering this advice to see whether it should be strengthened.

The EEC meeting this morning was only an interim meeting for Foreign Ministers to discuss progress, particularly on the subject of international terrorism. They repeated their determination to take quick action in this respect. Next week, at the Foreign Affairs Coumcil meeting on Monday, it is expected that expert groups will submit reports, with their recommendations for action on international terrorism.

Finally, I refer to the hon. Gentleman's comments about the British Government's support for United States' action against terrorist targets in Europe. Is he really suggesting that Governments should not take such action; that their hands should be tied because of threats made to them by terrorists and kidnappers? The Government carefully considered the position of our hostages in the middle east and elsewhere, but if we had allowed our hands to be tied and not taken action of the sort that we deemed it right to take, because of possible reprisals by kidnappers, that would have been seen as giving in to terrorist criminals, and that is not the sort of action that the House would expect from this Government.

Sir Peter Blaker (Blackpool, South): My hon. Friend has the support of Conservative Members in the tribute that he paid to our ambassador in Beirut and his staff, and in his expression of sympathy to the relatives of the British kidnap victims. Is he aware that this side of the House rejects most of the conclusions drawn by the hon. Member for Swansea, East (Mr. Anderson)? My hon. Friend and his right hon. Friends have our support for the courage that they are displaying in doing what they believe to be right in the face of international terrorism.

Mr. Renton: I thank my right hon. Friend both for his expression of sympathy for the relatives of the victims and for his warm support for the work being done by Her Majesty's ambassador in Lebanon and his staff, and I will ensure that his expression of support is passed on to those concerned.

Mr. James Wallace (Orkney and Shetland): I associate myself and my right hon. and hon. Friends with the Minister's expression of sympathy to the relatives of the kidnap victims, and also in paying tribute to the work being done in very trying circumstances by Mr. Gray and his embassy staff in Beirut.

Alliance Members profoundly disagree with the Government's decision to support the American intervention in Libya, but we unreservedly condemn acts of terrorism. Does the hon. Gentleman not think that there are more effective ways of dealing with and combating terrorism than the method chosen, such as the ways which we believe are being discussed by the European Council of Ministers and which we hope will be implemented? Does he not believe that by standing alone in Europe and aiding and abetting American military action we have made British subjects and citizens more vulnerable to retaliatory attacks, the first victims of which he referred to in his statement today?

Mr. Renton: I thank the hon. Member for his expression of sympathy and his support for the ambassador and his staff. I agree with what he said about action of the past few hours in relation to British hostages. One thing that this shows is the clear need for international action against international terrorism, whether ordinary terrorism or state-sponsored terrorism. This is the message that my right hon. and learned Friend the Foreign Secretary has been hammering home for many months, at meetings in the EEC and at the United Nations, and we hope that more positive action will be taken in the months ahead.

I am sure that the House does not want me to go over the debate that occupied seven hours last night, but surely it is right that in certain circumstances military action in self-defence is necessary in order to discourage and prevent further acts of terrorism.

Sir Peter Mills (Torridge and Devon, West): Will my hon. Friend bear in mind that, sadly, it looks as though it is one of my constituents who has been killed, and will he join me and the House in sending our deepest sympathy to the father and relatives at Bideford? My hon. Friend said that it is important for all British subjects to get out of Beirut, but how can they do that without some assistance? I understand that one or two people who have gone to the airport have been captured. Will my hon. Friend make arrangements somehow for such people to be protected?

Mr. Renton: I thank my hon. Friend for his opening remarks. I am sorry to hear that one of the victims may be a constituent of his. I know that the House would want to associate itself with the expression of sympathy to his constituent's family. To avoid misunderstanding, I emphasise that my advice was not, to use my hon. Friend's words, that it is important for all to get out. I drew a careful distinction between west Beirut and east Beirut. Anyone who has been to Beirut recently, as I did in December, will know well the reasons for that distinction.

Our advice through the embassy to British residents has for many months been that they should not travel through west Beirut unless they have good reason to do so. At the moment the same advice does not apply to east Beirut. There is, of course, always the possibility that people living in the Lebanon can leave by ferry, which is the usual method for coming to and from Beirut. That is a possibility which I am sure many people will be thinking about at present. I bear in mind my hon. Friend's remarks about the safety of those travelling to the airport in west Beirut, and I shall pass those on.

Mr. David Young (Bolton, South East): All hon. Members will be saddened by the news of any victims of terrorism, no matter from where it comes. I was glad to hear my hon. Friend the Member for Swansea, East (Mr. Anderson) say that the answer to terrorism is international action. Our criticism is that there has been unilateral action. Having met the ambassador from the Lebanon and his delegation only a few days ago, what support are the Government giving for United Nations resolution 425 for the removal of American-backed Israeli troops from the south of Lebanon, which would be a major means of stabilising that region? Will the Secretary of State make a statement as soon as possible?

Mr. Renton: I thank the hon. Gentleman for his opening remarks. I do not agree that the United States' action was unilateral. Rather, it was action by the United States, supported in one respect by the United Kingdom,

on behalf of the international community, which is threatened by international terrorism. Someone earlier referred to the front line of terrorism. We have been in the front line for at least the past 10 years, since the agents of the Libyan Government started to commit their crimes in Britain.

The hon. Gentleman will know that we strongly support the continuation of the mandate of UNIFIL in south Lebanon. That is coming up for discussion at the United Nations. We have always strongly urged Israel to complete its evacuation from south Lebanon. That has been the Government's consistent policy, and I hope that it will be seen to be put into effect.

Mr. Ralph Howell (Norfolk, North): I join my hon. Friend in offering my deepest sympathy to the families and friends of the victims in Beirut, including my constituents, Mr. and Mrs. Douglas, who have suffered deeply since the abduction of their son. May I have an assurance that everything possible will be done to ascertain the facts of what has happened in Beirut as soon as possible?

Mr. Renton: Yes, I can give that unqualified assurance to my hon. Friend. We expect to hear within hours about the identification of the bodies, and that information will be communicated immediately not only to the next of kin but to any Members of this honourable House who, for constituency reasons, are associated with the victims.

Let me take this opportunity of thanking all those many Governments, organisations and individuals who have tried in recent weeks to assist us, either in locating or in securing the release of the various hostages. Their work has been magnificent, and if for three of them it has ended today, that is a great tragedy.

Dr. John Gilbert (Dudley, East): In view of the deteriorating security situation in Beirut, do Her Majesty's Government have not only contingency plans for the evacuation of British residents there, but military units to assist in such an evacuation, as was the case recently in Aden?

Mr. Renton: I note what the right hon. Gentleman says The evacuation in Aden was substantially assisted by the chance presence of Britannia, and we cannot always call on the royal yacht for this purpose. Its presence outside Aden was extremely helpful, but that was by chance, as it was on a voyage to Australasia. The right hon. Gentleman would not expect me to go into detail about possible contingency plans, but I take his point about the dangerous situation in the Lebanon. That is a matter of which we have been aware for a good many weeks.

Mr. Robert Adley (Christchurch): Everybody will deplore these dastardly deeds, but will my hon. Friend please understand that it is necessary sometimes to try to comprehend what is going on before one rushes into making decisions such as the Government made the day before yesterday? Does he agree that when my right hon. Friend the Prime Minister refers to state terrorism she aptly describes the acts of Israel in southern Lebanon? That is seen by almost all Arabs as a direct result of the policy of the United States in the middle east, with which we now, sadly, seem to be associated. Will my hon. Friend at least confirm that it remains the British Government's policy utterly to condemn this illegal invasion and occupation of Lebanese territory? Will he now recognise that the Government should be seeking, with our European partners, to restrain the United States from its one-sided policy in the middle east which has caused so many problems?

Mr. Renton: I would only make the point to my hon. Friend that in the course of yesterday's debate, virtually all of which I listened to, many hon. Members on both sides of the House said that the real solution to the problem of terrorism in the middle east lay in the solution of the Palestinian problem. I would not deny that that is the root cause, but it is the easiest thing in the world to say that. The difficulty is to find a solution. Successive Governments, United Nations organisations, the United States and many others have sought such a solution over recent years. King Hussein is in Britain at the moment, and doubtless that is one of the matters that he will be discussing with my right hon. Friend the Prime Minister, since it was her initiative, after discussions with King Hussein, which appeared to have a chance of taking us a step forward in meeting a joint Jordanian-Palestinian delegation last autumn. It is easy to say that that is the problem, but the difficulty, as all Governments have found, is to find the solution to the Palestinian question.

Mr. Frank Cook (Stockton, North): I associate myself with the words of my hon. Friend the Member for Swansea, East (Mr. Anderson), especially with his expressions of sympathy and condolence, in the same way as I associate myself with the Prime Minister's statement on Tuesday:

"Terrorism is a scourge of the modern age."—[*Official Report*, 15 April 1986; Vol. 95, c. 730.]

In fact, most people would agree that terrorism is an almost exquisite form of premeditated treachery. With that in mind, will the Minister give the House an assurance this afternoon that he will prevail upon the Prime Minister, who has not been present throughout these proceedings, to consult her friend the President of the United States to see whether she may be allowed to agree with me in stating that a terrorist is a terrorist, regardless of the insignia worn when committing the insane and bloody act?

Mr. Renton: I note what the hon. Gentleman says, and I fully agree with him in his wholehearted condemnation of terrorism, be it state-inspired or directed, wherever it occurs.

Mr. John Stokes (Halesowen and Stourbridge): Is my hon. Friend aware that this afternoon in Westminster Abbey King Hussein of Jordan paid a moving tribute to the late Glubb Pasha? Cannot we somehow get back to those happier days when Englishmen knew and understood the Arab people so well? Surely there will be no peace in that part of the world unless a peace plan can somehow be started again, perhaps by the EEC Ministers.

Mr. Renton: I note what my hon. Friend said. I would have been at that memorial service had it not been necessary to prepare for this statement in the House on these tragic events. Thinking of Glubb Pasha does, of course, remind us of an era in the middle east when Britain was an extremely important protecting power. That day has gone for ever, but our interests in the middle east remain very strong. We never forget them.

Mr. Jack Ashley (Stoke-on-Trent, South): Will the Minister accept that we have gone beyond the days of the late Glubb Pasha and are living in the 1980s? While all Members of the House of Commons will understand why he should make such an anodyne, apparently innocent and

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bland statement about the present situation, will he convey to the Prime Minister and the Secretary of State that they have made a disastrous error of judgment and should learn the lessons accordingly?

Mr. Renton: I do not think that the Prime Minister or the Foreign Secretary has made a disastrous error of judgement. Therefore, no, I will not convey that message.

Mr. Jonathan Aitken (Thanet, South): Does my hon. Friend agree that, arising out of the current situation in Libya, we now may be at the beginning of a chain of consequences and events, some of which, sadly, may have tragic results for individuals, but some of which may yet result in the elimination of state-sponsored terrorism and therefore make the world safer for individuals?

Mr. Renton: Yes, I very much hope that the result which my hon. Friend sees as a possibility will come about.

Mr. Tam Dalyell (Linlithgow): Unfashionable though it may be these days, may I express a high regard for the quality of the senior officials of the Foreign Office? Did not those self-same officials warn Ministers specifically that if there was a military attack on Libya we might expect retribution in Beirut? Will he confirm that that specific warning was given by officials? Was that warning passed on by Ministers to Downing street, and did Downing street overrule the Foreign Office? Was that specific warning about Beirut taken into account? Is it not a case of Downing street thinking that it knows better than everybody else?

Mr. Renton: The hon. Gentleman has an infinite capacity for seeing plots that do not exist. It is not necessary for officials to warn Ministers about the position of hostages.

Mr. Dalyell *rose*——

Mr. Renton: I suggest to the hon. Gentleman that he listens and waits for a minute. I was in Damascus and in Beirut before Christmas. I spoke to Mr. Shara', Mr. Khaddam, Mr. Karami and other senior Ministers about Alec Collett and what could be done to secure his release. I did not need the advice of officials for that. So, quite clearly, when the decision was taken to support the United States in its measured attack on terrorist targets in Libya, one of the matters that was carefully taken into account was the implications to those who were being held hostage.

Mr. Ivor Stanbrook (Orpington): Apart from Beirut, has it not been easily predictable since Monday that the lives of other British citizens would now be at risk elsewhere in the middle east? What are the Government doing about stepping up protection for them?

Mr. Renton: I have already said in answer to earlier questions that we have given instructions to our posts throughout the middle east to take particular security precautions. Notably, in regard to Libya and Lebanon, in the first category, Mr. Dunnachie, who is in charge of our British interests section, has been giving advice to the British community constantly for the last few days, and Mr. Gray, our ambassador in Beirut, has been doing that along the lines that I have already mentioned for a good many weeks now.

Mr. Greville Janner (Leicester, West): Can the Minister tell the House rather more than he has about the bomb at terminal 1 at Heathrow airport this morning? In view of the continuing and awful series of airport and airline outrages, one more of which was, appparently, only averted today through the customary effort and courage of airline staff, is he consulting the British Air Line Pilots Association to see whether we can bring into force, by agreement, an arrangement that aircraft do not land in those countries which provide safe havens for terrorists and murderers?

Mr. Renton: I cannot say any more at the moment about the bomb at Heathrow terminal 1. Police inquiries are at an early stage, and it would not be appropriate for me to comment further. Of course, it is my right hon. Friend the Home Secretary who will in due course answer further questions about the bomb.

We have not received any representations from, for example, the International Federation of Airline Pilots Associations, but if it makes such representations as the hon. and learned Gentleman has suggested, the appropriate Department will consider them very carefully indeed.

Mr. Bill Walker (Tayside, North): Does my hon. Friend agree that the kidnapping and murder of people in the middle east is not a recent phenomenon? Many of us remember the situation that existed in the late 1940s when this was going on, and it has been going on ever since. Will my hon. Friend confirm that the military action taken earlier this week is not the first instance of military action being taken in the middle east? Any student of middle east history knows that air forces, including the Royal Air Force, have been engaged extensively in the middle east in operations of this kind?

Mr. Renton: I take my hon. Friend's point, and he is of course right in saying that terrorist activities are nothing new. Specifically in regard to Libyan terrorist activities, this country has been suffering from them ever since 1979; for instance, in March 1980, when a Libyan journalist was shot in Regent's park. The whole House should agree that, despite the tragic circumstances that I have had to announce today, if the Government refrained from taking what they believe to be the correct action, because they were frightened of reprisals by terrorists or kidnappers, they would be giving in to blackmail by criminals. I cannot believe that that is a course of action that the House would want the Government to follow.

Mr. Michael Foot (Blaenau Gwent): Is it not evident from the hon. Gentleman's replies to the questions that have been put to him that these are not departmental answers? It is impossible for his Department to be responsible for these replies. If, tragically, this intensification of terrorist action continues over the coming days, will the Government make sure that the person who comes to the House to answer for these matters is the Prime Minister, who is primarily responsible?

Mr. Renton: I cannot say that I fully understand the right hon. Gentleman's question. Responsibility for the middle east is specifically mine within the Foreign Office, and it is therefore totally appropriate that I should have come here this afternoon to make a statement about developments in the Lebanon today.

Mr. Andrew MacKay (Berkshire, East): On this occasion, when, quite rightly, the whole House is condemning savage murders, would it not be right for us to make it absolutely clear also that the more that terrorist activities take place, the stronger will be our resolve throughout this House? Should we not also point out that we have been at the sharp end as victims of terrorism in this country and abroad for a long time before Monday night's bombing of Tripoli?

Mr. Renton: I fully agree with my hon. Friend, and I have no doubt that, despite these tragic events, hon. Members, certainly on the Government Benches, are determined that there shall be no compromise and no trading with terrorists.

Mr. Robert Maclennan (Caithness and Sutherland): Does the Minister accept that his earlier explanation of the discussions in Paris today reveals a disturbing lack of urgency, and that his reference to more effective measures against terrorism in the months ahead being planned by European Foreign Ministers will not reassure people in this country that the Government are committed to effective measures other than the use of force? Will the Minister report the decisions of principle, if any, which were taken today in Paris which carry the discussion beyond the communiqué issued on Monday?

Mr. Renton: Although I understand the reasons for it, the hon. Member will have to restrain his impatience for a few more days. Today's meeting of the Foreign Ministers was only an interim meeting, at which once again the need was accepted for further urgent measures both to suppress terrorism in Europe and to recruit wider international support from friendly and moderate countries to stop state terrorism. A full meeting of the Foreign Affairs Council will take place on 21 April. It is from that meeting that the hon. Gentleman should expect to hear an announcement, in the communiqué, of what decisions have been taken.

Several Hon. Members *rose*——

Mr. Speaker: Order. I must have regard to the business before the House today. I shall allow questions to go on for a further 10 minutes, but then we must move on. I hope the House will agree that I should give preference to those right hon. and hon. Members who did not take part in yesterday's debate and who were not called on previous statements.

Sir Paul Hawkins (Norfolk, South-West): Does my hon. Friend know that when I went through Heathrow airport last Saturday there was no passport control on any El Al aeroplanes? I was travelling on a British aeroplane, and I was told that because an El Al flight was taking place that day the passport controllers had refused to work.

Mr. Renton: I note what my hon. Friend says, and it is certainly a matter of concern. I shall see that it is passed on to my right hon. Friend the Home Secretary, who has responsibility for passport matters.

Mr. Tony Banks (Newham, North-West): On what basis does the Minister justify his statement that in supporting the United States attack on Libya Britain was acting in support of the international community? Will he please name the countries which have indicated to Her Majesty's Government their support for the United States' attack on Libya and Britain's support for that attack?

Mr. Renton: The hon. Gentleman would do better if he listened more closely. I said that the United States, with our support in one specific area, was acting on behalf of all those in the international community who have suffered from international terrorism. That is of course right. Libyan terrorism threatens not just the United States and the United Kingdom, but a number of the surrounding Arab countries, and this action should be considered to have been taken on behalf of all of those countries.

Mr. Douglas Hogg (Grantham): Will my hon. Friend confirm that urgent steps will be taken to find out whether the Libyan Government are in any way responsible either for the three murders in the Lebanon or for the bomb at terminal 1 at Heathrow? If there is a connection, will my hon. Friend ensure that that fact is clearly announced to the world and, to the extent possible, ensure that the evidence is revealed?

Mr. Renton: I note with great care what my hon. Friend said. There is always a problem about revealing specific sources when one finds out the details of who is responsible for terrorist attacks and for kidnappings. However, I listened to what my hon. Friend said, and I shall bear his comments in mind.

Mr. Ron Leighton (Newham, North-East): Do the Government understand what every schoolchild could have told them — that by acting as a puppet of the Americans they have placed in danger the lives of countless innocent British citizens? Do they understand that the responsibility for their blood is now on their hands?

Mr. Renton: I find the hon. Gentleman's comments cheap, unpleasant and time-serving. I should like to make the point to him that the price for resisting terrorism is never cheap. We never thought that it would be cheap, and no intelligent person should think that it will be cheap. But we cannot combat terrorism by side-stepping it. If we try to side-step it, the eventual price is likely to be greater than if we had resisted the terrorism from the beginning.

Mr. Ernie Ross (Dundee, West): The Minister knows that at least two of the people who may have been victims of this terrorist action worked and lived not in west Beirut but in east Beirut. The university is in west Beirut. The Minister also knows that the majority of British subjects who are now living in Beirut wish to remain there, as do the British subjects in every other Arab country. They are looking to this Government, not for their support for action against Arab Governments, but for an initiative that will resolve the problem in the middle east. That is the Palestinian problem. Will the Minister confirm that his right hon. Friend the Prime Minister intends to go ahead with her visit to Israel, and is he able to say what initiative she will take to Israel in an effort to settle the Palestinian problem?

Mr. Renton: I listened very carefully to the hon. Gentleman's question, and I realise that he appreciates the difficulties. However, I would make the point to him that it is not just a question of the Palestinian problem, to which I have already referred. The inter-communal problems in the Lebanon between different types of Moslems and between the Moslems and the Christians go back many centuries. These problems are at the heart of so many of the difficulties around Beirut. It was for this reason that Syria brought forward the joint tripartite draft agreement,

[Mr. Renton]

to try to find agreement between the communities around Beirut for a peaceful settlement. My right hon. Friend the Prime Minister is certainly proposing to go ahead with her visit to Israel. I have no doubt that she will take some thoughts with her for discussion with Mr. Peres about how the Arab-Israel peace process can be moved forward.

Mr. Max Madden (Bradford, West): Does the Minister accept that there can be no prospect of peace in the middle east, and certainly no real reduction in terrorism, unless the Palestinians secure a homeland? Does he also accept that the influence which Britain and America could have exerted to that end has been considerably reduced by the insane attack upon Libya by the Americans, with the support of this Government?

Does he also accept that, because of this insane adventure, we have made British citizens in many countries in the middle east targets for terrorism? Will he give a clear undertaking that British bases will never again be used by the Americans or by anybody else to undertake mad adventures of this sort?

Mr. Renton: The hon. Gentleman's determination to introduce extravagant words like "insane adventure" causes him to lose sight of the point that he made at the beginning of his question, which was about the Palestinian problem and the Palestinians' right to a homeland. We have always supported the Palestinians' right to self-determination. We take a foreign policy view about this question which is quite different from that of the United States. It was against that background that my right hon. Friend the Prime Minister suggested during her visit last autumn to Jordan that a joint Palestinian delegation should come here. It is a pity that that initiative did not work out, but we always remain willing to look at other ideas for bringing reputable Palestinians, as representatives of the Palestinian people, into the peace process.

Mr. Harry Ewing (Falkirk, East): The Minister of State keeps saying that the Government's policy must not be dictated by the fear of reprisals. What will he say if, tragically, it is shown that some of the people who have now been found dead had been held hostage for a very long period? Does he accept that it was the Government's support of the American action that brought about the killings? No doubt their lives were always in danger while they were held hostage, but was it not the Government's support for the American action that brought about the tragic killing of those who had been held hostage for so long?

Mr. Renton: I listened carefully to the hon. Gentleman. I know him to be a thinking and careful person. I should only like to send back the thought to him that we had the position of our hostages very much in mind. However, if any Government refrain from taking what they believe to be correct action through fear for their hostages, they are allowing their hands to be tied by terrorists and criminal kidnappers and are giving in to blackmail by terrorists and kidnappers. That is something that we have always said we would not do.

Mr. D. N. Campbell-Savours (Workington): Does the Minister accept no responsibility for the loss of the hostages' lives?

Mr. Renton: I think that that is a foolish question.

Mr. Tony Marlow (Northampton, North): Will my hon. Friend accept that, whatever was said yesterday by two ex-Prime Ministers and an ex-Foreign Secretary, given the circumstances in which the Government found themselves, and whatever misgivings they had, given the fact that the European Community turned its back on the Americans, there was no alternative for a British Prime Minister but to agree to the use of our bases and, had they been Prime Minister or Foreign Secretary, no doubt they would have made the same decision?

Mr. Renton: If my hon. Friend is referring to the Opposition, I am not at all certain that they would have made the same decision, because I am not certain that it is in their character to take determined decisions to stand up against terrorism. That apart, I agree with my hon. Friend's remark.

Mr. Andrew Faulds (Worley, East): In acquiescing in the American President's demands for the use of British bases, which was in clear contravention of the spirit and understanding of the original agreement on these bases, did the Prime Minister contemplate the inevitability of these British deaths, and others which will follow, and the inevitability of the Libyan civilian casualties as well?

Mr. Renton: The hon. Gentleman is wrong. He is trying to repeat some of yesterday's debate. It is clear that the agreement of the Prime Minister and of the Government was not in contravention of the original Attlee-Truman agreement. I do not agree with his comments, and I repeat that it would be wrong if the Government allowed their decisions to be dictated by fear of what terrorists or criminal kidnappers might do.

Sir Eldon Griffiths (Bury St. Edmunds): In the weeks and months before these bodies were discovered, and well before the American air strike, is it not the case that evidence was building up in Beirut — circumstantial perhaps—to link the abductions of these British citizens to the policies and agencies of the Government of Libya?

Mr. Renton: I hope my hon. Friend will not mind if I do not go into further detail this afternoon. I do not wish to say anything that might affect the safety of those who are held hostage — [AN HON. MEMBER: "Tell the Truth."] I assure the House that it is not a question of telling the truth. It is a question of the safety of those who are being held hostage in the Lebanon. For that reason, I shall not go into further detail.

Mr. Anderson: Has not the Minister, in his bland statement today, failed to recognise that the situation has changed fundamentally because of the attack and that British citizens everywhere are now vulnerable to terrorism? In the light of that, what is his advice to British subjects in west Beirut? Is it to stay, or to leave? If it is to leave, how do they do so? Has the hon. Gentleman not today confirmed that negotiations which were under way with the Syrian Government about the release of our citizens have been totally undermined by this invasion and that our Government have abandoned those citizens to their fate? If we are not to be dictated to by fear of reprisals, what possible ground can there be for thinking that Colonel Gaddafi and his apparently less rational Government will be dictated to by the fear of reprisals?

Mr. Renton: Our advice for many years now has been not to go into Beirut, or to other parts of the Lebanon, which are every bit as dangerous as west Beirut. We have

today instructed our ambassador in Beirut to give us his further opinion on what additional instructions, if any, should be given. The situation in the Lebanon has been in turmoil for many months, as anyone who has been there recently will know. We have been in discussion with many Governments in the middle east the Syrian Government included, for weeks about our citizens who are held hostage. We in this country have been in the front line of terrorism for many years, not least since the killing of Policewoman Fletcher two years ago. There is nothing new about this situation.

BILLS PRESENTED

British Shipbuilders (Borrowing Powers)

Mr. Secretary Channon, supported by Mr. Secretary Ridley, Mr. Kenneth Clarke, Mr. Secretary Rifkind, Mr. John Moore and Mr. Peter Morrison, presented (under Standing Order No. 111 (Procedure upon Bills whose main object is to create a charge upon the public revenue)) a Bill to raise the limits imposed by section 11 of the Aircraft and Shipbuilding Industries Act 1977 in relation to the finances of British Shipbuilders and its wholly owned subsidiaries: And the same was read the First time; and ordered to be read a Second time tomorrow and to be printed. [Bill 136.]

Channel Tunnel

Mr. Secretary Ridley, supported by the Prime Minister, Secretary Sir Geoffrey Howe, Mr. Norman Tebbit, Mr. Secretary Baker, Mr. Secretary Channon, Mr. John Moore and Mr. David Mitchell, presented a Bill to provide for the construction and operation of a railway tunnel system under the English Channel, together with associated works; to provide for connected improvements in the road network near Ashford, in Kent, and in the rail network in South Eastern England; to incorporate part of the railway tunnel system into the United Kingdom and to provide for the application and enforcement of law in relation to, and otherwise for the regulation of, that system and matters connected with it; to provide for the construction of certain highways and associated works in the vicinity of Folkestone; and for connected purposes: And the same was read the First time; and ordered to be read a Second time tomorrow and to be printed. [Bill 137.]

Orders of the Day

Agriculture Bill

As amended (in the Standing Committee), considered.

New Clause 4

COMPENSATION TO OUTGOING TENANTS FOR MILK QUOTA

'(1) Schedule [*Tenants' compensation for milk quota*] to this Act shall have effect in connection with the payment to certain agricultural tenants on the termination of their tenancies of compensation in respect of milk quota (within the meaning of that Schedule).

(2) On a reference under section 12 of the Agricultural Holdings Act 1986 (arbitration of rent) the arbitrator shall disregard any rights the tenant may have under that Schedule.'. —*[Mr. Jopling.]*

Brought up, and read the First time.

5.5 pm

The Minister of Agriculture, Fisheries and Food (Mr. Michael Jopling): I beg to move, That the clause be read a Second time.

Mr. Speaker: With this it will be convenient also to discuss the following: New clause 6—*Apportionment of value of milk quotas between landlords and tenants*—

'(1) Subject to the provisions of this section the landlord or tenant of an agricultural holding may by notice in writing served on his tenant or landlord at any time during the continuance of the tenancy or before the expiration of two months from the termination of the tenancy demand a reference to arbitration under the Agricultural Holdings Act 1986 of the question of what proportion of the value of the quota on the holding is attributable to the landlord and tenant respectively.

(2) No such reference as is referred to in subsection (1) above shall be possible unless the landlord or the tenant of the holding has requested his tenant or landlord to enter into an agreement as to their respective proportions of the value of the quota on the holding but no such agreement has been concluded.

(3) On a reference under sub section (1) above the arbitrator shall determine what proportion of the value of the quota available on the holding at the date of arbitration is attributable to each party according to his respective contribution to the establishment of quota allocated by the Minister.

(4) In making his determination under subsection (3) above the arbitrator shall have regard only to the period prior to the allocation of quota by the Minister.

(5) For the purposes of subsection (3) above the value of any quota brought on to the holding by whatever means other than quota allocated by the Minister shall be attributed to the party who acquired it and shall not be apportioned by the arbitrator.

(6)*(a)* For the purposes of subsection (3) above and subject to paragraphs *(b)* and *(c)* below, in determining the respective contributions of the landlord and tenant to the establishment of quota on the holding the arbitrator shall take into account the quality of land used for dairying, if relevant, and the contributions of each party to any land improvements specific to dairying, the dairy buildings, their appurtenances and plant, the dairying equipment and machinery, and the provision of the dairy herd, feed, labour and management.

(b) In making his determination under sub section (3) above the arbitrator shall not attach undue weight to any one of the factors contributed by the landlord or tenant but shall endeavour to achieve a reasonable balance between all factors taken into account.

(c) In any case where the landlord has provided all the dairy buildings, and their appurtenances and plant, land and land improvements specific to dairying, and the tenant has provided all the dairying equipment and machinery, the dairy herd and management of it, the

[Mr. Speaker]

quota value shall be apportioned equally between the landlord and the tenant and the arbitrator shall have regard to this principle in making his determination under subsection (3) above.

(7) The tenant shall be entitled on the termination of the tenancy, on quitting the holding, to obtain from his landlord compensation for that portion of the value of the quota on the holding which:—

(a) the parties agree is attributable to the tenant; or

(b) in the absence of agreement between the parties is determined by an arbitrator under sub-section (3) above to be attributable to the tenant.

(8) The value of quota to be taken into account for the purposes of sub-section (7) above is the value of the quota at the time of the termination of the tenancy in question and in determining that value there shall be taken into account such evidence as is available, including evidence as to sums being paid for freehold and leasehold interests in land and in respect of grazing licences for periods of less than one year:—

(a) in cases where quota is registered in relation to the land; and

(b) in cases where no quota is so registered.

(9) Where the parties fail to agree the value of the quota to be taken into account under sub-section (8) above such value shall be determined by arbitration under the Agricultural Holdings Act 1986.

(10) In this section "dairy buildings, their appurtenances and plant" shall include any buildings used for cow housing and other dairying purposes and includes parlours, dairies, silage pits, feed stores, slurry stores, collecting yards and any associated yards, and other relevant constructions of whatsoever nature; "dairying equipment and machinery" shall include the milking equipment and parlour fittings, bulk milk tanks and associated equipment, cubicle divisions, equipment used in connection with the dairy herd for forage harvesting, feeding and the disposal of slurry, and other relevant equipment of whatsoever nature; "Minister" means—

(a) in the case of land in England, the Minister of Agriculture, Fisheries and Food, and

(b) in the case of land in Wales, the Secretary of State; "quota" means direct sales quota or wholesale quota as defined in the Dairy Produce Quotas Regulations 1986; and "quota allocated by the Minister" means any quota allocated by the Minister under the Dairy Produce Quotas Regulations 1984, the Dairy Produce Quotas (Amendment) Regulations 1985 and the Dairy Produce Quotas Regulations 1986.'.

Amendment (a) thereto, in paragraph 1(10)*(b)* after second 'in', insert 'Scotland and'

Government amendments Nos 25 to 27 and 29.

Government amendment No 30—Schedule—

TENANTS' COMPENSATION FOR MILK QUOTA

PART I

RIGHT TO COMPENSATION

Tenants' right to compensation

1. — (1) Subject to the following provisions of this Schedule, where on the termination of the tenancy of any land the tenant has milk quota registered as his in relation to a holding consisting of or including the land, the tenant shall be entitled, on quitting the land, to obtain from his landlord a payment—

(a) if the tenant had milk quota allocated to him in relation to land comprised in the holding ("allocated quota") in respect of so much of the relevant quota as consists of allocated quota; and

(b) if the tenant had milk quota allocated to him as aforesaid or was in occupation of the land as a tenant on 2nd April 1984 (whether or not under the tenancy which is terminating), in respect of so much of the relevant quota as consists of transferred quota transferred to him by virtue of a transaction the cost of which was borne wholly or partly by him.

(2) In sub-paragraph (1) above—

"the relevant quota" means—

(a) in a case where the holding mentioned in subsection (1) above consists only of the land subject to the tenancy, the milk quota registered in relation to the holding; and

(b) otherwise, such part of that milk quota as falls to be apportioned to that land on the termination of the tenancy;

"transferred quota" means milk quota transferred to the tenant by virtue of the transfer to him of the whole or part of a holding.

(3) A tenant shall not be entitled to more than one payment under this paragraph in respect of the same land.

Succession on death or retirement of tenant

2.—(1) This paragraph applies where on the termination of the tenancy of any land after 2nd April 1984 a new tenancy of the land or part of the land has been granted to a different tenant ("the new tenant") and that tenancy—

(a) was obtained by virtue of a direction under section 39 or 53 of the Agricultural Holdings Act 1986 (direction for grant of tenancy to successor on death or retirement of previous tenant);

(b) was granted (following a direction under section 39 of that Act) in circumstances within section 45(6) of that Act (new tenancy granted by agreement to persons entitled to tenancy under direction); or

(c) is such a tenancy as is mentioned in section 37(1) *(b)* or (2) of that Act (tenancy granted by agreement to close relative).

(2) Where this paragraph applies—

(a) any milk quota allocated or transferred to the former tenant (or treated as having been allocated or transferred to him) in respect of the land which is subject to the new tenancy shall be treated as if it had been allocated or transferred to the new tenant; and

(b) in a case where milk quota is treated under paragraph *(a)* above as having been transferred to the new tenant, he shall be treated as if he had paid so much of the cost of the transaction by virtue of which the milk quota was transferred as the former tenant bore (or is treated as having borne).

(3) Sub-paragraph (1) above applies in relation to the grant of a new tenancy before the date on which the Agricultural Holdings Act 1986 comes into force as if the references in that sub-paragraph to section 39, 53 and 45(6) of that Act were references to section 20 of the Agriculture (Miscellaneous Provisions) Act 1976, paragraph 5 of Shedule 2 to the Agricultural Holdings Act 1984 and section 23(6) of the said Act of 1976 respectively.

Assignments

3. Where the tenancy of any land has been assigned after 2nd April 1984 (whether by deed or by operation of law)—

(a) any milk quota allocated or transferred to the assignor (or treated as having been allocated or transferred to him) in respect of the land shall be treated as if it had been allocatd or transferred to the assignee; and

(b) in a case where milk quota is treated under paragraph *(a)* above as having been transferred to the assignee, he shall be treated as if he had paid so much of the cost of the transaction by virtue of which the milk quota was transferred as the assignor bore (or is treated as having borne);

and accordingly the assignor shall not be entitled to a payment under paragraph 1 above in respect of that land.

Sub-tenancies

4. Where the sub-tenancy of any land terminates after 2nd April 1984 then, for the purposes of determining the sub-landlord's entitlement under paragraph 1 above—

(a) any milk quota allocated or transferred to the sub-tenant (or treated as having been allocated or transferred to him) in respect of the land shall be treated as if it had been allocated or transferred to the sub-landlard;

(b) in a case where milk quota is treated under paragraph *(a)* above as having been transferred to the sub-landlord, he shall be treated as if he had paid so much of the cost of the transaction by virtue of which the milk quota was transferred as the sub-tenant bore (or is treated as having borne); and

(c) if the sub-landlord does not occupy the land after the sub-tenancy has ended and the sub-tenant has quitted the land, the sub-landlord shall be taken to have quitted the land when the sub-tenant quitted it.

PART II

AMOUNT OF COMPENSATION PAYABLE

Calculation of payment

5.—(1) The amount of the payment to which the tenant of any land is entitled under paragraph 1 above on the termination of his tenancy shall be determined in accordance with the following provisions of this paragraph.

(2) The amount of the payment to which the tenant is entitled under paragraph 1 above in respect of allocated quota shall be an amount equal—

(a) in a case where the allocated quota exceeds the standard quota for the land, to the value of the sum of—

(i) the tenant's fraction of the standard quota, and

(ii) the amount of the excess;

(b) in a case where the allocated quota is equal to the standard quota, to the value of the tenant's fraction of the allocated quota; and

(c) in a case where the allocated quota is less than the standard quota, to the value of such proportion of the tenant's fraction of the allocated quota as the allocated quota bears to the standard quota.

(3) The amount of the payment the tenant is entitled to under paragraph 1 above in respect of the transferred quota shall be an amount equal—

(a) in a case where the tenant bore the whole of the cost of the transaction by virtue of which the transferred quota was transferred to him, to the value of the transferred quota; and

(b) in a case where the tenant bore only part of that cost, to the value of the corresponding part of the transferred quota.

"Standard quota"

6.—(1) Subject to the following provisions of this paragraph, the standard quota for any land for the purposes of this Schedule shall be taken to be the number of litres of cow's milk which could reasonably be expected to have been produced from the land in a period of 12 months.

(2) the number mentioned in sub-paragraph (1) above shall be calculated—

(a) by reference to the average number of hectares of the land used during the relevant period for the feeding of dairy cows kept on the land; and

(b) on the assumption that the amount of milk produced from one hectare of land in a period of 12 months is such amount as the Minister may by order prescribe.

(3) An order under sub-paragraph (2) above may make different provision for different cases.

(4) Where—

(a) the average number of hectares of the land in question which could reasonably be expected to have been used during the relevant period for the feeding of dairy cows kept on the land (having regard to the number of grazing animals other than dairy cows fed from the land during that period) is substantially greater or less than the average number referred to in sub-paragraph (2)*(a)* above; or

(b) the amount of milk which could reasonably be expected to have been produced from one hectare of the land in question during the relevant period is substantially greater or less than the amount prescribed under sub-paragraph (2)*(b)* above,

then that number or, as the case may be, amount shall be adjusted accordingly.

(5) For the purposes of sub-paragraph (4) above a number or amount shall be taken to be substantially greater or less than another only if it exceeds, or, as the case may be, falls short of that other by an amount equal to or greater than 20 per cent. of that other.

(6) The power to make an order under this paragraph shall be exercisable by statutory instrument and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this paragraph references to the feeding of animals are to grazing and feeding from harvested crops (other than loose grain) and references to dairy cows are to cows kept for milk production.

"Tenant's fraction"

7.—(1) For the purposes of this Schedule "the tenant's fraction" means the fraction of which—

(a) the numerator is the annual rental value at the end of the relevant period of the tenant's dairy improvements and fixed equipment; and

(b) the denominator is the sum of that value and such part of the rent payable by the tenant in respect of the relevant period as is attributable to the land used in that period in connection with the production of cow's milk.

(2) For the purposes of sub-paragraph (1)*(a)* above the rental value of the tenant's dairy improvements and fixed equipment shall be taken to be the amount which would fall to be disregarded under paragraph 2(1) of Schedule 2 to the Agricultural Holdings Act 1986 on a reference made in respect of the land in question under section 12 of that Act (arbitration of rent), so far as that amount is attributable to tenant's improvements or tenant's fixed equipment which are relevant to the production of cow's milk.

(3) Where—

(a) the relevant period is less than or greater than 12 months or

(b) rent was only payable by the tenant in respect of part of the relevant period,

the average rent payable in respect of one month in the relevant period or, as the case may be, in that part shall be determined and the rent referred to in sub-paragraph (1)*(b)* above shall be taken to be the corresponding annual amount.

(4) For the purposes of sub-paragraph (2) above "tenant's improvements" and "tenant's fixed equipment" have the same meanings as in paragraph 2 of Schedule 2 to the 1986 Act, except that—

(a) any allowance made or benefit given by the landlord after the end of the relevant period in consideration of the execution of improvements wholly or partly at the expense of the tenant shall be disregarded for the purposes of sub-paragraph (2)*(a)* of that paragraph;

(b) any compensation received by the tenant after the end of the relevant period in respect of any improvement or fixed equipment shall be disregarded for the purposes of sub-paragraph (3) of that paragraph; and

(c) where paragraph 2 above applies in respect of any land, improvements or equipment which would be regarded as tenant's improvements or equipment on the termination of the former tenant's tenancy (if he were entitled to a payment under this Schedule in respect of that land) shall be regarded as the new tenant's improvements or equipment.

"Relevant period"

8. In this Schedule "the relevant period" means—

(a) the period in relation to which the allocated quota was determined; or

(b) where it was determined in relation to more than one period, the period in relation to which the majority was determined or, if equal amounts were determined in relation to different periods, the later of those periods.

Valuation of milk quota

9. The value of milk quota to be taken into account for the purposes of paragraph 5 above is the value of the milk quota at the time of the termination of the tenancy in question and in determining that value at that time there shall be taken into account such evidence as is avaialble, including evidence as to the sums being paid for freehold and leasehold interests in land—

(a) in cases where milk quota is registered in relation to the land; and

(b) in cases where no milk quota is so registered.

PART III

SUPPLEMENTAL PROVISIONS

Determination of standard quota and tenant's fraction before end of tenancy

10.—(1) Where, on the termination of a tenancy of any

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land, the tenant may be entitled to a payment under paragraph 1 above, the landlord or tenant may at any time before the termination of the tenancy by notice in writing served on the other demand that the determination of the standard quota for the land or the tenant's fraction shall be referred to arbitration.

(2) On a reference under this paragraph the arbitrator shall determine the standard quota for the land or, as the case may be, the tenant's fraction (so far as determinable at the date of the reference).

(3) Section 84 of the Agricultural Holdings Act 1986 (arbitrations) shall apply as if the matters mentioned in this paragraph were required by that Act to be determined by arbitration under that Act.

Settlement of tenant's claim on termination of tenancy

11.—(1) Subject to the provisions of this paragraph, any claim arising under paragraph 1 above shall be determined by arbitration under the Agricultural Holdings Act 1986 and no such claim shall be enforceable unless before the expiry of the period of two months from the termination of the tenancy the tenant serves notice in writing on his landlord of his intention to make the claim.

(2) The landlord and tenant may within the period of eight months from the termination of the tenancy by agreement in writing settle the claim but where the claim has not been settled during that period it shall be determined by arbitration under the Agricultural Holdings Act 1986.

(3) Where a tenant lawfully remains in occupation of part of the land subject to the tenancy after the termination of the tenancy, the references in sub-paragraphs (1) and (2) above to the termination of the tenancy shall be construed as references to the termination of the occupation.

(4) Section 84 of the Agricultural Holdings Act 1986 (arbitrations) shall apply as if the requirements of this paragaphah were requirements of that Act, but paragraph 18 of Schedule 11 to that Act (arbitration awards to fix days for payment not later than one month after award) shall have effect for the purposes of this paragraph as if for the words "one month" there were substituted the words "three months".

(5) Where—

(a) before the termination of the tenancy of any land the landlord and tenant have agreed in writing the amount of the standard quota for the land or the tenant's fraction or the value of milk quota which is to be used for the purpose of calculating the payment to which the tenant will be entitled under this Schedule on the termination of the tenancy; or

(b) the standard quota or the tenant's fraction has been determined by arbitration in pursuance of paragraph 10 above,

the arbitrator determining the claim under this paragraph shall, subject to sub-paragraph (6) below, award payment in accordance with that agreement or determination.

(6) Where it appears to the arbitrator that any circumstances relevant to the agreement or determination mentioned in sub-paragraph (5) above were materially different at the time of the termination of the tenancy from those at the time the agreement or determination was made, he shall disregard so much of the agreement or determination as appears to him to be affected by the change in circumstances.

Enforcement

12.—Section 85 of the Agricultural Holdings Act 1986 (enforcement) and section 86(1), (3) and (4) of that Act (power of landlord to obtain charge on holding) shall apply to any sum which becomes due to a tenant by virtue of this Schedule as they apply to the sums mentioned in those sections.

Termination of tenancy of part of tenanted land

13.—References in this Schedule to the termination of a tenacy of land include references to the resumption of possession of part of the land subject to the tenancy—

(a) by the landlord by virtue of section 31 or 43(2) of the Agricultural Holdings Act 1986 (notice to quit part);

(b) by the landlord in pursuance of a provision in the contract of tenancy; or

(c) by a person entitled to a severed part of the reversionary estate in the land by virtue of a notice to quit that part given to the tenant by virtue of section 140 of the Law of Property Act 1925;

and in the case mentioned in paragraph *(c)* above this Schedule shall apply as if the person resuming possession were the landlord of the land of which he resumes possession.

Severing of reversionary estate

14.—(1) Where the reversionary estate in the land is for the time being vested in more than one person in several parts, the tenant shall be entitled, on quitting all the land, to require that any amount payable to him under this Schedule shall be determined as if the reversionary estate were not so severed.

(2) Where sub-paragraph (1) above applies, the arbitrator shall, where necessary, apportion the amount awarded between the persons who for the purposes of this Schedule together constitute the landlord of the land, and any additional costs of the award, caused by the apportionment shall be paid by those persons in such proportions as the arbitrator may determine.

Powers of limited owners

15. Notwithstanding that a landlord of any land is not the owner in fee simple of the land or, in a case where his interest is an interest in a leasehold, that he is not absolutely entitled to the leasehold, he may for the purposes of this Schedule do anything which he might do if he were such an owner or, as the case may be, were so entitled.

Notices

16.—(1) Any notice under this Schedule shall be duly served on the person on whom it is to be served if it is delivered to him, or left at his proper address, or sent to him by post in a registered letter or by the recorded delivery service.

(2) Any such notice shall be duly served on an incorporated company or body if it is served on the secretary or clerk of the company or body.

(3) Any such notice to be served on a landlord or tenant of any land shall, where an agent or servant is responsible for the control of the management or farming, as the case may be, of the land, be duly served if served on that agent or servant.

(4) For the purposes of this paragraph and of section 7 of the Interpretation Act 1978 (service by post), the proper address of any person on whom any such notice is to be served shall, in the case of the secretary or clerk of an incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person in question.

(5) Unless or until the tenant of any land has received—

(a) notice that the person who before that time was entitled to receive the rents and profits of the land ("the original landlord") has ceased to be so entitled, and

(b) notice of the name and address of the person who has become entitled to receive the rents and profits,

any notice served on the original landlord by the tenant shall be deemed for the purposes of this Schedule to have been served on the landlord of the land.

Crown land

17.—(1) The provisions of this Schedule shall apply to land which belongs to Her Majesty in right of the Crown or to the Duchy of Lancaster, the Duchy of Cornwall or a Government department or which is held in trust for Her Majesty for the purposes of a Government department, subject in each case to such modifications as the Minister may by regulations prescribe.

(2) For the purposes of this Schedule—

(a) as respects land belonging to Her Majesty in right of the Crown, the Crown Estate Commissioners or the proper officer of body having charge of the land for the time being, or, if there is no such officer or body, such person as Her Majesty may appoint in writing under the Royal Sign Manual, shall represent Her Majesty and shall be deemed to be the landlord;

(b) as respects land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy shall represent Her Majesty and shall be deemed to be the landlord;

(c) as respects land belonging to the Duchy of Cornwall such persons as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints

shall represent the Duchy and shall be deemed to be the landlord and may do any act or thing which a landlord is authorised or required to do under this Act;

(d) as respects land held in trust for Her Majesty for the purposes of a Government department, that department shall represent Her Majesty and shall be deemed to be the landlord.

(3) Any sum payable under this schedule by the Duke of Cornwall (or any other possessor for the time being of the Duchy of Cornwall) may be raised and paid as if it were an expense incurred in permanently improving the possessions of the Duchy as mentioned in section 8 of the Duchy of Cornwall Management Act 1863.

(4) Any sum payable under this Schedule by the Chancellor of the Duchy of Lancaster may—

(a) be raised and paid as if it were an expense incurred in the improvement of land belonging to Her Majesty in right of the Duchy within section 25 of the Duchy of Lancaster Act 1817, or

(b) be paid out of the annual revenue of the Duchy.

(5) The power to make regulations under this paragraph shall be exercisable by statutory instrument and any statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation

"18.—(1) In this Schedule—

"allocated quota" has the meaning given in paragraph 1(1) above;

"holding" has the same meaning as in the 1986 Regulations;

"landlord" means any person for the time being entitled to receive the rents and profits of any land and "sub-landlord" shall be construed accordingly;

"milk quota" means—

(a) in the case of a tenant registered in the direct sales register maintained under the 1986 Regulations, a direct sales quota within the meaning of the 1986 Regulations, and

(b) in the case of a tenant registered in the wholesale register maintained under those Regulations, a wholesale quota within the meaning of those Regulations;

"the Minister" means—

(a) in the case of land in England, the Minister of Agriculture, Fisheries and Food; and

(b) in the case of land in Wales, the Secretary of State;

"registered", in relation to milk quota, means—

(a) in the case of direct sales quota, within the meaning of the 1986 Regulations, registered in the direct sales register maintained under those Regulations, and

(b) in the case of a wholesale quota, within the meaning of those Regulations, registered in a wholesale register maintained under those Regulations;

"relevant quota" has the meaning given in paragraph 1(2) above;

"standard quota" has the meaning given in paragraph 6 above;

"the 1986 Regulations" means the Dairy Produce Quotas Regulations 1986;

"tenancy" means a tenancy from year to year or a tenancy to which section 3 of the Agricultural Holdings Act 1986 applies, and "tenant" and "sub-tenant" shall be construed accordingly;

"tenant's fraction" has the meaning given in paragraph 7 above;

"termination", in relation to a tenancy, means the cesser of the letting of the land in question or the agreement for letting the land, by reason of effluxion of time from any other cause;

"transferred quota" has the meaning given in paragraph 1(2) above.

(2) The designations of landlord and tenant shall continue to apply to the parties until the conclusion of any proceedings taken under or in pursuance of this Schedule.'.

The following amendments thereto:

(a), in paragraph 1(3) leave out 'A tenant shall not be entitled to' and insert 'Not'.

(b), in paragraph 1(3) after 'paragraph', insert 'shall be made'.

(c), in paragraph 7(2) leave out 'relevant' and insert 'specific'.

It may be convenient if I say that I have been asked about the first group of amendments headed by the Minister's new clause 4. If that new clause is agreed to by the House, new clause 6 standing in the name of the hon. Member for Cornwall, South-East (Mr. Hicks) will fall, and it will not be possible for a vote to be taken upon it.

We have followed the normal practice of not printing more than the first six names of hon. Members who have signed a new clause or an amendment. That practice was followed in the case of the hon. Member's new clause 6, but I confirm to him and the House that his new clause has been signed by a total of 26 hon. Members.

Mr. Robin Maxwell-Hyslop (Tiverton): I am most grateful for that statement, Mr. Speaker, because there is a wide body of opinion in all parts of the House which wishes to have the opportunity of voting for the official National Farmers Union new clause, which is new clause 6. Your statement means that if they wish to do so, they will have to negative new clause 4. Can you further tell the House whether, if new clause 4 is carried, there will be the opportunity to have a separate vote on the Government's new schedule? Although the implication of new clause 4 is apparently to accept the schedule, which is why new clause 6 would fall, nevertheless, many hon. Members would wish for the opportunity of a separate vote on the Government's new schedule.

Mr. Speaker: The question will have to be put on the Government's new schedule, and there will be an opportunity, if Members object to it, to vote upon it.

Mr. Tony Baldry (Banbury): When last a major agriculture debate was held in the House it was the view of the Government at that stage that it was a matter for the National Farmers Union and the Country Landowners Association to see whether they could come to some agreement on tenancies. The first that any hon. Member knew that that view had been changed was in an answer to a written question in *Hansard* on Friday.

This new schedule is extremely complex and lengthy. Has there been adequate time for hon. Members to consider it as it has not been considered in Committee? After all, it should be properly and fairly debated this afternoon. Having regard to the weight of work on the House this week, hon. Members have not had adequate time to apply their minds to it and the provision affects the livelihood of many people.

Mr. Speaker: The hon. Gentleman could make that point during the debate on the new schedule.

Mrs. Elaine Kellett-Bowman (Lancaster): The debate on these amendments has been made more complicated by the fact that unfortunately they were incorrectly printed on the Order Paper for Monday, Tuesday and Wednesday. They bore no resemblance to the amendments on the Amendment Paper today. I wonder why the amendments were not starred, because they were certainly not on the Order Paper yesterday in the form in which they appear today. I refer principally to amendment No. 30. If you would like me to bring both versions to you, Mr. Speaker, I can do so.

Mr. Speaker: When I made my selection, the amendments were not starred and I was able to make my selection from all the amendments which were listed on the Order Paper at the time.

Mr. Jopling: In commenting on my hon. Friend's question, I think it is correct that when amendment 30 was tabled a week ago—I referred to it in the House at question time last Thursday—it was correctly printed.

Mr. Speaker: I think that we should proceed.

Mrs. Kellett-Bowman: It was incorrectly printed in the third succeeding edition.

Mr. Speaker: It was correct when I made my selection.

Mr. Jopling: Before I deal specifically with the clause, I should like to apologise to the House for the absence of my right hon. Friend the Minister of State who hopes to be here by 5.30 pm. His wife presented him with a small daughter within the hour. He hopes to be here as soon as possible so that he may reply to the debate.

The new clause and schedule which are tabled in my name are directed at an urgent and pressing problem. Many tenants of dairy farms are at a stage where they wish to retire or move to a new farm. If they do so, as the law stands at present the quota which they have helped to build up will remain on the land, and they will get no share of its value. Yet it is now generally accepted that in almost all cases both landlord and tenant have contributed to the quota and are entitled to some recognition of that.

In the last few months I have been engaged in the most intensive and through discussions with the National Farmers Union, the Tenant Farmers Association and the Country Landowners Association to try to find an agreed solution to the problem. Most regrettably it has not proved possible to reach agreement despite very genuine endeavours on all sides. In this situation I am clear that it is up to me to act. Indeed, 69 of my colleagues have urged me to do precisely this in early-day motion 650. It would be quite wrong to walk away from the problems, as the effect of doing so would be to leave tenants with no early prospect of any recognition of the contribution they have made to the quota which is attached to the land.

Mr. David Harris (St. Ives): As one who signed the early-day motion, I ask my right hon. Friend whether he accepts that when we called on him to act, some of us at least did not expect him to use this Bill as the vehicle for bringing in a decision? It was expected that the whole question would be dealt with fully in legislation which would have full and proper consideration rather than being dealt with in an hour or two this evening, without hon. Members have any chance to consider it again.

Mr. Jopling: The Bill came out of Committee at the end of January. I have seen reports in the press over the past few months that its progress through the House was delayed because the Government were trying very hard to find a way of getting agreement, so that the matter could be dealt with in the Bill. I think that has been generally known and I am surprised at my hon. Friend's reaction.

I had to reach a view as to what is reasonable in a situation where the landlords' and tenants' representatives take sharply opposed views as to what should be done. Hon. Members on both sides of the House will have seen the briefing which has been put out by various parties pointing in opposite directions. They may have noted that on the one hand the National Farmers Union has described this proposal as "completely unfair", while on the other the Scottish Landowners Federation has suggested that it brings in

"a principle hardly consistent with natural justice".

Hon. Members may draw their own conclusions from the fact that the Government's proposal lies between the points of view of those two organisations. For my part I totally reject such extravagant assertions as have been made. On the contrary, I believe that the solution which is set out in the Government's new clause and schedule is fair and reasonable both to landlords and tenants.

5.15 pm

Mr. Eric Forth (Mid-Worcestershire): Will my right hon. Friend help hon. Members at this stage by saying whether, when he approached the problem, he sought a solution which would provide the full range of possibilities on any one judgment from, as it were, zero to 100, or whether he had it in mind to put an arbitrary limit on the apportionment of value which could be given to either side? It would help some of us greatly if he could let us know what he had in mind.

Mr. Jopling: I shall come to exactly that point a little later in my speech. If I may be allowed to do it in my own way, I hope my hon. Friend will be satisfied.

Mr. Peter Hardy (Wentworth) *rose*——

Mr. Jopling: These are complicated matters. I shall give way, but I hope that when I come to the section of my speech which is highly complicated I shall be allowed to explain the matter to the House without interruption.

Mr. Hardy: I recognise the very serious difficulty which faces the Minister in trying to secure a just arrangement, but does he not accept that, where a tenant has himself incurred considerable capital cost, perhaps as much as or more than the landlord may have done, the arrangement to which the Minister seems to have been pointing may not be quite as just as he imagined in the first place?

Mr. Jopling: I shall come to exactly that point. I think it is just and that the solution pays full regard to the investment that a tenant may have made.

Mr. Tam Dalyell (Linlithgow): Some of us have had representations from the Scottish National Farmers Union, Mr. John Biggar, and others. In the rather special circumstances of Scotland, could not the Scottish NFU and the other parties get together in a round table conference under the chairmanship of the Scottish Office Minister to try to sort out these complex matters?

Mr. Jopling: My hon. Friend at the Scottish Office has already done that but, as I shall say later in my speech, my mind is not closed to further discussion.

I am sure that most hon. Members understand the effect of the provisions, but I have found recently in talking to hon. Members and to specialist journalists that there is a good deal of misapprehension, so it might be helpful if I give the House at the outset a brief description of how the system will work.

The starting point is that for each holding a standard quota will be calculated. That will be done by taking the number of hectares used for dairying on a holding and multiplying it by a standard yield per hectare which will be prescribed later in a statutory instrument. It is my

intention to prescribe a standard yield per hectare somewhat below the national average yield of milk for this purpose. This is to take general account of the cuts which were applied in calculating quotas, which still affect a significant proportion of milk producers, especially the larger ones who did not have their quota brought back to pre-quota levels in the redistribution.

Mrs. Kellett-Bowman *rose*——

Mr. Jopling: I shall not give way. I hope my hon. Friend will allow me to continue.

The yield which I have in mind to prescribe as the standard yield per hectare is based on 4,500 litres per cow. Hon. Members will be aware that the national average yield per cow is nearer 5,000 litres, which is considerably more.

If one side feels that this calculation for arriving at a standard quota for a farm does not give the right result, he can argue for a different figure to be used. For example, the landlord might argue that the tenant had used too small a part of the holding for dairying, and that a higher number of hectares should be used in the calculation.

A tenant might argue that the land was of poor quality and only marginally suitable for milk production, or that he had used a low-input system, and a lower yield per hectare should therefore be used. Those are perfectly legitimate arguments and many people have urged me to leave these difficult assessments to arbitrators, the experts. I have provided that where agreement cannot be reached on matters of that sort an arbitrator is at liberty to choose a more appropriate figure where that differs significantly from the standard.

Having fixed this standard quota—the first part of the arrangement that I have been explaining—the next stage is to compare it with the actual quota on the holding. The tenant will get the whole of the value of the quota which lies above the standard. He thus gets full acknowledgement without reduction in cash terms for the fact that he has a quota for his farm that is bigger than might have been expected. It is impossible for us to be more generous to the tenant for that part of his production because he receives 100 per cent. compensation.

We now come to the apportionment of the standard quota between tenant and landlord. In deciding how to do that, I decided that the best way was to build on the well established process of assessing tenant's improvements, a process that is already familiar in the agricultural holdings legislation. The proportion is decided by reference first to the tenant's improvements and then to the rent which the landlord has charged. These two elements determine respectively the tenant's and the landlord's share. The total amount a typical tenant receives is thus 100 per cent. of the value of his excess quota, the amount over the standard quota, plus a percentage of the standard quota, which is related to the value of his improvements.

Let me make it clear that apart from this calculation the tenant will also continue to receive at the end of the tenancy the compensation to which he is entitled under the Agricultural Holdings Act. Nothing in this affects that. That is a quite separate calculation which is unaffected by the new provisions, and compensation for quota is an additional sum which a tenant will receive.

Mr. Ralph Howell (Norfolk, North): Will my right hon. Friend explain what he has just said? If a tenant pays for 100 per cent. of the improvement, will he get 100 per cent. of that part of the quota?

Mr. Jopling: I am afraid my hon. Friend did not catch what I said. The proportion is decided by reference to the tenant's improvement and then by reference to the rent that the landlord has charged. The value of the improvement is put in terms of rent and then that is put as a percentage of the rent and the tenant's improvement put together. That is a familiar formula for valuers and should not cause too much trouble.

Mr. Brynmor John (Pontypridd): At the end of the day, the important figure is the percentage that a tenant might receive on the total milk quota. In an earlier discussion a figure of 33 per cent. was used. Could the Minister give an illustrative figure of the percentage a tenant might receive of the total milk quota on the present formula?

Mr. Jopling: I shall come to that point and, as I said to his hon. Friend the Member for Wentworth (Mr. Hardy) perhaps I might be allowed to come to it in my own way.

Mr. Patrick Nicholls (Teignbridge): My right hon. Friend said that low intensive farming would be taken into account and, impliedly, no injustice would be wrought. We have heard that the variation has to be more than 20 per cent.

If that is relevant, it does not seem to answer the point about low intensive farming. If the 20 per cent. is not relevant, then clearly it does answer the point.

Mr. Jopling: The 20 per cent. trigger point is relevant to that. That is why I said that it made a substantial change in the position. I should like to talk about the tenant who, for whatever reason, has less than the standard quota, the tenant who finds himself with a quota that is lower than the standard quantity. There is a problem here, because the tenant is generally leaving behind him a quota inadequate for the holding. We have to bear in mind the interest of the incoming tenant who is likely in practice to have to find the money. The outgoing tenant's share of the actual quota, calculated for the standard quota, is therefore reduced in proportion to the shortfall. He will, however, still receive, as before, whatever compensation is due to him under the Agricultural Holdings Act, 1986.

That is the second time I have made that point, but it is important to make the position clear.

The effect of all this is, first, that we have a system which is flexible because it allows the professional judgment of arbitrators to be applied to the circumstances of the individual case, and second, the tenant who has performed well and put a great deal of skill, effort and expense into his enterprise will do well. Under certain hypotheses we estimate that the tenant who has performed well could receive more than about two thirds of the total value of the quota. At the other end of the scale the tenant who has invested nothing and has a low level of milk production could get nothing.

But just as there is virtually no case where a landlord should get nothing, there are no circumstances in which even the worst tenant would have to compensate his landlord for what I will loosely call his dilapidations on milk quota. Bearing in mind that the money will normally be found from the incoming tenant, whose ability to pay

[Mr. Jopling]

will depend upon the economic potential of the holding, these proposals provide a system which is fair to all parties.

Mr. Maxwell-Hyslop: How did my right hon. Friend arrive at the figure of 20 per cent. as a substantial difference? In the milk quota regulations 15 per cent. triggers off special hardship on grounds of weather or animal disease or other hardship. Does my right hon. Friend realise how crucial this is? The House has no control over the standard quota figure that he adopts. It is unamendable under the negative resolution procedure and may not even be debated.

5.30 pm

Mr. Jopling: I should be surprised if such a matter were not debated. However, that is a matter of opinion. As regards the figure of 20 per cent., it is important that we should try to achieve uniformity throughout the country —I shall come to that point a little later—and I believe that my hon. Friend holds that view most firmly. But variations should be made only when they are substantial. That is why I used the word "substantial".

Sir Adam Butler (Bosworth): Will my right hon. Friend give way?

Mr. Jopling: I shall not give way, as I do not want the House to lose the drift of my remarks.

Sir Adam Butler: It is on a very important point.

Mr. Jopling: In that case, I give way to my right hon. Friend.

Sir Adam Butler: I apologise for intervening, but I wish to raise an important point. My right hon. Friend said that in the optimum situation, the maximum that an outgoing tenant would receive was two thirds. Many of us think that in that situation, where the tenant has done virtually everything to create that business and where the landlord has only drawn the rent and made no contributions to buildings or anything else, the maximum obtainable should be nearer the 90 per cent. mark.

Mr. Jopling: The important point is that in all such calculations it must be borne in mind that by providing the land, the landlord has clearly provided one of the ingredients in the quota. *[Interruption.]* I would not expect Opposition Members to accept that point, but perhaps they will bear with me for a moment.

The land has helped to create the quota so due accounts must be taken of it. By the very introduction of quotas, the landlord has had a penalty imposed upon his land whereby it is no longer able to produce unlimited quantities of milk as it could before the introduction of quotas.

Much of the discussion about this subject, as can be seen in the briefing that the NFU has circulated to hon. Members, has concentrated on the average award that a tenant will receive. Several hon. Members have raised that point with me, not least my hon. Friend the Member for Gloucestershire, West (Mr. Marland), who I know feels strongly about it. However, that concentration is unfortunate for two reasons. First, it is impossible to forecast with any accuracy where the average might come about. The variations in circumstances are so wide, particularly the variations in the value of tenants' improvements, that any such estimates are fraught with enormous difficulty. Secondly, and more importantly, it is not the average that matters anyway. What matters is the result for each individual farmer and whether the individual is being treated fairly. If tenants and landlords are being treated fairly in individual cases, we can say that the totality of the system is fair.

It has been suggested—it is implicit in new clause 6, or what I shall call, for shorthand purposes, the NFU clause — that a 50-50 split should be the norm. But surely the starting point should be the facts of the case rather than some arbitrary figure. The more I have thought about the matter and the more I have considered the role of the arbitrator, the more firmly convinced I have become that we should not pluck a figure from the air in that way. Superficially a 50-50 split looks fair; it always does. However, there is no logic to it.

I just do not think it right to impose an arbitrary figure in that way. But I should make it clear that if, in the further progress of the Bill through Parliament, either side in the dispute or either side in the House wishes to make representations seeking to make this method of calculation even fairer than it is, I shall be happy to listen during the next few weeks. That is the primary reason why I cannot go along with new clause 6 which stands in the name of my hon. Friend the Member for Cornwall, South-East (Mr. Hicks). That clause suggests that a 50-50 split should be the norm, based on a situation in which the landlord has provided

"all the dairy buildings, and their appurtenances and plant".

That does not look to me like the average case, and I have grave doubts about it on that score. But in any case it implies that the tenant who has made no improvements is to get half the value of the quota.

A tenant who has allowed his farm seriously to run down would presumably get less than 50 per cent., but might still get a significant share. I do not see how that can be defended, given that the landlord's interest in the holding would have been severely damaged by that tenant's behaviour. We cannot say to the landlord, "You must not only bear the cost of the fall in the value of your land caused by your tenant's neglect, but you must compensate the tenant for the privilege." Yet that would be the inevitable result of that proposal.

There are two other reasons why I cannot accept new clause 6. First, we have to provide a framework within which professional valuers can operate. If we do not do so, we shall find very different treatment being given to essentially similar cases. Indeed, that was the point that I made to my hon. Friend the Member for Tiverton (Mr. Maxwell-Hyslop). I believe that new clause 6 would give unpredictable results. The guidance that it gives is short and very general. As a result, we would have much longer arbitrations, more contentious arbitrations and, quite simply, many more of them.

Our proposal provides a framework within which, in most cases, landlord and tenant should be able to reach agreement on the amount of compensation to be paid. Where agreement cannot be reached, we have guidelines within which professional valuers can readily operate. Surely that is a better way of going about things.

Secondly, although it may look simpler, new clause 6 is seriously defective. It does not address a whole series of issues which we have covered in the proposed new schedule, such as the definition of eligible tenants and the application to Crown lands. Such matters cannot be

ignored. I make no apology for the complexity of the proposals that I have put before the House. They have to cover a wide range of circumstances.

My hon. Friend the Member for Milton Keynes (Mr. Benyon) has tabled three amendments to the Government's new schedule. The third seeks to restrict the types of tenants' improvements to be taken into account. I just cannot accept that. The first two amendments are directed at a technical point that is concerned with statutory successions. If my hon. Friend would be good enough to withdraw those two amendments, I will arrange for the matter to be considered further, and for any necessary action to be taken in the other place, provided that the House agrees with these proposals.

The discussion on this subject has tended to focus on the interests of the National Farmers Union and the Tenant Farmers Association on the one hand, and of the Country Landowners Association on the other. This is natural; it is these organisations which have participated in the discussions we have had in the last few months, and I would like to thank them for their constructive approach and their willingness to consider all possibilities exhaustively. But one party is not represented in these discussions and that, quite simply, is the person who is not yet a dairy farmer.

We must not make the barriers to entry too high and we must remember that the interests of incoming and of existing tenants differ. Some people have suggested to me that in most cases we are dealing not with a landlord-tenant problem but with a tenant-tenant problem. This may be too simple a way of putting it, but there is a serious underlying point here.

I believe our proposals are fair to sitting tenants, prospective tenants and landlords. In preparing the proposals, I have been greatly assisted by the contribution of ideas from the Royal Institution of Chartered Surveyors and the Central Association of Agricultural Valuers, both of whom have long experience of being fair to both sides. The Government's new clause and schedule draw very heavily on their ideas, and I make no apology for having taken from them the idea of a standard quota.

Finally, I should mention that my right hon. Friend the Secretary of State has also been consulting interests in Scotland, and proposals which take account of particular Scottish circumstances will be brought forward in due course.

Several Hon. Members *rose*——

Mr. Jopling: I have not had time to mention a number of aspects or I have touched upon them only briefly, but I hope that I have given the House an understanding of how the system will operate. I have given very careful thought to other approaches, but I have concluded that this system is the fairest, most flexible and most practical that can be devised. I believe it is necessary to take this action now to let tenants and landlords know where they stand, and I ask the House to agree.

Mr. Robert Hicks (Cornwall, South-East): I welcome the Minister's acknowledgement that tenant farmers involved in milk production should be compensated, on termination of their tenancy, for their contribution to the establishment of the milk quota from their farm units. That is a major step forward, and I pay tribute to my right hon. Friend for his recognition of that fact. I believe it is only right that that should be done, bearing in mind that, under the rules, the milk quota, which represents a valuable capital asset which will have accrued in part from a tenant's lifetime of work and investment, will be left by the outgoing tenant with the landowner.

The key issue, of course, is, how the value of the milk quota should be apportioned between the landlord and the outgoing tenant. It is not an easy problem. I am sure that all of us, irrespective of the side of the House on which we sit, recognise that fact. Devising an acceptable and fair formula will not be easy.

I have to say to my right hon. Friend, however, that, seven days since new clause 4 was tabled, many colleagues have told me that, while they may not in every respect go along with the provisions in my new clause, they are equally uneasy in their minds about my right hon. Friend's proposals, not least because they are so complex.

5.45 pm

Furthermore, it is important that Parliament should get it right today, because this may be the forerunner of other parallel situations in the event of quotas being introduced in this country and in Europe in respect of other crops that may be produced.—[HON. MEMBERS: "God forbid."] Some of my hon. Friends say, "God forbid." But it is certainly a possibility. Therefore, if this is to be used as the blueprint, added responsibility is placed on all of us today to make sure that we achieve the most acceptable and fair compromise.

There are 37,000 milk producers in England and Wales, of whom at least 40 per cent. are involved in tenancy agreements. The Minister has today submitted his proposals and outlined the details. The basic reason why I, together with more than 20 of my hon. Friends and, indeed, a number of Opposition Members, have tabled an alternative for determining the basis of the landlord-tenant share is that the Minister's scheme does not sufficiently recognise the tenants' contribution to the milk quota value. It is on this basis of fairness and justice to the tenant's position that I wish to argue my case.

In essence, as the Minister has outlined, his proposal seeks to establish a standard quota. The proportion of that standard quota that should be attributed to the tenant is the crucial point under discussion. If, as the Minister has said, the allowed quota for that farm unit is higher than the standard quota, the excess or difference is automatically credited to the tenant. We all understand that, but, given the make-up of the formula of my right hon. Friend's proposal, I suggest that very few tenant farmers will get into the tenant quota stakes at all. They will be limited because of the physical constraints brought about by the introduction of milk quotas and by the figure that the Minister is introducing as part of his formula.

Even if one accepts the somewhat artificial division of the milk quota between the standard quota on the one hand and the tenant's fraction on the other—which I certainly do not—there are certain critical aspects of the proposal that I believe we must consider carefully. This involves the measurement of the standard quota and the criteria for assessing what part of that standard quota should be attributed to the tenant. I believe that the Minister's proposals are too narrow and restrictive. That is why I believe that structurally they act against the interest of the tenant. There is the relationship between the notional rent value, reflecting the improvements that the tenant has made, and the overall rent charged for that farm holding. My right hon. Friend will know—although naturally he

[Mr. Robert Hicks]

did not admit it to the House when explaining his proposals —that in practice that is bound to be a relatively small percentage.

Although I do not accept some of the things that have been described to Members of Parliament as the realities of the situation, it is worth pointing out to my right hon. Friend that the Milk Marketing Board—which has no direct interest in this, unlike the CLA and NFU—has stated that it believes that the proposed formula to be used to determine the compensation to outgoing tenants for milk quota is incapable of providing many tenants with a fair deal.

That is a fair and objective assessment by a professional organisation that has direct knowledge of, but no direct involvement in, the distribution of the milk quota value. Its advice should be heeded.

Mr. W. Benyon (Milton Keynes): How many NFU representatives are there on the Milk Marketing Board?

Mr. Hicks: To the best of my knowledge, the Milk Marketing Board is directly elected and represents geographical constituencies. Three members of that board are elected by national constituencies.

My right hon. Friend responded to the three major criticisms that have been made about the problems that will arise from his proposals. I am not convinced by his argument in respect of the low-cost, low-input farmer. Devon and Cornwall are full of such producers. Although my right hon. Friend said that the arbitrator can alter the basic reference point, I am not certain from what he said —I shall read his words carefully tomorrow—that it meets the criticisms that have been expressed. The same argument applies to those who farm in marginal areas.

Having established the standard quota, the Minister has confirmed that the fraction to be apportioned to the tenant is to be calculated on what I would describe as the narrow basis of the rental value of the improvements made by the tenant and the tenant's fixed equipment compared with the rental value of the dairy unit as a whole.

Mr. Douglas Hogg (Grantham): My hon. Friend is critical of the method of calculation. Does he accept that it is generally used in claims for improvement under the 1948 Act and that it is also the relevant calculation in claims by business tenants under part II of the Landlord and Tenant Act 1954?

Mr. Hicks: To the best of my knowledge, that is correct. In response I would say that we are now dealing with an entirely new situation brought about by the introduction of milk quotas two years ago. Therefore, while taking account of precedent and parallel procedure, this House has a responsibility to make certain that what we formulate tonight is correct in respect of the landlord and tenant.

We can talk only in averages, because, although there is a host of individual situations, we must reflect them as averages. That means that the tenant's proportion will in most cases inevitably be well below 50 per cent. I believe that my right hon. Friend's proposals are basically unfair, because they do not do justice to the tenant's position.

Mr. William Cash (Stafford): My hon. Friend has referred on a number of occasions to the different circumstances that could arise, and he has related them to the class of person who may be affected under the provisions in the schedule. It occurs to me that there are provisions for different cases within any given class, but has my hon. Friend considered whether these provisions might be hybrid?

Mr. Hicks: I thought that I explained in my introductory remarks that I was attempting to put forward an alternative system that I believed to be fairer and which acknowledged the tenant situation in a more practical and accurate manner than the proposals of my right hon. Friend. I accept that there may be technical deficiencies, but I am more concerned about getting it right in practice.

I shall explain why I suggest that the proposals in new clause 6 are to be preferred. In general, they recognise the contribution of the tenant's expertise and financial investment, about which I have been talking. There is no arbitrary classification of the quota into the standard quota and the tenant's fraction. The new clause takes account of the contributions made by both the landlord and the tenant. I subsections (6)*(a)* and (10) we set out the criteria that should be used in determining respective proportions. These include not only the fixed costs—which are also included in my right hon. Friend's proposals—but also the variable assests as well.

This list for assessing what the proportion should be reflects the situation in practice. It is more comprehensive than the Minister's somewhat narrow and restrictive formula, which, in my judgment, works to the disadvantage of the tenant. To establish the principle of justice to which I have referred—I emphasise this, because I am sure that my right hon. Friend did not deliberately wish to mislead the House about my counter proposals—the starting point of any arbitration process should be the equal division of the quota value allocation in the case outlined in subsection (6)*(c)*.

I emphasise that that is meant to be a starting point in the interests of fairness and justice. It is right to enshrine this position into statute. Of course, the actual breakdown will vary. I understand that it could end up as 70-30 either way, but the starting point is essential, and we must be seen to be manifesting justice in formulating our proposals.

I make no apology for repeating the fact that I believe that my right hon. Friend's proposals are far too complex. In spite of what he said, I suggest that they do not in reality do justice to the expertise and financial investment that a tenant farmer may well have made over 40 years of his working life. Of course, this has political implications, too, as regards the party in government.

I ask my right hon. Friend to take account of these important additional aspects, bearing in mind the need for justice to the tenant not only to be seen but also to be effective in reality, before he throws out all the suggestions that my right hon. and hon. Friends are making this evening.

6 pm

Mr. John: May I add my congratulations in his presence to the Minister of State? I suppose that he is more accurately described as the "Minister in a state" at the moment.

The buzz phrase of this debate is "I make no apology". I have lost count of the number of times that it was used by the Minister of Agriculture, Fisheries and Food, and even the hon. Member for Cornwall, South-East (Mr.

Hicks) fell into the trap. Why should I resist the temptation when it is widespread? So I make no apology for beginning my contribution by observing that we are now paying the penalty for the haste with which the milk quota scheme was introduced. It has made a capital asset of what had hitherto not been traded.

To make the case, I have only to refer to *Farmers Weekly* of 7 March 1986, in which the Milk Marketing Board talks about people who have milk quotas and are trying to trade them, yet who have never themselves produced milk. We are talking about a scheme which was introduced far too quickly and which has had unfortunate consequences.

This is the most peculiar Report stage of a Bill in my experience. The Bill came out of Committee on time, in accordance with an agreement, which we never hear about, on 28 January, 11 weeks ago today. This must be something of a record. I should like to know of a wider gap than that between the Report and Committee stages. We know—even the right hon. Gentleman admitted that he knew, from reading the papers—that negotiations have taken place during that time between the Country Landowners Association, the National Farmers Union and the Ministry of Agriculture, Fisheries and Food on the question of the outgoing tenant's right to milk quota.

Not suddenly, but rather surprisingly—at any rate to those of us who had given up expectation of ever seeing the Bill again—last Friday there was tabled a new clause over seven pages long. Even allowing for the postponement of the debate by one day, it means that people who have been interested and who have been waiting for this, even if it has not come as a total surprise, have had less than a week in which to study it, and it has not had the advantage of the scrutiny, sometimes tedious but necessary, which a Committee of the House of Commons, considerng a Bill, can give it.

I remind the right hon. Gentleman that when the development land tax was introduced in a schedule by my right hon. Friend the Member for Llanelli (Mr. Davies), a large number of constitutional protests came from Conservative Members, who were then in opposition, about the impropriety of introducing what was a mere three-page new clause. Yet now this has been introduced and the right hon. Gentleman says that he makes no apology for introducing it. I think that an apology is due.

The clause will be discussed, and I shall deal with its merits, but I want to make it clear that most of the discussion of this matter and its merits will be transferred to another place and that the House will effectively be neutered in its discussion of the clause, apart from tonight's debate, because of the way in which Government have chosen to introduce it. They could have chosen another way. I understand why the right hon. Gentleman wanted to take advantage of the bus that is actually at the stop. Nevertheless, the new clause is a substantial addition to the original Bill, not a mere addition arising out of Committee, and, if the House cannot comprehend some of the explanations given by the right hon. Gentleman, it is his own fault for having introduced at so late a stage and in such complexity this sort of scheme.

Mr. Robert Maclennan (Caithness and Sutherland): The Minister, in explanation of the hurry, sought to exculpate himself from giving the House inadequate time. He spoke of the urgency of the measure and the need for a settlement. Has the hon. Gentleman noticed that the same argument has not been applied to those who hold dairy quotas in Scotland?

Mr. John: I always look with trepidation on the Scottish position, for obvious reasons. Nevertheless, I agree that there is selective haste here.

In aiding the House to discuss the matter, the right hon. Gentleman really has something of a duty to give illustrative figures. He has given some, but they are not, with respect, the illustrative figures, which I understand were the subject of the discussions which all of us, including the Minister, read about in the newspapers. I understand that the figure for the average value which a tenant would get out of the milk quota, which was used as an illustration during the negotiations, was 33 per cent. I do not know how accurate are the estimates of the NFU, but it has done its best in a very short time. It estimates that the average value to the tenant of the milk quota will be 25 per cent. While conscious of the special plea of the right hon. Gentleman, I do not believe that that in any way reflects a fair value for the outgoing tenant.

As the right hon. Gentleman properly said, we must have regard to the new tenant who is coming in, but we must also have regard to the man who has built up the quota by his life's work. This seems to reproduce the conflict that often occurs—in a phoney way in my view—between what is due to the pensioner who created the wealth on which the modern generation relies and the person who is actually producing the wealth today. Unless there is a feeling of justice for a tenant farmer at the end of his tenancy in dealing with the milk quota, neither the person who is presently affected nor the one who is taking over the tenancy can feel any confidence at all.

We really must press the right hon. Gentleman for an average figure. What will be the norm? Is it, as the NFU says, 25 per cent.? Is it the Milk Marketing Board figure, quoted by the hon. Member for Cornwall, South-East, somewhere between 10 and 35 per cent.? I know that individual cases can vary, but the true measure of the overall fairness of the scheme must be the average figure. Heavens knows, we use averages in the House often enough for the right hon. Gentleman not to be squeamish about revealing the average formula on this occasion.

Mr. Nicholas Baker (Dorset, North): It is incorrect to say that farmers have been working for years to build up the quota. What has happened is that the Government have suddenly introduced a quota, much to everyone's annoyance. What one must try to achieve is a fair way of recognising or rewarding the investment that has been made. Surely the figures that we ought to be interested in are the maximum and the minimum that a tenant can achieve, rather than the average?

Mr. John: I do not agree. I believe that a good indication of the overall fairness of a scheme is the average production of that scheme. I agree that, in shorthand, it was the building up of the dairy business that I referred to, but that does not do away with the problem that I have raised.

The right hon. Gentleman said that he did not want to look at the new clause of the hon. Member for Cornwall, South-East, to which I have added my name, because it imported an arbitrary figure, but he said in his speech that the maximum figure to which a tenant could be entitled,

[Mr. John]

taking all into account, if he had built up the business and if there had been no substantial capital input from the landlord, and so on, would be 66·6 per cent.

The arbitrary figure imposed is for the provision of the land. Even accepting the right hon. Gentleman's philosophy on that, if the landlord provides the land it is to be arbitrarily recompensed at one third. Therefore, under this formula the landlord could never obtain less than one third, but the tenant could get nothing, and certainly never more than two thirds. The parameters for the landlord are between one third and 100 per cent., but for the tenant they are between nothing and two thirds. That is not equitable. I suspect that the right hon. Gentleman will wish to consider that during the course of the debate.

Dr. John Marek (Wrexham) *rose*——

Mr. John: I prefer not to give way. There have been many interventions in the debate and I know that many hon. Members want to speak. It is only fair to give them the opportunity to do so.

The scheme will be a paradise for agricultural valuers. Would that we were all agricultural valuers at this time. It will not be cheap for either the tenant or the landlord —it is paid equally by them—and we know that fees even for simple things are not cheap. The matter will be complex.

I worry whether the scheme will be workable at all. I hesitate to go into the Bill in great detail, because we are really debating a Committee point. However, this debate is effectively the only Committee stage that we will ever have on the new clause. I agree with the hon. Member for Cornwall, South-East about the standard yield. By definition, the tenant cannot have more than a small fraction of the value of the standard yield. The extra yield over the standard yield may not amount to very much in many cases.

The right hon. Gentleman has tried to approach the matter in a slightly different way. I take it that the level of production that could reasonably have been expected under paragraph 6(1) of the schedule does not take account of the 10 per cent. quota cut imposed upon that land. I should be grateful if the right hon. Gentleman could confirm that, because it is one of the assumptions made by the NFU in calculating its average. It is important in assessing whether it is reasonable.

Paragraph 6(2) will make matters even more difficult, because sub-sub-paragraph *(a)* refers to

"the average number of hectares of the land used during the relevant period for the feeding of dairy cows kept on the land."

There are at least two problems here. There is the division of the land, first, for different purposes and, secondly, for different species at the same time. How will the arbitrator approach that matter? How can he separate it in practice?

The new clause makes no provision for a statutory instrument. There is a provision in the Bill that a statutory instrument be introduced on average litreage, but there is nothing for the average number of hectares. What is to be the average number of hectares? How on earth is the House to know the answer to that?

The right hon. Gentleman said that he was satisfied that the schedule was right. He had better be satisfied, because the absence of provision for a statutory instrument means that if the scheme goes badly wrong the right hon. Gentleman will have to return to the House for primary legislation to enact any amendment. He will not be able to do it through the statutory instrument procedure.

6.15 pm

Under paragraph 6(3), two categories of person will be disadvantaged—the low-intensive system farmer and the producer on marginal land. The notes on clauses say that the Minister can prescribe different standard yields to suit different cases, and give the example that a different yield might be prescribed for different breeds of cattle. But what about different grades of land? Is that to be a factor? If it is not, it will mean penalisation.

The hon. Member for Tiverton (Mr. Maxwell-Hyslop) made a fair point. If there is to be at least a 20 per cent. difference to enable a departure from the standard formula, that will penalise many people who fall just short or even halfway short of that business. That will not be fair.

The right hon. Gentleman has certainly produced unanimity—I cannot find any organisation that actually approves. Even the CLA, which if not unduly grateful might at least have been reasonably grateful, does not think that the system can work. The right hon. Gentleman says, as do all Ministers, that the fact that everybody is against him means that he must be right. Whether the Government are or are not right depends on where they pitch the final result.

I believe, and I ask the House to accept, that if the final result is an average value for the tenant of 25 per cent. of the value of the milk quota—or somewhere between the 10 and 35 per cent. mentioned by the NFU and the Milk Marketing Board—it will be manifestly unfair. Even on the figures, sketchy as they are, produced by the right hon. Gentleman, the scheme is complicated and unworkable. It is a poor, scant reward for tenant farmers for their hard work and dedication.

Sir Peter Mills (Torridge and Devon, West): I congratulate my right hon. Friend the Minister of State on producing, as I have already said, a heifer calf. Nothing could be better at this time of talking about dairy quotas than to have that. What a success. I hope that all goes well.

I am rather distressed by the need for this new clause. I do not like to say this, but I am annoyed with the CLA and the NFU because they have not got their act together and decided among themselves. That has put my right hon. Friend in an exraordinarily difficult position as he tries to be Solomon. Surely they could have reached some agreement.

I should have thought that the CLA would want to assist the Government in this dilemma. After all, it has been well looked after by the Government. It has had no fear of land taxation or nationalisation. Indeed, the Government have helped it with taxation on capital transfer and so on. Therefore, I expected it to bend over backwards to reach agreement.

Again, it gives me no pleasure to say that the NFU should have done more, although I realise that it has moved a great deal further than the CLA. Under the quota system, the dairy sector has done extremely well— margins over costs are very good and interest rates are coming down. Recently, my right hon. Friend said that for every 1 per cent. drop in interest rates, £50 million came off the burden for British agriculture. I would have hoped that the NFU could reach agreement with the CLA.

I want to blow my own trumpet a little. The Devon NFU and CLA actually got together and decided on a

certain course. I congratulate the chairmen and secretaries of the NFU and CLA in Devon. As the Minister can see from that agreement, his representations were well received by them. No doubt with adjustments that agreement might have been accepted and we could have brought it with us today.

On receiving my letter detailing the agreement, the Minister replied:

"I find it very encouraging that these county branches should have been prepared to work together so constructively in an attempt to find a satisfactory solution."

Why could that not have been done nationally? It is in the interests of the CLA and the NFU to have done so. Both sides should have given in slightly on these matters so that we could have had agreement, for much is at stake here. If we are to have further quotas, it would be better for them to reach agreement than for the Minister to bring this upon us. The Minister will not satisfy the CLA or the NFU.

The brief that we received from the NFU raises three important points. The first is:

"The definition of standard quota takes no account of the 10 per cent. cuts in production level already imposed."

The Minister has answered that by lowering the standard level. The second point is:

"The proposals would penalise highly competent tenants who use low intensive systems of milk production."

That is an important matter. I listened carefully to what the Minister said. I agree that this could be taken into account by the assessor or arbitrator, but I would like that firmed up. When this goes to the House of Lords, I hope that we can have something a little stronger, so that we can be clear that there is fair play towards those with low input production. The third point is:

"Producers on marginal land would have great difficulty in establishing any excess quota, through no fault of their own."

I agree with those three points and hope that they can be considered further.

The fairness shown to the incomng tenant is the nub of the legislation. We must get the balance right between the outgoer and the incomer. The sums involved are pretty high. They might be as much as £20,000 to £25,000. Just think what that would mean to an incoming tenant. He would not be able to find that sum and buy machinery and the other things that he needs to get the farm going.

At meeting after meeting I have heard constantly from the NFU and, rightly, from young farmers, "What will you do about young people getting tenancies? If we go too far with the outgoers scheme, the incomers will not get a look in." That must be sorted out. That is why I disagree with my hon. Friend the Member for Cornwall, South-East (Mr. Hicks), with whom I have shared a room for many years. I believe that it would be unfair to the incoming tenant, so it is a crucial point.

The hon. Member for Pontypridd (Mr. John) asked why there was such a hurry to introduce the measure after such a long delay. Many tenants who are retiring now will get nothing if we do not pass the legislation. That is why the Minister has bent over backwards to get this agreement. It was necessary to save those tenants who are retiring. It is important that we pass the Bill, but I hope that adjustments can be made in the House of Lords to take into account the points that I have raised.

Mr. John: Although I concede the urgency, I do not believe that parliamentary scrutiny of the documents should be a mere formality. I do not believe that the other place should be the only place that can deal with these matters, merely because we have boxed ourselves into a corner, and cannot find the time to consider the Bill properly. Does the hon. Gentleman share my regret that the House is unable to debate the matter properly?

Sir Peter Mills: I understand the hon. Gentleman's point. The other side of the coin is that if we do not get started, those tenants will get no compensation for going out. One might criticise the Minister for not speeding this up, but he tried time after time to get the two sides together. He displayed more patience than I have, but finally he had to act as Solomon in this matter. I hope that the House of Lords will correct the small errors.

Will the capital sum that the tenants receive be taxed? Will the landlord be able to set the payment that he must make to the outgoing tenant against his income? Those are important points. The outgoer may think that he has £20,000, only to find that it is heavily taxed.

Much of the assessment work will be done by the Royal Institution of Chartered Surveyors. But what about the Association of Land Valuers? It is important that it has an equal share in these matters. I may be wrong, but I believe that tenant farmers would value its assessments more than they would assessments by the RICS. The Minister said that there would be some flexibility in the matter. Will he give firm guidelines to the assessors so that they can carry out the wishes of the House? Is there a right of appeal finally to the Minister?

Amendment No. 31 is interesting because it proposes to facilitate the use of land for other purposes. My hon. Friend the Member for Stafford (Mr. Cash) put his finger on an important point. We should study carefully alternative uses of our land instead of food production.

This is an important measure. The Minister has made some reassuring remarks about flexibility and how the assessors or arbitrators can adjust to meet the points that have been raised. Above all, I ask my right hon. and hon. Friends to think carefully about the incoming tenant, who could be penalised if the outgoer gets too much.

Mr. Maclennan: The Minister deserves some sympathy from the House for his predicament, but in the last analysis one must admit that he has not satisfied any of those who are affected by the quota arrangements that were introduced hurriedly some time ago.

Mr. Nicholas Fairbairn (Perth and Kinross): Rubbish.

Mr. Maclennan: The hon. and learned Gentleman says "Rubbish". If he would care to say which interest is satisfied by the Minister's proposal, I should be glad to hear it.

Mr. Fairbairn: The NFU and the Scottish NFU complained of the rigidity of a 70-30 split and proposed an equally rigid split of 50-50. The Minister is to be congratulated on introducing an equitable scheme.

Mr. Maclennan: The hon. and learned Gentleman has made my point. He was not able to cite anyone other than himself who has been satisfied by the Minister.

I recognise the urgency of coming to a conclusion on the matter. I regret the fact that the Minister has taken so long to bring forward proposals. This problem is not a new or unforeseeable one. It was inherent in the introduction of quotas, and attention was drawn to it in discussions on quotas when they were first introduced, in which context proposals were made by members of the alliance parties that they should be tradeable. We published a document

[Mr. Maclennan]

the December before last suggesting that arbitration was the proper way to proceed. For many months, the Minister has been pressed to formulate an equitable solution.

6.30 pm

We cannot accept, as an excuse for the extraordinary way in which the Minister has proceeded, the need to move speedily now. The vehicle of the Agriculture Bill is convenient for the Government but not for the House of Commons. It is not convenient to be presented with more than seven pages of schedule containing detailed proposals that we have less than a week to study and consider amendments to and that we cannot properly debate on Report. The Government are making a farce of parliamentary procedure.

It appears, too, that Scottish hon. Members are to be given no opportunity to consider the proposals for Scotland. Apparently, consultations in Scotland are not yet complete. Doubtless provisions will appear in the other House at some time, but the Government's attitude remains unclear. What is clear is that the Scottish interests are no more satisfied than interests south of the border are satisfied by what the Minister has proposed for England.

Mr. John Corrie (Cunninghame, North): If provisions about Scotland are added in another place, they will return here in the form of Lords amendments and will have to be debated.

Mr. Maclennan: I have already acknowledged that Lords amendments would be considered on the Floor of the House, but the same objection applies to that procedure as to what we are doing today. It is extremely difficult to give proper consideration to detailed legislation on the Floor of the House. Matters such as these should be considered in Committee and debated extensively, and we should be able to take advice about them. We should be able to hear, on each paragraph or sub-paragraph of such a lengthy schedule, the views of those affected.

I am sure that the Minister would not defend today's procedure as being ideal. It is far from satisfactory. We are dealing with the prospects not only of those leaving dairying but also of those who are entering it. We are dealing with a valuable asset that in many cases has been built up over a number of years. The legislation will affect not only the disposition of wealth between landlord and tenant but the disposition of the potential for an income of those who wish to farm in the future. The Country Landowners Association has drawn attention to its view that incoming tenants will be adversely affected by what is proposed, and the NFU has pointed to the adverse effects on outgoing tenants. It is clear that tenants in general will suffer under the Government's proposals.

I agree with the Minister on one point—the general principle that he stated as his starting point. He said that we should start from the facts of the case and not from an arbitrary figure. That is an attractive view. The value of the landlord's assets and the landlord's capital input into an enterprise will vary from case to case, as will the value of the tenant's.

However, when the Minister suggests that his own approach amounts to starting from the facts of the case, that argument is not sustainable. The Minister has invented a formula—complex and opaque, but a formula none the less—and that is the starting point. The concept of the standard quota is a starting point that is not neutral; it is predetermined. It is also defined with such a degree of complexity that it will be almost impossible for farmers to use it to make the ready evaluation of their entitlements that the Minister suggested that they would be able to arrive at by simple consultation with each other. The Minister must be wrong if he believes that the use of his formula will make arbitration unnecessary. It is so opaque that there is bound to be a sense of grievance on both sides. The possibilities for dispute seem to me to be legion.

I note that the suggestion was put forward by the Royal Institution of Chartered Surveyors, which is certainly not unfamiliar with dealing with such disputes. No doubt its members will be involved in sorting out disputes arising from this legislation. However, I do not think that we can feel any confidence that the Minister has avoided the problem that he rightly sought to avoid.

The Minister said that he would be prepared to listen to arguments over the next few weeks. Arguments on what? One of the arguments that has been put forward is that of the NFU, and the Minister has clearly rejected it already. The argument was that there should be a starting point of equilibrium between the two parties to a potential dispute. It is unfortunate that the Minister has so speedily rejected that starting point. It was no more than a starting point, and, as the hon. Member for Cornwall, South-East (Mr. Hicks) pointed out, the formula that the NFU has put forward could result in considerable variations in division of quota between landowner and tenant.

If the Minister will show willingness to reconsider his approach to the NFU new clause—new clause 6, which is in the name of the hon. Member for Cornwall, South-East and a number of other hon. Members from both sides of the House — the debate will have served a most valuable purpose.

The industry wants to get the matter right. The industry wants to get it right more than it wants it to be settled this week or tonight. The industry wants it to be right not only for reasons of equity, and not only because it is necessary to do justice between landowner and tenant, but also because the formula could provide for similar arrangements if in due course other quota systems are introduced in this country. I know that the Minister recoils from that thought and may regard it as utterly unattractive. He was similarly hostile to the idea of introducing milk quotas. We cannot take much comfort from that. Perhaps in reply the Minister will tell us precisely what arguments he will listen to in the next few weeks.

Mr. Cash: On behalf of the alliance, will the hon. Gentleman tell us the extent to which his arguments bear on its proposals for the rating of agricultural land?

Mr. Maclennan: the hon. Gentleman is perpetuating the myth, which has appeared in various Conservative handbooks, that the alliance is committed to rating agricultural enterprises differently from the way in which they are rated at present. He is not throwing light on the debate, but is seeking to throw dust in the jurymen's eyes.

I must address some remarks to amendment (a) to new clause 6 which seeks to extend the provisions to Scotland. I admit that that has been prepared without proper consultation with all the interests in Scotland. We have more milk marketing boards than England, and know that the National Farmers Union of Scotland is unhappy about the Government's proposals.

The Parliamentary Under-Secretary of State for Scotland (Mr. John MacKay): The hon. Gentleman would know, if he had discussed these matters with either the Scottish NFU or the Scottish Landowners Federation, that my right hon. and noble Friend the Minister of State has had discussions with them to try to reach an agreed solution. Unfortunately, to date that has proved to be absolutely impossible.

Mr. Maclennan: We are interested to know whether the Minister proposes to apply the same solution to Scotland as has been applied to England. I assume that that is the most likely probability. It seemed reasonable to adopt the detailed and workable proposals advanced by the NFU in England. It would have been quite easy for us to try to devise another amendment embodying similar principles, but when work of this kind has been done it seems sensible to adopt it.

Many Conservative Members are anxious to participate in the debate. Therefore, I shall make my remarks brief. The Government would do well to listen to the views of those who support new clause 6, and not to remain committed against it. This is not a matter which will divide the House on party lines. It is important to say that because many regular supporters of the Government may feel that it is appropriate to support new clause 6. I hope that they will not feel inhibited from doing so because a number of hon. Members in other parts of the House support that sensible proposal.

The Minister has had a difficult job to do. I do not in the least underestimate the problem. One must recognise that he has at least tried to be equitable, but I do not think that he has succeeded. That is why I hope that the House will support new clause 6.

Mr. W. Benyon (Milton Keynes): I declare my interest as an owner of agricultural land, some of which is subject to milk quota.

First, I shall deal with my amendment to the Government's schedule, amendment No. 30. I accept what my right hon. Friend the Minister said in his opening remarks, and I shall not seek to move amendments (a) and (b). All I seek is that only one successor should have an entitlement under section 46 of the Agricultural Holdings Act 1986.

I accept what my right hon. Friend said in respect of amendment (c) which seeks to replace "relevant" with "specific", but I hope that that matter will be considered further. With "relevant", we include matters which are not just dairying matters, for example, field drainage, which could also be used in respect of the production of beef and cereals. Every farm is different. That is why I am glad that the Government, at least on this aspect, have accepted that point, and that we shall not seek to divide the compensation on a fixed ratio.

6.45 pm

Let us consider the position before quotas were introduced. What happened at the end of a tenancy? The tenant sold his stock and machinery, was repaid the residue of his improvements or, in some cases, of dilapidation, and that was that. Then along came quotas and, lo and behold, a heavy capital tax was imposed on the landlord. If we accept new clause 6, it will mean that on a 100-cow unit the landlord will have to find about £30,000. It is said that the incoming tenant will find this, but it is a substantial sum and it will rise as the holding becomes larger.

What will all this do to the landlord-tenant system, which is recovering slowly from the Agriculture (Miscellaneous Provisions) Act 1976? At best, landlords will be reluctant to relet land, and at worst, they will say, "We will never ever put ourselves in this position again. We were kicked on the shins in 1976 and now we are being kicked again." I speak from personal experience because over the past 18 months I have let three farms, two of which are dairy farms, following the change in the tenancy laws. What will I do in the future? The most important question, which was dealt with eloquently by my hon. Friend the Member for Torridge and Devon, West (Sir P. Mills), is what this will do to incoming tenants.

It was incredibly short-sighted of the National Farmers Union in its brief to hon. Members not once to have mentioned that point. It is all very well to concentrate on the position of existing tenants — I accept that their position must be considered — but not to mention the position of future tenants is to neglect the future of British agriculture.

I realise that my right hon. Friend the Minister has had a difficult task and that the matter is extremely complicated. There are only three cases where a tenant is entitled to share a quota. The first is where, by his own competence, he has achieved a higher quota than would otherwise be established on the land. The second is where the tenant has invested in fixed equipment, and the third is where he has purchased additional quota.

The Government's schedule is not clear. I was interested to hear the Minister mention the figure of 4,500 litres per cow. I think that that figure is too low, but that is beside the point. However, the figure is absolutely crucial in assessing the effect which the proposal will have. When the outgoing tenant leaves the industry, the money that is due to him leaves the industry, which is already in severe financial difficulties, and that is an additional loss.

Mr. Hicks: Surely my hon. Friend will accept that in many instances the outgoing tenant may well be moving to another tenancy or, indeed, to the ownership of his own cows. These people are not all retiring necessarily, and therefore it does not follow that all the money is going out of the industry.

Mr. Benyon: My hon. Friend is right, but let us agree that the vast majority will be retiring and getting out of farming, because I think that that is how we all understand the position. I appreciate how difficult the situation has been and will be in the future. It is a sad day for British agriculture when we have to consider the present proposal, and an even sadder day for young people who wish to take part in the industry.

Mr. Kevin Barron (Rother Valley): I am concerned about the situation of a tenant farmer who came to my surgery about four weeks ago and told me about the plight he would be in should he retire from his farm, which is in the village of Brampton in my constituency. He brought with him a copy of *Farmers Weekly*. Last month I wrote to the Minister, and I understand why on this occasion he has not yet replied to that letter. In a long conversation in my surgery, this tenant farmer told me how concerned he was about the proposed legislation that is now before us. He said that for the past two years, although there had been a milk quota scheme, there was no way at present in which, if he gave up the tenancy, he would be

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compensated for what had been a lot of hard work, not just in getting quotas but in ensuring that he produced a good yield from the farm to enable him to accrue a benefit when his tenancy of the farm terminated. He also told me that the landlords' and tenants' associations had not been able to agree on the matter of quotas.

Since then we have seen the Government's new clause 4—and new clause 6, which I understand is sponsored by the National Farmers Union—in relation to what should happen between a landlord and tenant in the ending of tenancies. In his opening speech, the Minister made great play of the fact that some tenants may be able to get up to 66 per cent. of the standard quota to which he referred. He said that they would get all that they produced above the standard quota.

Although the number of tenant farmers has been mentioned, we have not been told the likely percentage of farmers who would reach the 66 per cent. and how many would be lower than that. Many percentages quoted in the debate have been much lower than two thirds of the share of the standard yield. I believe the Minister should have given us appropriate figures. He should have been able to say that the figures from the National Farmers Union are wrong, as are the percentages from the Milk Marketing Board, and that it is unlikely that people will get to that level.

I would not want to see farming in this country changed dramatically. I am a layman—my association with the countryside is walking rather than working—but I have seen dramatic changes in farming over the years which have not achieved the best results for the environment.

I am surprised that people constantly talk about the incoming tenant. The question is whether the outgoing tenant, who has worked on the farm and pushed up the quota and yield, is getting a fair deal on retirement. A similar question has been argued many times in the industry with which I was associated. In this debate we have heard arguments relating to the incoming tenant, when the important question is whether a tenant is fairly compensated when a tenancy comes to an end. The Minister has not convinced me that the arbitration provision in new clause 4 will suit the tenant farmer to whom I spoke a few weeks ago.

I also refer to the tenant landlord, who is a tenant on one holding and a landlord on the rest. Such people, together with the NFU delegation, lobbied me yesterday. A man from the village of Woodall in my constituency said that he was totally dissatisfied with what the Minister was proposing. He urged me to support new clause 6. He did not think that everything about that clause was right, but he believed that at least it provided a better arbitration provision than is provided in new clause 4. I have decided to support new clause 6, because the Minister has not convinced me that the arbitration provision in new clause 4 will satisfy tenants on farms in my constituency. Therefore, it is up to the Minister to offer proper arbitration, not involving inbuilt percentages with a maximum or minimum that people can receive. Tenants who have worked hard to build up quotas and are about to retire should be compensated for their time and work.

Sir Geoffrey Johnson Smith (Wealden): I wish to raise with the Minister a point which has not so far come into the debate and which concerns the important area—some people may regard it as a grey area—of quota ownership. I refer to a sector of farmers who have various forms of partnership, or share farming or contractual agreements. For many reasons, when they have been drawn up, these agreements have suited landlord and farmer alike, and have helped many young people on to the farming ladder. Few such farmers are registered as landowners or milk producers. In such cases, the name of the landowner is generally used.

Under the Government clause, how is this category of farmer affected? For example, a farmer can have a contractual agreement, own the cows and machinery, provide the labour, operate and manage separate accounts, make all the decisions, and take all the risks. In one such case, a man I know doubled the milk output from his farm, mostly at his own expense, before quotas were imposed. Since then, the value of his cows has been reduced because of the quotas. What will such people do, and what will happen to them? Surely it cannot be fair or just that such a person, through no fault of his own, should see his assets—in this case, cows—fall considerably in value while, at the same time, the milk produced by those cows has increased as an asset, because the milk quota undoubtedly is an asset. In the case to which I have referred, this asset has increased by about £75,000.

Unless the Minister can assure me otherwise, under the Government's proposal, as I understand it, such a person may have no share in that asset. He has no share in the value of the farm. How will he find the capital to purchase the quota for his cows in future? Will there be a future for such people? Most hon. Members who have spoken have had in mind a person who will quit farming altogether, but there are those who, as in the case that I have described, will not quit.

It is difficult for someone in my position, when various suggestions are made on different clauses, to vote against new clause 4. I listened carefully to what my right hon. Friend had to say and I understood in large part what he was driving at. It is important to consider the incomers as well as the outgoers. I regret, as others have, that it was not possible for the CLA and the NFU to do a deal.

7 pm

Am I supposed to vote against a clause which has been introduced by my right hon. Friend and which I understand is backed by independent arbitrators which is important to me? I would have been most mistrustful of any arrangement which had not been so backed. Independent arbitration has been the basis so far which has been much prized and valued. Am I to help to kick out new clause 4 and then vote for new clause 6 which I understand has support from hon. Members on both sides of the House?

Before I decide which clause to vote for I should like to have one assurance at least from my right hon. Friend the Minister of State when he replies. When my right hon. Friend the Secretary of State talks about being flexible, I recognise that that can mean many things. He claims that he has already been flexible enough. When right hon. Members on the Front Bench claim that they have been flexible but are willing to consider representations which will make things more flexible, I wonder to what extent that is just a form of words. When my right hon. Friend replies, will he give me some idea of the areas which he thinks are suitable for further representations which will perhaps meet some of the fears that have been expressed today?

I want to express just one of the fears. Paragraph 6(5) of the new schedule says:

"For the purposes of sub-paragraph (4) above a number or amount shall be taken to be substantially greater or less than another only if it exceeds, or, as the case may be, falls short of that other by an amount equal to or greater than 20 per cent. of that other."

That can be explained in clearer language, although I do not propose to take up time on that tonight. But why do we need to have that qualifying difference to the standard quota? It might be that some of my farmer friends would see that as working to their disadvantage. Would it not be best to throw that out altogether? Might not that be helpful? If not, will my right hon. Friend tell us of some area in future where the Government might be prepared to give so that it will be more amenable to those farmers who at present, from my conversations with them, find it difficult to accept new clause 4 because they find so much of it incomprehensible, and, where it is not incomprehensible, complex?

I believe that the Government want to be fair. Tomorrow night I shall be meeting members of the farming community in my constituency. I shall certainly explain to them as best I can what the Government say today. But I have in mind also that if that is unsatisfactory I shall have the opportunity at a future date to join my right hon. and hon. Friends who may wish to table an amendment in future. Let us hope that that will not be necessary.

Mr. Alexander Eadie (Midlothian): Many right hon. and hon. Members here today are probably more knowledgeable than I am about agriculture. But, like my hon. Friend the Member for Rother Valley (Mr. Barron), I intervene largely as a result of two constituents who have visited me at my surgery. They are tenant farmers, and they are worried about milk quotas.

This is a debating Chamber. Having listened to the debate so far, I can to some extent understand the dilemma in which the Government find themselves. But the Government must recognise the changed circumstances. Although the Minister said that he could not obtain agreement and therefore had to take the middle road in his formula, the strength of the debate—at least as I have judged it so far—is that the right hon. Gentleman seems blatantly to be giving more preference to the landlords than to the tenant farmers.

If there is any doubt about the feeling that exists and the political time bomb that the Government are trying to tackle here, it is probably best illustrated in an NFU document, which says that the strength of feeling amongst tenant farmers on this issue is enormous.

On Radio 2 this morning I heard somebody say that the Government are beginning to lose touch with the people. I have a shrewd hunch that in coming forward with this new clause and schedule the Government have to some extent lost touch. The Minister has admitted his difficulty in not obtaining agreement between the NFU and the landowners and that the formula is complicated. However, I judge that in that complicated formula he is giving blatant preference to the landowners rather than dealing with the problem of the tenants.

My hon. Friend the Member for Pontypridd (Mr. John) got it right when he said that percentage is everything. Of course percentage is everything. Based on that are some of the judgments that we can make about future opportunities for farming. If the landowners are favoured too much the opportunities for young people to enter farming in future will to some extent be jeopardised.

I believe that the Government are treating this important aspect shabbily. We are told that we are doing something on Report which should have been done in Committee and that, if we do not like it, perhaps when it comes back from another place we may have another bite at it. Then the Minister says that he is prepared to consider certain propositions. He is prepared to do that after, as I understand it, the Bill has been driven through the Lobbies tonight. That is a shabby way to deal with the Bill and a most unsatisfactory way for the House of Commons to deal with this important issue.

I have received a letter from the Scottish NFU on the milk quota landlord-tenant sharing arrangement. It says that the alternative new clause prepared and supported by the Scottish and English NFUs will be available on a certain date—which it gets wrong, but that is not its fault—and urges all Scottish Members to support that alternative new clause. The letter goes on to say:

"we believe this is essential because of the current intention to put forward legislation for Scotland only in the House of Lords at a later stage in the Bill's progress."

Again, I think it is rather shabby that the House of Commons is not to have the opportunity to consider that aspect of the legislation. We have to leave it to the other place to decide what is going to happen, and then it will come back here. If the argument is to be about the landlord and tenant arrangements—I do not wish to cast any aspersions on anybody—I have little confidence in the other place being able to come up with legislation that will be beneficial to all concerned.

Mr. Alexander Pollock (Moray): The hon. Gentleman will be aware that a number of people have advocated a greater amount of time to allow wiser counsel to prevail in consultations with the various bodies in an attempt to find a solution. This was very much the point made by the hon. Member for Caithness and Sutherland (Mr. Maclennan). Is the hon. Gentleman aware of the terms of the letter written by the Minister of State, Scottish Office, yesterday? He said:

"The position in Scotland is that, while we accept the principle of waygoing tenants' right to compensation, we have not as yet reached a final view on the arrangements to be introduced for Scottish tenants."

Surely, against that background, it is useful for us to wait and see what may emerge from the other place.

Mr. Eadie: The hon. Gentleman makes a fair point. He has an advantage over me. I have not seen the letter to which he refers. I make no complaint about that, but I think he will have to take on board the point that I have tried to make. Have we more confidence in the House of Commons than in the other place when it comes to being able to deal with the issue of landlords versus tenants? Therefore, although he makes the point that there is difficulty in making arrangements, I will quote the relevant paragraph from the Scottish NFU. which the hon. Gentleman will have had the advantage of seeing. It says:

"We are extremely pessimistic of the possibility of Scottish legislation providing any significant improvement in the terms of allocation of quota between landlord and tenant, unless the weaknesses of the Government's intentions are adequately exposed in this week's debate."

First, the weakness in the Government's handling of this legislation is exposed. Secondly, the shabby way in which it is intended to try to drive this new clause through

[Mr. Eadie]

the House of Commons also exposes the Government's weakness. I shall have no inhibitions about opposing new clause 4. If it is said that this is a non-political point and if there is a spirit of neutrality on both sides of the House, I hope that the Government will see fit to withdraw their proposal and allow further consultation to take place. I shall then be able to go back to my constituents and meet my constituency branch of the National Farmers Union and tell them that the Government are serious about wanting to be fair as between landlord and tenant in relation to milk quotas.

7.15 pm

Mr. Nicholas Winterton (Macclesfield): I shall be quite brief, because many of the arguments have been rehearsed already in this debate. I believe that the method that the Government have chosen to introduce this very important new clause on Report highlights the dangers, injustice and stupidity of adopting this course of action. We are discussing a highly complicated and very sensitive matter — the future livelihood of people who have invested a whole life's work in the dairy industry in this country.

I would reply to those who criticise me for what I am about to say by stating that this situation has been forced upon the dairy industry, both landowners and tenants, by the Government. The dairy industry as a whole did not seek the imposition of milk quotas, nor did the landowners or the tenant farmers engaged in dairy farming. Surely, on an important matter such as this, we in this House should bring justice to a situation which has been causing increasing anxiety, worry and problems to the dairy industry ever since the imposition of the dairy quota.

I would say to my right hon. and hon. Friends on the Front Bench that the Government can criticise the Opposition, and vice versa, but I give the Opposition credit on this score: when, in the 1970s, I served on the Committee on the Agriculture (Miscellaneous Provisions) Bill they introduced an important new clause on the succession of tenancies. We strongly opposed it in Committee, but we did have the opportunity of opposing it, of putting down amendments, in the sure knowledge that we would then have a full debate on Report before the Bill went to the other place, so that all the problems of that new clause and all that went with it could be adequately discussed in the House.

What is more—this has been highlighted by some of my hon. Friends and by Opposition Members who have spoken in the debate — that gives the outside organisations, the tenant farmers, the NFU, the Tenant Farmers Association, the Country Landowners Association, the valuers and the professional bodies involved, every opportunity of presenting their case, their concerns and their criticism to hon. Members, who then, when we come to the debate, can reach a decision in knowledge and not in ignorance.

One of the reasons why I shall support my hon. Friend the Member for Cornwall, South-East (Mr. Hicks) in the Division Lobby tonight is that I believe that he has put forward a more just way of solving this problem than have the Government. There may be criticisms which my right hon. and hon. Friends on the Front Bench can level at the new clause but I believe that, on balance, in the words of the NFU brief, he is seeking to deal with "a typical situation" and a 50-50 situation to start with is an equitable one. To start with any less than that is to show bias towards one party as against the other, and I do not believe that the House seeks to do that.

I make this point very clearly to my right hon. and hon. Friends on the Front Bench. I have many tenant dairy farmers in my constituency. I have two or three substantial landowners. The difference between the landowners is very marked. Some are excellent in their dealings with their tenants and provide massive investment in the land. Here we have a situation which could adequately be dealt with under new clause 6. The quota allocation starts on a 50-50 basis, and if there is any dispute between the tenant and the landowner it goes to arbitration and the quota allocation can be reduced from, say, 50 to 20 for the tenant, while the landlord has 80, or vice versa. But it starts on an equitable basis, and if the House is not prepared to provide that it is nonsense to debate this situation tonight.

I have grown up with the agriculture industry. I have no vested interest. My father's family were auctioneers, valuers and estate agents of 150 years' standing. When one has grown up with the dairy industry in particular, one understands the commitment, not only to the land, but to the job that is being done. It is not just a five-day-a-week job; it is not a job from 9 to 5. When one is dealing with livestock, it is 24 hours a day, seven days a week, 52 weeks a year.

From the representations that have been made to me by the chairman of the Cheshire NFU, who is a tenant dairy farmer from Lower Withington in my constituency, and the arguments that he and many other tenant farmers have put to me, I believe that there is a case that deserves to be heard. I do not like to have to decide on such an important matter in this House when the first I knew of what the Government were doing was when a new clause was put down last Friday which, sadly, I did not see until Monday of this week.

Mrs. Kellett-Bowman: I only want to observe that when my hon. Friend saw it on Monday it was incorrect and it was therefore more misleading than ever.

Mr. Winterton: My hon. Friend makes a valid point. There have been only 72 hours, therefore, in which to hold consultations and reach a decision.

My hon. Friend the Member for Cornwall, South-East presented a very fair case. It convinced me far more than did the case presented by my right hon. Friend the Minister of Agriculture. My right hon. Friend is not in his place at the moment. He has had a difficult job to do, and many hon. Members are disappointed that the National Farmers Union and the Country Landowners Association have been unable to reach a decision on such an important matter. Would it matter if there were a further delay for two or three months? I do not believe that it would.

We shall have to vote on Government new clause 4. There will be no opportunity to vote on the merits of new clause 6. I shall vote against my party, not because I think that it is seeking to do wrong, but because it has not taken on board all the views that should have been considered when dealing with such a complex matter. The NFU feels very strongly about this matter. It believes that tenant farmers are very anxious and angry.

My hon. Friend the Member for Milton Keynes (Mr. Benyon) said that we must not discourage young people

from entering the farming industry. Although it is not mentioned in its brief, I am sure that the NFU is more than aware of this. In the late 1970s, during the proceedings on the Agriculture (Miscellaneous Provisions) Bill 1976, many Conservative Members stressed the need to bring new life and young people into farming. This priority was highlighted time and again. The House should give more than just fair weight and a fair wind to the views of my hon. Friend the Member for Cornwall, South-East. I shall vote for the spirit of his amendment when I vote against the Government in the Division Lobby.

Mr. Richard Livsey (Brecon and Radnor): Before I deal with new clause 4, I, too, should like to congratulate the Minister of State and his wife, who have done so well in producing their child so soon. I sympathise with the Minister of Agriculture, who has been suffering from influenza this week. Although he is not in the House, I am glad that his voice held out long enough to explain the complexities of new clause 4. It was extraordinary that he had to plead for silence in order to explain its complexities. If he found it difficult to explain the new clause, how are right hon. and hon. Members expected to understand it, and how can those outside Parliament be expected to accept it? The unacceptability of new clause 4 is to be found in the first line of paragraph 6(1) of the new schedule and in the calculation of quota in paragraph 6(4).

The definitions of standard quota depend on a formula that is to be put forward in a statutory instrument. A formula that is based upon 4,500 litres per cow and upon a stocking rate of 1·9 cows per hectare and which also takes account of rental value of the land, does not stand up to examination. The Minister says that the formula allows for flexibility, but I believe that it is set in concrete. The attraction of new clause 6 is that it is much more open-ended. It provides a much fairer basis for arbitration.

If the Minister's formula were used for a standard quota, in certain circumstances a tenant could be left with almost nothing. The legislation must be seen to be fair. This proposal is not the same as that of February. The formula is inequitable in its approach to the farmer on marginal land when compared with, say, grade 2 land. There are 37,000 dairy farmers in England and Wales. Many of them are farming on marginal land, not on high quality land. The Minister's formula will militate against those farmers who, because they are farming on marginal land, already operate at a disadvantage.

The Minister referred to the position before the introduction of milk quotas in 1984. Production was then 10 per cent. higher than it is now. This formula means that the tenant's quota will now be even lower. The Minister's arbitration proposals are very restrictive and will probably tie the hands of the arbitrator. The Royal Institution of Chartered Surveyors is critical of this proposal. A tenant could end up with only 25 per cent. of the quota, which would be inequitable. The hon. Member for Milton Keynes (Mr. Benyon) said that if new clause 6 were agreed to, it would result in a tax on landlords. However, he neglected to say that, because the quota is attached to the value of the landlord's land, its value is greater. Therefore he does not lose to such a great extent.

Mr. David Heathcoat-Amory (Wells): The hon. Gentleman may know that in Somerset his party has made great play of the need to retain county council farms in public ownership in order to give opportunities to new entrants, yet he is supporting an amendment that would have the affect of increasing the compensation paid by landlords to existing tenants at the expense of incoming tenants. Therefore he is supporting the erection of a new barrier against new entrants. Is he able to explain this paradox in Liberal thought, or is he happy about a policy that pulls in both directions at the same time?

Mr. Livsey: No. I am looking for an equitable solution to the problem, for a solution that is fair to everybody. New clause 6 introduces equity and proper arbitration. Every point is taken into account, particularly arbitration in the case of county council smallholdings. We believe that that is a fairer starting point.

New clause 6 has the support of many members of different parties, and I feel that it is important to have cross-party support on this issue because we shall have to live for a very long time with the solution that is chosen. Governments of different colours will have to live with it and administrate it.

7.30 pm

It would be better for the Government to accept a clause acceptable to the broad view of hon. Members with farming interests. If we fail to secure consensus, I do not think that we shall be able to carry the proposal forward. If the Minister is to impose a scheme that leaves the tenants with, on average, 25 per cent. of the quota, he will be presenting a formula that hon. Members will not accept for very long.

We wish to include Scotland in new clause 6. There have been strong representations from Scotland on the clause, supported by many of my hon. Friends such as my hon. Friend the Member for Gordon (Mr. Bruce) and my right hon. and hon. Friends who represent the Borders. New clause 6 is supported as well by my hon. Friends the Members for Yeovil (Mr. Ashdown) and for Truro (Mr. Penhaligon).

The worry about incomers has been stated. I have a great deal of sympathy with the arguments about young farmers coming into the industry, the value of the quota and the barrier that that could present to them getting into farming. We need to address ourselves to that problem.

Mr. Colin Shepherd (Hereford): Will the hon. Member therefore not just buck the issue but address himself to it now? It is fundamental to the industry's future structure and we cannot leave it to be dealt with on another occasion. Will he deal with it now?

Mr. Livsey: I shall deal with it. I believe that arrangements should be put in train for the milk marketing boards to have available a reserve of quota to cater for these circumstances. We cannot in this brief discussion go into the details of such a scheme, but I would suggest that in the future we look to such ideas as a means of resolving these problems.

On the Continent younger farmers can borrow at far lower interest rates than is possible in this country. We need to examine that facility so that quota is available at more preferential rates. This vast subject needs to be opened up on another occasion.

The Minister of State, Ministry of Agriculture, Fisheries and Food (Mr. John Selwyn Gummer): The hon. Gentleman has mentioned a matter of great importance to the House, which is the problem of possible barriers against new people coming into the dairy industry.

[Mr. John Selwyn Gummer]

Is he suggesting that we should reduce the quota available to those who are already in the industry, in order that the Milk Marketing Board might hand it out to newcomers because that is the only way in which spare quota can be found? Or, is he suggesting that there should be some sort of buying-in arrangement? If so, who would finance that? Does he not accept that the incoming tenant will always have to pay what the outgoing tenant gets?

Mr. Livsey: Additional quota could be found for entrants into the industry. The situation is not as the right hon. Gentleman has described. I think that it will be possible to provide quota in future.

We are discussing a reduction of 3 per cent. in the quota under the outgoers scheme. Clearly, people are going out of production. Quota will be available in the future, and some of that could be put in reserve.

Mr. Maclennan: Does my hon. Friend not also recognise that, if the outgoing tenant is not to receive a fair share of the quota, it is a positive disincentive to him to move out, and consequently make the enterprise available to an incomer?

Mr. Livsey: I agree with my hon. Friend. I ask the Government, in the interests of the industry, to withdraw new clause 4 to allow us to vote on new clause 6. Hon. Members from both sides have demonstrated a degree of unity on new clause 6, which does not exist on new clause 4.

Mr. Charles Morrison (Devizes): Even though I am chairman of the all-party group on population, I congratulate my right hon. Friend the Minister of State on his happy event.

Today, we are concerned with surplus milk production. Like my hon. Friend the Member for Torridge and Devon, West (Sir P. Mills) I think it is regrettable that the National Farmers Union and the Country Landowners Association were unable to reach a reasonable agreement after many weeks of discussion. I appreciate their difficulties, but it seemed that they might have been able to give and take enough to ensure that a reasonable compromise between their varying interests was achieved. Not only would it have been far better if they had done that themselves, but it would have removed the difficult situation now facing my right hon. Friend, whereby he thinks that he has to impose a solution on them.

At the moment I am not sure that we shall get the right answer to the problem. I wonder why we have not been presented with an enabling clause, rather than precise proposals, which would have allowed further discussion to go ahead on the basis of the proposal of my hon. Friend the Member for Cornwall, South-East (Mr. Hicks).

Both proposals have their advantages, but it seems to me that, given the short time available for consideration of these proposals, it is likely that we shall not get the right answer tonight.

I share the concern expressed by my hon. Friend the Member for Milton Keynes (Mr. Benyon) about the problems of new tenants. That is one of the reasons why I think it is wrong tonight to come to a final decision. The problems to which he referred are very genuine indeed.

I was pleased to hear the comments of my right hon. Friend the Minister about the calculation of the standard quota. He intends to do his best to meet the points made in that regard by the National Farmers Union.

I am concerned most about compensation. As we know, it is possible for a landlord to obtain 100 per cent. of the compensation. The same should be true for the tenant in certain, albeit rather exceptional, circumstances. Let us take, for example, a tenant farmer on the Wiltshire downs who many years ago took an arable farm and decided to have a Hosier milking system, using a mobile Hosier bay. Let us assume that he wishes to give up. So far as I can see, there is no reason why he should not return to his landlord an arable farm, which is what he took. Every aspect of the dairy investment would have been paid for by the tenant farmer. What conceivable argument could there be to prevent that tenant getting 100 per cent. compensation?

Mr. Douglas Hogg: In those circumstances the tenant would already have a claim for improvement under the Agricultural Holdings Act 1948.

Mr. Morrison: That has nothing to do with the quota. If I am wrong, my right hon. Friend the Minister of State will correct me.

My hon. Friend the Member for Horsham (Sir P. Hordern) has whispered in my ear another example of a third generation tenant farmer of a third generation landlord. If the landlord has done nothing to assist the tenant farmer, what conceivable argument is there for that tenant farmer not getting 100 per cent. compensation? Because my right hon. Friend's proposals do not seem able to meet that case, and because on the other hand the proposals of my hon. Friend the Member for Cornwall, South-East seem to have the flexibility and, indeed, the relative simplicity that are required, as of now I propose to support my hon. Friend's new clause, if I have the opportunity to do so.

I have not thought this through, but in regard to appeals, might it not be possible to have a system whereby the most exceptional cases of the type that I have described are referred under a special provision to the Agricultural Lands Tribunal? I do not know whether that would cope, but it might be a way round the difficulty that I have described. I should like to think that my right hon. Friend will be able to answer adequately my points, but as of now I doubt it. For that reason I intend to support my hon. Friend the Member for Cornwall, South-East.

Mr. Allen McKay (Barnsley, West and Penistone): Like my hon. Friend the Member for Rother Valley (Mr. Barron), I do not have a brief from the NFU or from the Country Landowners Association. All I have is a letter written on behalf of tenant farmers in my constituency. They think that they are getting a raw deal. They may be third and fourth generation tenant farmers who have put a lifetime of work on farms which have been built up over the generations. Those tenant farmers have worked many hours and have put buildings on the land. At some time they will get compensation for those buildings, but if there is to be compensation for milk quotas, they think that they should get the reward for the work that they have done.

I accept the argument about the incoming tenant farmer. I recognise the problems about encouraging people to come into the industry. The Government propose to pay

compensation to a person who has not even started to put in any effort. They say that they will pay compensation to someone who has done virtually nothing.

What about the landlords? Who is the landlord? There are many absentee landlords. In my area the landlords used to be the Fitzwilliams, the Straffords, the Wortleys and the Wentworths. They looked after their tenant farmers. The landlords do not live in the area any more. In many cases they are companies owned by shareholders, and they never appear on the land. The landlord's responsibilities are carried out by an agent. My tenant farmers wonder why those absentee landlords should be compensated for the work that the farmer and his family have put in for many years.

7.45 pm

Why are we giving compensation for quotas? As I understand it, quotas came into being under an EEC ruling. Because there is over-production of milk, the Government had to decide how much should be produced on each farm, and on which farms it should be produced. The quota is a licence to produce a certain quantity of milk. It is we who are putting a valuation on the quota. A goodwill arrangement is being created. It is not an outgoing quota. I could understand it if compensation was to be paid to a farmer who was being forced out of business, rather than retiring or going out of business voluntarily, because the Government did not want his milk any longer. What we are talking about is goodwill. We should consider the analogy of the goodwill of a shop. Compensation for goodwill goes not to the person who owns the shop but to the person who has built up the business in the shop. I recognise the difficulties which we are running into.

I am concerned that this will not be the last time this will happen. We are talking about milk production, but what will happen if there is a surplus of potatoes or cereals? Will the EEC say that there must be cuts in production and that we have to introduce quotas for them. If so, the Government will come to the House with legislation and we will have the same argument again.

This is a classic example of a matter that should have been discussed not on the Floor of the House but in a Special Standing Committee which could have gone into detail on all the pros and cons. When the Minister replies, he may be able to tell us why we have got into difficulty. In the past, when a tenant farmer left his farm, there was an auction and he got his compensation from the materials which he sold and for the buildings which he left on the land. For the first time we are introducing the goodwill aspect into farming. The farmer will be selling not something tangible but a licence which has been issued by the Government to produce a certain quantity of milk. That is the danger in the Government's proposal.

Mr. Douglas Hogg: It is unfortunate that we are discussing such a complicated matter at this stage of the Bill. In effect, we have before the House a very detailed draft which should be debated as it would be in Committee, but we cannot do that. In essence, we are talking about the principle of the new clauses. Therefore, I share the disquiet expressed by many hon. Members about the way in which we are being asked to consider the matter for the first time.

The House is considering two principles which are enshrined in the two new clauses put forward separately by my right hon. Friend the Minister and by my hon. Friend the Member for Cornwall, South-East (Mr. Hicks). They are designed to achieve different things. Surely we should now be trying to determine the underlying principle which we should apply to the proposal for compensation. If we can identify the principle that we should apply, we can decide which of the new clauses is more consistent with that principle.

There are comparable situations from which we can gain guidance and I should like to suggest two. There is the procedure under the Agricultural Holdings Act 1948 whereby the outgoing tenant has a claim for improvement on the termination of the tenancy. Secondly, there is the situation that arises in the context of business tenancies under the Landlord and Tenant Act 1954, part II, where again a tenant has a claim for compensation on the termination of the tenancy. It is important to determine what the tenant in those two cases is seeking to recover. He is not just seeking to recover a lump sum because he is leaving the premises. He is not entitled to that. He is entitled to claim compensation only for improvement. The principle upon which that is assessed is the betterment of the landlord's premises, the improvement to the landlord's premises which is attributable to the work or the investment of the tenant.

Mr. Maclennan: I realised from his earlier interventions the line that the hon. Gentleman would follow. He is missing the point that this is not a proper analogy. Effectively, the tenant has freely entered into a contract, a lease, the terms of which and the law surrounding which are clear to him. The situation is now different. The creation of quota is the creation of an asset, and if the owner of the asset is not properly compensated as a result of what the Government are doing, the Government are effectively expropriating the tenant or, for that matter, the proprietor.

Mr. Hogg: I do not agree, for two reasons, one general and one specific. My general reason is that this is not a capital asset in the conventional sense. It is much more analogous to the possession of a shop which has a specific planning use prescribed for it which is more advantageous than another kind of planning use. In any event, if the hon. Gentleman looks at the Agricultural Holdings Act which was introduced by the Labour Government in which he was a Minister, he will see that the same system of betterment was applied to improvements carried out prior to 1968. That of course is analogous to the present situation.

We should try to determine the relevant principle, and it seems to me that the relevant principle, deduced from comparable situations, is that the tenant has a right to claim compensation to the extent that his work and his investment has improved the assets of the landlord. I do not accept that the tenant has a right to claim compensation or financial recognition or a lump sum beyond the level of that recognition. If one applies that principle to the two new clauses, I suggest that one will see that the Government's new clause is preferable.

New clause 6 is advanced by my hon. Friend the Member for Cornwall, South-East and is not directed towards providing financial recognition for betterment. It is doing something else. It is saying that an outgoing tenant has some form of proprietorial interest in milk quota irrespective of the contribution that he has made to improve the landlord's asset. I do not accept that analysis.

[Mr. Hogg]

New clause 6 also had the pragmatic disadvantage mentioned by my hon. Friend the Member for Milton Keynes (Mr. Benyon) and by the Minister that, if we adopt new clause 6, we are taking capital out of agriculture and are likely to impose a burden on incoming tenants. That is a pragmatic disadvantage, although it is not as serious as the disadvantage of principle to which I have referred.

Mr. Maxwell-Hyslop: My hon. Friend has overlooked the point that was also overlooked by the Country Landowners Association. There is quota on a farm that has quota only because the tenant was producing milk on the crucial date. If he had not been producing milk on that crucial date, there would be no quota and the owner of the land could not let it to anybody or take it in hand and produce milk on it. Secondly, the quantum of that quota is related to what the tenant was producing in the base year. It is the tenant who creates the quota, not the landlord. It is true that it could be said that it could not be done without the landlord, but it is also true that the tenant could not have done it if his parents had not given birth to him. It is the tenant who creates this valuable, negotiable, rentable and saleable asset.

Mr. Hogg: My hon. Friend is not wholly right. Both parties created the asset.

Mr. Nicholas Winterton: No — the Government created the asset.

Mr. Hogg: Many parties created the asset.

Mr. Winterton: No, the Government.

Mr. Hogg: The Government created the asset in one sense and the tenant created it in the sense put forward by my hon. Friend the Member for Tiverton (Mr. Maxwell-Hyslop) and the landlord created it in yet a third sense. It is a fact of history which came about through a combination of circumstances. We still have to analyse the principle on which the compensation is recoverable. I believe that the principle is betterment and enhancement. That is a difference of principle between us and reasonable men can differ about that. We need to identify why we differ about that and I submit it is because our purpose and objective are different. If that is right, one turns to the Government's proposal.

I agree with my hon. Friend the Member for Torridge and Devon, West (Sir P. Mills) that there are problems about the Government's new clause 4. I agree with him that the new clause does not accord sufficient recognition when dealing with standard quota to the problems of marginal land, and to the problems that would flow from low input farming — a policy often advocated by Ministers.

I put those criticisms to the Minister, but he is right in introducing a clause that is designed to confine compensation primarily to betterment and enhancement over and above what would otherwise be the case. That is the correct approach. I recognise that a number of my hon. Friends do not agree with me, but that is perfectly understandable because in a sense we are debating a principle. Once the principle of betterment is accepted, the Government's new clause 4 is to be preferred to that of my hon. Friend.

Dr. Roger Thomas (Carmarthen): When the milk quotas were introduced two years ago, three of the areas hardest hit were south-west Wales, Cornwall and Devon. But that is not the reason why the farmers of south-west Wales are disenchanted with clause 4 and happy with clause 6. The hon. Member for St. Ives (Mr. Harris), in an intervention, said that this matter should be before the House in the form of an entirely new Bill and go through all stages, especially Committee, when the nuts and bolts and intricacies of the matter could be examined in far greater detail.

It is a great disservice to the farming community, especially to tenant farmers, that this matter has been brought in at the tail end of an important Bill. Many hon. Members wish to participate in the debate. We are also trying to get the Bill through in a hurry. Many of those who spoke from the Government Benches tried to extricate the Minister from the hole that he has been digging for himself. After the Minister of State has replied, there should be some means to enable us to wipe out what has happened tonight.

This is an important debate. It may have been repetitious, but that has been because the same valid points have been raised. Time and again hon. Members have pointed to the advantages of new clause 6 and the disadvantages of new clause 4.

8 pm

I represent a dairy farming area, where there are many marginal farms. Marginal farms will do particularly badly out of the complex regulations involved in new clause 4. We should stick to the principles of new clause 6. At least that starts from a 50-50 base line for the tenant and landlord. From there, the figure could move up or down according to arbitration. New clause 6 has been criticised on the ground that arbitration will take a long time and that many cases would have to go for adjudication. But surely that would be excellent. After all, there would then, at the end of the day, be fairness.

I hope that the Minister will recognise that hon. Members on both sides of the House are unhappy. The feelings of the farming fraternity have filtered through to the House in an almost unprecedented manner. However, I do not want to detain the House, as the Opposition feel that there are many other important provisions that should be debated at length. I refer, in particular, to new clause 1 which mentions a consumers' committee to look after the interests of the consumer. That is an important new clause, and we would like to reach it.

I come from an area that has suffered greatly from milk quotas, and we do not wish to suffer any more. I make one party political point. When the hon. Member for Ynys Môn (Mr. Best) speaks, he will be able to confirm that the Conservative party's popularity plummeted in April 1984. If new clause 4 is virtually steamrollered through the House tonight, so late in the passage of the Bill, the Conservative party will see its support virtually destroyed in rural areas.

Mr. Corrie: I am well aware that the new clauses and the schedule do not cover Scotland, but I am sure that they will be used as the basis for any legislation that comes up in the other place. I am equally sure that, because of EEC legislation, Scottish provisions could not be very different, or there would soon be complaints from English farmers that might end up in the European Court. I know that my colleagues in the Scottish Office have been desperately trying to obtain some agreement between the SLF and the

NFU in Scotland, but have not yet succeeded. I hope that they will continue to discuss such matters with them in the hope of reaching some agreement.

My right hon. Friend the Minister cleared up several points that had been worrying me, and I thank him for that. The sad thing about the debate is that if we had had time to thrash out the schedule in Committee we could probably have reached a consensus. However, if my right hon. Friend the Minister really meant it when he said that his mind was still open, it may yet be possible to improve the schedule slightly in the other place.

Mr. John Home Robertson (East Lothian): How?

Mr. Corrie: I assume that it is possible to do something in the other place, and I look forward to seeing what happens there.

Mr. Home Robertson: Does the hon. Gentleman want a peerage?

Mr. Corrie: No, I want to talk about the Bill. Is the hon. Gentleman offering a peerage?

We all want a fair and reasonable divide between landlord and tenant, depending on the input from each party. I agree that that should not be based on any percentage figure. In any discussions, no two cases will be the same. The mess that we find ourselves in shows what happens when one tampers with production. As has been said, we may have to face the same problems over cereals. Quotas have undoubtedly created a new asset. Hard-pressed farmers will see a little relief as they go out of farming if they can make use of this compensation. I assume that if there were a new EEC outgoers scheme legislation would be needed to cover that in the case of any tenant farmers going out of milk production, but not out of the farm. However, I shall not go into that, as I would be out of order if I were to do so.

At present a tenant has no rights whatever, and the landlord has a 100 per cent. right to the quota compensation. I cannot agree with all my hon. Friends, as I believe that it would be unfair for either side to obtain 100 per cent. compensation. It does not matter how much the tenant has put into the land. Indeed, many tenants have put in an enormous amount of capital. But the landlord has still provided the land on which he farms. The problem raised by the new clauses and the schedule is that we are trying to find a basis of negotiation for possibly hundreds of completely different cases. It is extremely difficult to sort out hectarage and litreage production on a wide variety of land types and to come out with a fair result, especially when the standard quota is as high as 4,500 litres.

Very few of the farmers in marginal land areas—this is true of my area—will get anywhere near excess quotas. Thus, I feel that the basis of the standard quota and excess is perhaps not the right starting point. I shall cite three cases from my constituency, where each of the farmers has 700,000 litres of quota. Farmer A has 100 pedigree cows. He feeds them hard, because he wants good pedigrees, and he averages about 7,000 litres. Farmer B farms well, but traditionally. He never forces his cows, and averages about 5,000 litres with 140 cows. Farmer C has a hard marginal farm, where he raises beef calves from his dairy side. He runs 155 cows, but he manages an output of only about 4,500 litres. Farmers B and C are not bad farmers. They are good, traditional farmers on the sort of land that they are farming, yet the possible compensation differences between the three farmers could be enormous.

Mr. Maxwell-Hyslop: Has my hon. Friend noticed that the difference between farmers B and C is less than the 20 per cent., which under the Minister's formula, would trigger a differential standard yield?

Mr. Corrie: If a farmer was down to 20 per cent. below those levels, he probably should not be farming anyway. His output per hectare would not make the unit viable.

Mr. Pollock: My hon. Friend will recall that our right hon. and noble Friend the Minister of State, Scottish Office, has implied that the Scottish arrangements have yet to be finalised. In the light of the examples that my hon. Friend is giving the House, does he believe that there is any possibility that tenant farmers in Scotland will benefit beyond the two thirds currently being made available in England and Wales?

Mr. Corrie: I cannot say what will happen in the other place, but if any legislation passed by this House benefited farmers in Scotland more than those in England, I believe that we might be taken to court under EEC legislation for enacting unfair legislation. I may be wrong about that, and if so perhaps my right hon. Friend the Minister will correct me at the end of the debate.

In 1983-84 a young farmer took over a tenancy partnership with a landlord in the constituency. The landlord had no interest whatever in putting a dairy unit on that farm. He said that the young man could go ahead if he wanted to. The young man spent between £70,000 and £80,000 on putting up buildings, installing equipment, and erecting a dairy. He was lucky enough to get a good quota. He is bound to go out of that farm in 1994. Last Thursday a solicitor's letter arrived saying that, although the landlord had not previously been interested in that farm's milk output, under legislation that might come forward now he would, of course, claim his compensation. That young man who invested £80,000 on the assumption that he would ultimately get some return on it will be much worse off when the time comes. Does my right hon. Friend think that the present legislation will give that young man a fair return on the money that he invested? My right hon. Friend said earlier that the maximum that could be obtained was probably about 66 per cent.

I accept that at the end of a tenancy the landlord may find that he gets a bill for a considerable sum of money, and £30,000 has been mentioned. In my area, where there are big dairy farms, it would be much more than that. At that point he has three choices. He can go out of dairy farming, pass on that cost to the incoming tenant, which would be a heavy burden, or charge the tenant a higher rent to cover the interest on the quota that he had bought out. There is no doubt that the land value is increased as long as the quota stays with the land, so that most landlords would want to keep the quota with the land.

I am not happy with what has come out of tonight's debate. I think that we have it so nearly right that, with proper discussion, we could have got something that pleased every hon. Member.

I wish to raise two small points. First, I understand that if a tenant buys out quota, 100 per cent. of that will be his when he goes out and the landlord will not have access to

[Mr. Corrie]

any of it. Secondly, I understand that if there is no statutory successor there is no compensation for the estate. I feel that that is wrong. If a man borrows a lot of money, puts it into a tenant farm, builds up the dairy herd and his unit and then dies, his dependants find that there is no compensation for what he has done, and this makes an enormous difference to his estate in the final reckoning.

The real sadness, as has been said, is that the organisations in agriculture outside the House could not agree among themselves and that it has been necessary to introduce legislation at all. Once again the legislators have to take the difficult decisions and be got at from both sides because they cannot agree among themselves.

Dr. Marek: If anything can be learnt from today's debate, it is that the subject has been introduced too late on Report. It should have been introduced in Committee, where we would have been able to intervene in each other's speeches more often, to speak more than once and to challenge or test the hypotheses that have been put forward. The hypotheses have been interesting and some of the thoughts, speeches and points in the debate have taxed my mind, and I shall have to think about them very carefully.

I am not sure whether I am completely right in what I am about to say. Indeed, I am not sure whether hon. Members who have spoken have been completely right in their points all the time. The tenor of the debate has been that new clause 4 is not correct, that the Government have not got it right and that something ought to be done about it. I hope that the Government will take this on board as many hon. Members have made the point.

If the Government are sincere in trying to do their best for industry and to get general agreement between the CLA and the NFU, they will take this seriously. If, on the other hand, the Government are seeking to serve their own people — those who belong to the CLA and those landowners who sometimes do not have to do anything for a living—they will do nothing; they will leave it alone and try to use their majority to force through the new clause.

The hon. Member for Grantham (Mr. Hogg) made a series of interesting points. I thought that, by and large, he was wrong, especially when he talked about the quota not being a capital asset. I think that it is a capital asset, although not in the way that one would normally imagine. The hon. Gentleman gave an example about planning. If planning permission is granted by a council, it is not always given to the landlord of the building; sometimes it is made personal or there is a section 52 agreement. One can give other examples. When intoxicating liquor is sold in a public house, one person is licensed to sell it and the licence is granted to him, not to the public house or the company or brewery that owns the public house. One can then argue whether that capital asset falls into one category or another.

I believe that in 1984 the Government created a capital asset to be divided between the landlord and the tenant. There is no a priori reason why this should be given to the landlord as opposed to the tenant or to the tenant as opposed to the landlord. Hon. Members may imagine that I am going to argue for a 50-50 distribution and then consider the individual cases and determine them in the light of the circumstances of each case. Indeed, that is what I am going to do.

The Secretary of State said that some tenants would get up to 66 per cent. of the benefit of the quota. I find that difficult to believe. When the fraction of the tenant's standard quota is being worked out, somewhere in the denominator of that fraction will be the rental value of the land that is being used for dairy cows. That rental value will be very high, thus making the fraction very small. I do not believe that tenants will get up to 66 per cent., and, judging by what other hon. Members have said, I do not think there is much confidence in the Minister's argument.

8.15 pm

The argument is very complicated, and the Minister has tidied up all sorts of arithmetic, figures and divisions. I believe that he places a value in the land itself. It is at this point that I believe a political difference arises between Conservative and Opposition Members. In my view, there ought not to be a value in the land. There ought to be a value in the land if it is being used properly, and I hope that some Conservative Members can agree on that. If a landlord is misusing land or not using it at all, no benefit should accrue to the landlord.

Some Conservative Members attributed charitable motives to the Government and said that they were trying to do a good job, but the Government must prove this. I am a little more cynical. I think that the Government are trying to protect their vested interests and the landowners —in particular, those who do not use their land at all.

The hon. Member for Devizes (Mr. Morrison) gave one excellent example, and I am going to give another. If a landowner—he need not be a member of the CLA; it could be some finance house in the City—happened to own an old quarry which had been filled up with rubbish with a layer of top soil, so that it was completely useless, and rented the land to a tenant farmer to see what he could do with it, and if that tenant farmer built up his dairy herd and put the land into good repair, then having paid for all the buildings and equipment, I submit he ought on retirement to have 100 per cent. of the quota. I cannot see any reason why he should not have 100 per cent.

Equally, if a landowner had a farm that was a going concern, composed of grade 1, grade 2 land, with no problems, and he provided the cows—I know that this is a little hypothetical and not quite how things are usually done, but I am talking in extremes, and most cases fall between the extremes — and everything else for the tenant, who did nothing but take income from rent, the tenant should have no part of the quota at the end of the day because the quota would have been supplied by the landlord. The average situation is somewhere between the two, and equity is that the division should be 50-50. If the landlord and the tenant each puts in 50 per cent., however one defines it—and here the CLA and the NFU should be considered together—then each should get 50 per cent., but that is not the effect of the new clause.

A specious argument was put forward by the hon. Member for Milton Keynes (Mr. Benyon). He said that something extra should be given to the landlord, because a tenant farmer on retirement takes money out of the industry. On the other hand, one can have a landlord who says, "I have had my income from all these tenant farmers and now I am going to retire to the south of France," and

he, too, moves out of the industry. If there is to be equity in these matters, what is good for one is good for the other. There can be arguments both ways.

Next there is the problem of new entrants with which the Government must deal. I can see nothing in the Bill that will help that situation. That will require the provision of money.

We need more time, although not too much, because tenant farmers are retiring all the time. The Government should withdraw the new clause. There should be urgent discussions between the CLA and the NFU in order to reach agreement and to make sure that, when the new clause is reinserted in another place, it will generally be seen to be fair to the tenant farmer and to the landlord. The new clause does not achieve that. Unless I get an assurance from the Government, I intend to vote against the new clause.

Mr. Christopher Hawkins (High Peak): My right hon. Friend has been told that his formula is too complex, but in my view it is far too simple. Several hon. Members have mentioned a number of other factors that should be introduced when deciding on compensation, but introducing them would inevitably make the formula more complex.

At present, it is nothing more or less than a valuation formula which compares the proportion of the total value of the farm that is due to the tenant's efforts with the proportion due to the assets of the owner. I agree with my hon. Friend the Member for Grantham (Mr. Hogg) that that is a sound basis for the new clause. The formula may be standard and simple, and it may give a rough and ready breakdown of the contributions of the landlord and tenant to the value of the farm, but under the proposed formula that can only be done well on average, as the performance of tenants is compared with an average yield, with no regard to the difficulty of achieving that yield in different areas.

The standard quota of 4,500 litres per cow may be achieved in the lush pastures near this building, with very little effort indeed, but in High Peak, which my right hon. Friend has visited recently, a tenant might have to be almost superhuman to achieve such a yield, given the quality of the land, the height above sea level and the climate.

It is unfair that the standard quota does not vary from area to area. It should at least be lower in the upland areas. That should be considered. If the new clause is supported, could not a separate figure be included in the statutory instrument for upland areas, marginal land and other areas? If not, I hope that the other place will make changes along these lines.

Mr. D. E. Thomas (Meirionnydd Nant Conwy): This debate has clearly shown the disastrous consequences of the quota system in general. It has also demonstrated the problems that arise within the agriculture industry when this House intervenes because the parties—in this case the landlords and the tenants—have been unable to reach agreement.

It is unfortunate that there has been a failure of agreement. I am not blaming the Department, because I am sure that it wished that such agreement had taken place in England and Wales. However, we must look at the ways in which the Government have tried to intervene in a system that has been created by the European Community and by the Government's implementation of the quota system. We must look at that, not only for its immediate effects on the dairy sector, but because of its potential effect if quotas are to be introduced into other sectors of the industry.

In the area that I represent, I am particularly concerned about the sheepmeat sector. Similarly, other sectors of the industry could be subject to quotas. If we set out the relationship between landlord and tenant on the basis that the Minister is proposing, we shall create a precedent for the quota system in other sectors of the industry. For those reasons, we must firmly reject, as nearly all hon. Members who have spoken have done, the scheme proposed by the Minister.

I endorse what other hon. Members have said about the timing of the presentation of the new clause. After all, the Standing Committee discussed this subject for a long time, and there was plenty of opportunity then for the Government to introduce a new clause, which we could have debated in full. I do not want to create any acrimony, because we had an extremely harmonious Standing Committee—perhaps too harmonious, but the fact that such a new clause was not introduced in Committee casts aspersions on that Committee.

The fact that a tenant milk producer has no right over the quota once he ceases milk production is illogical. At present, the entire capital value rests with the landlord. That illogicality has arisen because of the way in which the quota has become a transferable commodity.

There has been some discussion about what the quota can be compared with. Should it be compared with a mineral right, or with a form of planning permission? I prefer to see it as a unique creation of the nature of the quota system itself. When a quota has become an exchangeable commodity and a value in itself, that must obviously create serious problems for those whose only value is derived from production.

We are all agreed, as are the parties outside the House, that it is unsatisfactory that a tenant milk producer should have no control over quota at the end of a period of agricultural operation. But the Minister's proposal is equally unsatisfactory. Rather than giving the tenant no control at all, the formula is totally weighted against the tenant. Indeed, it is weighted to a new concept in landlord-tenant relationships. The normal concept, as I understand it, is that the tenancy is based on the usual forms of good husbandry and on the existing legislation covering landlord-tenant relationships, under which the tenant is expected to reach a certain standard of agricultural production. Nowhere is this related to a standard of production that is reasonably to be expected over an annual period. This is a new concept — the concept of a standard quota and a level of production that a tenant producer ought to have achieved.

Although the Minister has explained the history of it, it is unsatisfactory that a concept devised by valuers should become an obligation on tenants. It is a totally artificial concept.

I am particularly concerned about this concept as it will apply to the marginal dairy areas. The Minister has not addressed himself sufficiently to this issue. In such areas he allows a variation of the standard quota level if production can be expected to differ by more than 20 per cent. from the norm. That again is an arbitrary figure. What are we to do—I know that Conservative Members

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agree with this—with the huge numbers of producers who fall between the norm and 20 per cent.? The Minister must address himself to that issue.

Increasingly, there is serious debate within the agriculture industry and this House about a lower intensity system of production. As we move towards the increasing costs of concentrates and inputs, any system in agriculture should not discriminate against those who are working for a low intensity system, yet a competent tenant farmer with a low intensity system of milk production will be discriminated against under the present arrangements. If we are looking to move towards more organic and low input farming, this is the last thing that we should institutionalise in any system of milk quota. I ask the Minister to reconsider this, because it seems to me a major anomaly in his proposals.

In the new clause tabled by the hon. Member for Cornwall, South-East (Mr. Hicks) we at least have a basis which is more equitable, but even this does not go far enough. I am sure that the Minister will be able to produce technical reasons why what is proposed is not entirely acceptable to him. If so, that is a much clearer argument for him, even at this late hour of 8.29 pm, to withdraw his amendments and reconsider them. After all, if he was able to bring forward his revised proposals at such a late stage, surely it is possible for him to withdraw his clause and give us the opportunity to consult further, so as to achieve a more equitable scheme on the lines of the simpler one proposed in new clause 6. Under this new clause there is no arbitrary classification, so it is a much fairer system for both landlord and tenant.

8.30 pm

This debate is typical of the history of the implementation of the milk quota system. From its inception we have had anomalies, and we still have them. We still have individual farmers who do not have milk quotas because they were not in production on day one, although they have invested a massive amount. We have anomalies between areas, and between marginal producers and those who farm better quality land. The whole business of quotas is an example of how not to pursue our agricultural policy. We must work to limit production, but not by methods such as this.

Mr. Maxwell-Hyslop: I am grateful to my right hon. Friend for grasping the nettle and deciding to legislate. It had become apparent that without that impetus agreement at national level between the National Farmers' Union and the Country Landowners Association was unreachable. If anyone doubts that, he has only to read the national brief sent to Members by the CLA, in which it referred to the proposal as a capital levy and said that nothing should be paid to tenants except under a few very limited conditions. Without the impetus of the knowledge that the Minister had decided to legislate, agreement was out of reach because there was no incentive for the CLA to reach it. Hence my congratulations.

I believe, however, that the time has now come, when this debate reaches its end, when my right hon. Friend should seek your leave, Mr. Deputy Speaker, and that of the House to adjourn this debate for two weeks. I shall explain why. As recently as 11 o'clock last Thursday, his own private office was unable to tell hon. Members when the Minister's amendments and new clauses would appear on the Order Paper. Those who had to go down to their constituencies early on Friday morning, as many of us with large constituencies have to, had to leave the House that week not knowing the Minister's proposals. I make no complaint of that. My complaint is that, since the amendments and new clauses were, in effect, being seen by those hon. Members for the first time this Monday, it was wholly unreasonable to expect us to legislate on that basis only two days later. That then became three days later.

The programme pressures which were impelling the Minister into doing that and which were not of his making have now eased dramatically. There must have been a very large slot in both Houses allocated to the Shops Bill, and with the defeat of that on Monday the pressure ought to be off my right hon. Friend. It must be crystal clear to him that, despite his best endeavours, he has not yet got it right in a number of respects.

It is not enough to look at the elegance of the formula. One has to anticipate its consequences. They are that the representative tenant in milk production will get only about 25 per cent. of the value of the quota. If that is so, then in the judgment of many Members my right hon. Friend has got his formula wrong.

It is not enough just to fiddle the standard yield, in which determination the House can play only a trivial part, because it is to be done by negative resolution statutory instruments. That means that it is unamendable. We know that there are many statutory instruments against which the House wishes to pray for which there is no time or which, when the evening comes, overrun. So if it is to be done by statutory instrument at all, it should be done by the affirmative resolution procedure so that there has to be a debate. Under the formula which my right hon. Friend has written into his new schedule, however, whatever one does to the standard yield one still cannot get a high enough percentage for the tenant where that is the just and proper thing to do.

I am glad that my hon. Friend the Member for Milton Keynes (Mr. Benyon) momentarily appeared in the House, satisfied himself with his own argument and disappeared, because it revealed the gaping hole in the CLA case, which is this: without the tenant's milk production on the critical date there would have been no quota. It was the tenant in milk production who created that quota. That is what the CLA at national level—as opposed to local level in Devon and doubtless in many other counties—has failed or refused to recognise.

I hope that he did not mean it, but my right hon. Friend certainly gave the impression that he thought that the National Farmers Union was careless of the interests of new entrants. That is not my experience of the National Farmers Union at Devon county level—and it is the largest branch in the country. In discussion with members about milk quotas, it recommended that, when we brought in a system of transferring quotas, 10 per cent. of the quota transferred should be taken into a pool specifically designed for hardship cases and new entrants. That is the answer to the false dilemma put by my hon. Friend the Minister of State when he challenged the hon. Member for Brecon and Radnor (Mr. Livsey) to say where he would get the spare quota from. Devon county has already suggested where it should come from. So have many other NFU branches. They say that it should come from the 10 per cent. tax on transfer of quota.

This shows that the Devon county branch and, I am sure, many other branches of the NFU have given thought to the interests of new entrants. I am glad to say that it demonstrates that the Minister's assumption that the National Farmers Union is careless of the interests of new entrants is poorly substantiated by the facts.

Another fallacy put out by my hon. Friend the Member for Milton Keynes is that substantial compensation for milk-producing tenants will force landlords to take the land in hand. I would have thought that the logic was the exact opposite, that if they had to pay the compensation if they took it in hand, and could pass the duty of paying the compensation on to a new tenant if they get it again, then the larger the compensation to be paid the greater the incentive to the landlord to relet rather than to take it in hand. I wish that my hon. Friend were here because it is only fair that he should have the opportunity to answer the accusation that there is a gaping hole in his logic. However, it is not my fault that he is not with us.

I intervened in the speech of my right hon. Friend the Minister to ask—and he gave no satisfactory reply—why a 20 per cent. threshold should be considered right now when a 15 per cent. threshold was considered right under the milk quota regulations for triggering the special hardship quota because of, for example, the sickness of animals, exceptionally bad weather, the illness of the farmer or other specific grounds. Presumably my right hon. Friend must have considered 15 per cent. to be right because he wrote it into the regulations.

Many of us are extremely apprehensive about the yawning gap whereby the arbitrators will be debarred from arbitrating, even on the basis of my right hon. Friend's formula. He was right to say that I have pressed on him the designing of a formula that would achieve, as far as possible, consistency in arbitration, throughout the United Kingdom. Unless there is consistency, by definition there will be injustices. New clause 6, which is the considered opinion of the NFU—which has seen, albeit at very short notice, the Minister's new schedule—provides the fairest approach.

None of those who have signed their name to new clause 6 claims that it is perfect. There is a great deal in my right hon. Friend's new clause that could sensibly be attached in another place to the end of new clause 6. Alternatively, my right hon. Friend could accept my advice and ask permission of the Chair and the House to adjourn the debate for a fortnight when it is concluded—not now—and then bring forward a new amendment. It would be sensible to attach to new clause 6 many of the provisions relating to sub-tenancies, Crown land and many other matters that are so excellently drafted in the Government's new clause.

The trouble is that, for procedural reasons, if we deal with the matter tonight—which I do not advise—either new clause 4 must be withdrawn or it must be defeated in the Lobby because otherwise we shall not have the opportunity to put the question on new clause 6.

I hope that I have demonstrated to my right hon. Friend that hon. Members are trying to be reasonable. They are trying to understand his difficulties as well as the difficulties of the industry. They give him due credit for grasping the nettle and deciding to legislate in the Bill—something for which many of my constituents have asked—and avoid delay so that people do not go out of the industry deprived of all compensation. However, it is even more important to get this right than it is to deal with it three weeks earlier or three weeks later.

My substantive plea to my right hon. Friend is that now that the events of Monday have given the Government the opportunity to take that course—I made this point on the business statement earlier this week, so it should come as no surprise—the Bill should be postponed so that he can think about what will have been said by the close of the debate, discuss it with the bodies with which he tells us he has been in deep discussion, and come up with the best answer and with a procedure that will be as near analagous as circumstances permit to our having had a Committee stage and then a Report stage. I believe that that is in everybody's interests, including those of the Government.

8.45 pm

Mr. Anthony Nelson (Chichester): I, like other hon. Members, have tried to follow the debate closely. I have sought to divine the preferable course of action and decide whether to support new clause 4 or new clause 6. I have found it exceedingly difficult to decide exactly what my course should be. I see arguments both ways. I do not doubt the intention of the signatories to either new clause to seek an equitable and durable solution that will gain the greatest credence and support on both sides of the House.

As many hon. Members have said, my right hon. Friend was placed in an extremely difficult dilemma which, to some extent, has presaged the difficult time problem with which the House is faced. My right hon. Friend was fair in writing to a number of hon. Members with a particular interest in these matters, especially those with dairy farmers in their constituencies, setting out his intentions before the detail of the new clause was tabled. My right hon. Friend has sought to recognise a legitimate interest of landlords as the providers of the constituent part of the asset.

As the debate progressed, I have found myself considering those arguments in relation to particular cases in my constituency, where many dairy farmers, tenant farmers and landlords have been to see me on this matter. I have reached the conclusion that there is a case for the land to be considered part of the asset, even though largely I accept that the asset is wholly derived from the windfall of the imposition of quotas. Indeed, we are talking about an artificiality built upon an artificiality. The inevitable implication will be both capricious and inequitable. The drafting of any new clause must be oriented towards reducing to the minimum the capricious nature of that impact and the inequities that will result.

Although I recognise that the asset derives largely from the imposition of the quota system, I am bound also to consider the many cases in my constituency where the landlord provides the land. That land is suitable for dairy farming, has always been farmed in that way and is let on the basis that it will be farmed as dairy land. I find it difficult to accept that such a landlord might not be entitled to any proportion of the quota under the terms of new clause 6. Unless he had provided assets such as machinery, buildings and so on, he might be deprived of any interest. Therefore, I see strong arguments in favour of the Government's new clause.

I am also influenced by the problems of newcomers, about whom much has been said. I have conflicting views because I recognise that new clause 6 may have a more

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prejudicial impact on newcomers than new clause 4. On the other hand, I must question the extent to which I should be worried about that. The problems that newcomers will face, which undoubtedly will be considerable, are a product of all the anomalies, artificialities, quota and apportionment. At the end of the day, what is wrong is not the impact on the newcomer because it will cost him a great deal. The problems are not the result of the new clause; they are the result of the imposition of the quota system. It is an inevitable consequence, and we must face the fact that there will be difficulties.

One difficulty will be that of the incomers. My hon. Friend the Member for Tiverton (Mr. Maxwell-Hyslop) mentioned ways of solving the problem. Perhaps in time, when quotas prove not to be immortal, those problems will go away. I would prefer not to be faced with the decision this evening as to what course to follow.

If possible, we should have a new clause 5 which would find some common ground, for I fear that there will be difficulties with the Government's new clause as well as with new clause 6. I am especially worried about the way in which the tenant's fraction has been defined. The fact that it will be assessed principally on the basis of the marginal improvement in rent will not necessarily reflect equity, for the basic rent which a tenant pays may not be a precise definition of the extent to which, at any moment, the landlord has put assets in or has an interest in the quota and the tenant has at the same time. Therefore, any appreciation of the rent and any formula based on that appreciation may be wholly capricious in determining what I assess will be the most important element of the compensation which the tenant will receive—that is, the tenant's fraction of the standard quota — apart from consideration of excess, which may have a capricious and similarly inequitable impact.

My right hon. Friend will be the first to accept that there will be problems with the imposition of the proposal. Therefore, I am driven to the conclusion that there are faults with new clause 4. Although it has much to commend it, there are problems with new clause 6, and that is why I would prefer to adopt the course of action described by my hon. Friend the Member for Tiverton. A little more time should be given to hon. Members like me to obtain more representation instead of having to rely on the hurried phone calls and telegrams which I have received from my dairy tenant and landowning constituents. There should be more sober and careful assessment of the way forward.

Knowing the way in which Governments work, I suspect that that is not on the cards. Ministers want to get their business through, and if they have to give way tonight they will see it as a defeat or a concession to the House, or bringing into doubt a central element of the Bill. They should not see it in that way. The Bill might enjoy the good will of many hon. Members later if we had more time and if some of our fears could be satisfied, which they have not been this afternoon.

For that reason, I hope that my right hon. Friends will accept the course of action urged upon them. If they fail to do so—this may be an incentive for them to do so—I shall be driven to the conclusion that I should resist new clause 4 and should give preference to new clause 6. But that would be my fallback position against my preference that the Government should defer this matter.

Sir John Farr (Harborough): I hope that my hon. Friend the Member for Chichester (Mr. Nelson) will forgive me if I do not follow him too exactly. I wish to speak more broadly on new clause 6.

I was disappointed with the arguments of my right hon. Friend the Minister of Agriculture, Fisheries and Food in pointing out why he did not think this was an especially good new clause. He said that the supply of tenants might dry up if the incoming tenant's share of the quota became larger, as would be the case if our new clause were accepted. I assure my right hon. Friend that the supply of incoming tenants will never dry up.

My hon. Friend the Member for Tiverton (Mr. Maxwell-Hyslop) said that, in addition, there would be a 10 per cent. pool, or levy, for special hardship cases for incoming tenants. That will be available to help to ease the financial problems of an incoming tenant. I am far more concerned with our new clause, which broadly lays down that the quota should be divided 50-50 and that the outgoing tenant has proper recognition of the money, effort and the lifetime of work that he has put into the enterprise that he will be leaving. That is one reason for new clause 6.

I am suspicious of the new clause, because it talks about a standard quota. It takes up seven and a half pages of the Amendment Paper and is extremely complex. The new clause tabled by my hon. Friend the Member for Cornwall, South-East (Mr. Hicks) and others is much simpler. It covers just more than one page, and it works on the basis of a 50-50 split, which we believe is an equitable basis. I am told that when one has mastered the standard quota system laid down by the Government the value to be attributed to the tenant in many cases could be only 25 per cent. That will often produce cases of deliberate and unacceptable hardship and unfairness.

I join my hon. Friend the Member for Tiverton in calling for a chance to talk about the proposal. My hon. Friend has been lucky enough to receive representations from his constituents. My constituents are not fully aware of the consequences of what the Government are trying to do. By telephoning the NFU and the CLA today, I have obtained their views on the Government's proposals and new clause 6. I see no hurry for this measure. We have all the time in the world now that the Shops Bill has fallen by the wayside, and the right and proper way for a good, cautious, sensible Conservative Minister to proceed is to get a response from the people engaged in the industry and to allow Members of Parliament to receive representations from their constituents. He could then proceed in a more cautious and sensible way.

My right hon. Friend is proposing to impose upon the industry this frightful new additional complexity of a standard quota. I understand that it is the production level that an efficient producer should have reached, yet the figures on which standard production levels are based are not included in the schedule. The schedule calls for the restriction of a tenant's share of standard quota to the ratio of the rental value of his improvements to the rental value of the farm. This may often give the tenant only 15 to 20 per cent. of the average standard quota. Even if the tenant was solely responsible for building up the quota, it could often be little higher than 30 or 40 per cent.

I have heard of several cases of considerable unfairness. One is a small to medium specialist dairy holding with buildings, most of which are provided by the landlord, where the tenant practises an efficient, low-cost forage

system with output below the standard quota. This would qualify for little or no compensation under paragraph 5(c) of the schedule. In addition, a viable dairy farm created wholly by the tenant's investment and expertise from bare land, with no investment by the landlord, would not qualify, even with the standard quota, plus the value of output in excess of standard quota for more than about one third of the total value of the quota.

9 pm

It appears to me that the proposals in the Minister's new clause and new schedule are not only hasty, but ill-conceived and unfair. I join my hon. Friend the Member for Cornwall, South-East in criticising the CLA and NFU for not coming to an agreement, helping the Government and removing the burden of making the decision from the Minister's shoulders. I regret, in particular, the fact that help was not provided in a far more forthright and ready manner by the CLA. The Milk Marketing Board opposes the Government's schedule as being unfair, and, as has been pointed out, that view is of great significance, because the MMB has no axe to grind. We know that the NFU is opposed to the Government new clause, and that the CLA is, too. We have heard about the agreement reached by the CLA and the NFU in Devon.

The three counties branch covering Leicester, Rutland and Northampton, has also reached agreement on the matter. I am informed by the secretaries of the NFU branches in Leicester, Rutland and Northampton and the three counties CLA that the agreement was sent to Swallow street, headquarters of the CLA, 10 days or a week ago as soon as the terms of the agreement were known. More remarkably, not only was there agreement between the CLA and the NFU in the three counties, but after a two-day conference representatives of the Tenant Farmers Association, the valuers organisation, the estate agents and even the National Union of Agricultural and Alllied Workers, as represented by the Transport and General Workers Union, also gave their agreement.

They all gathered together to discuss the Minister's proposals on sharing out the quota and to try to provide an alternative proposal that could attract their united agreement and be put to the Minister. They reached complete unanimity. The basis of the agreement sent to Swallow street a few days ago was that the quota should be distributed on a shared basis and that valuers should help to decide any difference. The formula should be such as to make possible a ratio of one to 99 in favour of either landlord or tenant. After a full day of conference, that is the basis that was agreed on. It is far more sensible than some of the ideas contained in the seven or eight pages of the schedule with which we are struggling tonight.

I shall support my hon. Friend on new clause 6. I hope that my right hon. Friend, who is a sensible man, will heed the message, that there has not been enough time. If the three counties branch can get together with representatives of the unions and everyone concerned and reach agreement, the CLA at national level should be told to pull its finger out.

Mr. Jim Spicer (Dorset, West): First, I commiserate with my right hon. Friend the Minister who has come straight from his sick-bed tonight. It was brave of him to do so. Secondly, I congratulate my right hon. Friend the Minister of State on a happier event—the birth of a daughter. We all congratulate him on that.

There are three things that most farmers and, I think, landlords say that they want on this issue. First, they want agreement. Secondly, if they cannot get agreement immediately, they would like to see most of the issues dealt with by arbitration. Thirdly, they want as much flexibility as possible. With that starting point, surely it is not beyond the wit of man to arrive at some conclusion. As has been said tonight, it is quite disgraceful that, given those three points, the CLA and the NFU could not sit down and thrash this out, as they have been able to do in some areas. I will not say which.

My right hon. Friend must intervene, but he cannot be all things to all men. It is unbelievable that this storm has built up purely and simply because he was told by everyone that he must intervene, and now that he has done so, nobody likes it. We should all be ashamed of that disgraceful position.

I agree with hon. Members who have said that the schedule is complex. I left the House last Thursday night and went to my constituency. I recovered from the Shops Bill on Friday night at a local church, and on Saturday morning this storm broke on me. I was shooting in the dark and that is wrong. I did not see the schedule until I arrived at the House on Monday. That is bad, particularly as the schedule is so complex. At first sight, the schedule seems too restrictive. I must say how grateful I am to my right hon. Friend the Minister for the way in which in his opening speech he seemed to make it clear that there was much more flexibility involved than I had thought.

Did my right hon. Friend say that if there is no initial agreement, either on the standard quota or on other related matters, decisions could be left to arbitration? That is an important point because if that is the case, it is a big step forward. For the reasons that have been mentioned by other hon. Members I do not like the fixed figure of 4,500 litres. If one imposes such a restriction on the low input farmer and the farmer with low-quality ground, one imposes a restriction on the poorer parts and gives more to the richer parts. That must be wrong in essence.

All hon. Members have cited examples, and it is much better to do that than to read through the seven and a half pages of the schedule. I shall cite a simple example. In 1971 a good farmer moved to a grazing farm and decided to go into dairy farming. The landlord was not interested in the farm being anything other than a grazing farm. The farmer put every single ounce of work and equipment into that farm. If anyone suggests that the farmer should do anything other than hand it back as a grazing farm, he is wrong. I cannot accept the figure of two thirds being the absolute maximum because such a person should receive more than that. Equally, if he has not done the job properly, he should receive far less. I hate the idea of any restrictions being involved.

We all understand the need to encourage new tenants to come in. We understand, too, the restrictions that may be placed upon them when they come in, in terms of the massive burden of cost resulting from the high pay-out on the quota by the landlord, which the tenant must then recoup. We must not make too much of that because, try as we will, the number of tenanted farms that come on the market each year is relatively small. However this matter is dealt with in future, my guess is that the chances of getting more tenant farmers coming forward will decrease rather than increase. Most farmers know that, looming

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over them, is a general election, with the awful, incredible thought that the Labour party could win, and we know what would happen then.

Mrs. Kellett-Bowman: Like nearly all other hon. Members who have spoken in this debate today, I am sadly torn between the amendments before us. Ever since quotas were introduced, I have been urging the Minister—and since he is my next door neighbour I can get to him readily enough—to find a fair solution to the question of the allocation of the capital value of a quota between a landlord and a tenant. We have all acknowledged in the House tonight his considerable efforts to persuade the CLA and the NFU to come to an amicable arrangement. I can well understand his extreme exasperation that they have failed to do so and his determination, in the absence of such an agreement, to put forward his own solution.

My right hon. Friend has said, with his usual modesty, that such a solution will not suit everyone. He is absolutely right. The only problem is that I have yet to find anyone that it does suit. There is always a slight disadvantage when one has to try to explain these matters to one's constituents. There are so many imponderables facing us in the seven and a half pages of the schedule. Discussion on the matter yesterday was very much hampered by the fact that one of the main amendments was so badly garbled on the paper before us at the time as to be literally incomprehensible. My right hon. Friend's private office was kind enough to send across to me a photostat of the correct version, but by then it was too late for proper discussion. The last train to my part of the world leaves at 7.15 pm, so that my people had gone before I obtained it.

It is desperately important, as speaker after speaker has said, that we get this matter right from the beginning, because we are unlikely to get another bite at the cherry. Many farmers in my constituency would prefer discussion on the matter to be postponed. Several hon. Members have suggested that and have requested a separate Bill to be introduced to deal with the share-out of the value and nothing else. We could then really get down to the nitty-gritty and properly consider the details in Committee, rather than try to deal with the matter in half a day on the Floor of the House.

As my hon. Friend the Member for Torridge and Devon, West (Sir P. Mills) said, we may be putting at risk any tenant who may be retiring shortly or the widow of any farmer who may not continue to run the farm. In his eagerness to get something onto the statute book I am sure that my right hon. Friend had in mind protecting this group of people. I should therefore be reluctant to have nothing in this Bill, but I am bound to say that, if we have to have something, I should prefer new clause 6.

I shall listen carefully to the winding-up by our rather jubilant Minister of State, and I hope he will say whether the standard quota is taken before the 10 per cent. cut, as put to him by the Leader of the Opposition, and give us some concrete examples of the likely share-outs. If he has time, he may like to expand a little further on the effect of the measure on marginal land farmers and low input farmers, and on how it will relate to the various breeds of cattle. Unless these answers are good, I cannot imagine that many of the hon. Members who have spoken in the debate will vote for new clause 4; rather, they will opt for new clause 6.

Mr. Keith Best (Ynys Môn): I realise that any expression of contentment that I may have detected as I rose to speak is more in realisation of the fact that I am the penultimate Back Bench speaker in the debate than in anticipation of what I may say. I congratulate my right hon. Friend on having tried to find a solution to this imponderable and difficult dilemma with which he and the House are faced because there is no agreement between the organisations that are largely responsible for maintaining and promulgating the ideas of agriculture. That is a sad reflection, but it is not so much a reflection upon them as an acknowledgement of the difficulty of the matter with which we grapple.

I am much persuaded by the arguments of those hon. Members who have sought to persuade my right hon. Friend that a further look at the matter would be advantageous. It is desperately important that we get this right. The matter has raised tremendous controversy. I can only hope that, after the Shops Bill, the bombing of Libya and now compensation for tenants, we never have another week like this in the House of Commons, although I suspect that we may well do so.

9.15 pm

My right hon. Friend will know that Wales is the land of the small farmer. He knows that well because he has had close family connections with my constituency. Wales is also the land of the tenant farmer. Wales may be the land of the small farmer but it is also the land of the loud farmers' voice, and my young English colleagues will know that that voice is amplified twofold because we have not one farmers union but two.

There is profound disquiet at these proposals in Wales because of how they may affect poor tenants. Wales, as I said, is a land of tenant farmers and they tend to be poor. Herein lies our great problem of trying to achieve an equitable compromise between the rights of the outgoing tenant and not inhibiting the incoming tenant.

I recognise that some tenants have put far more than others into the milk quota over a long time. A formula which has a fixed element, whether it is 50-50 or 25 per cent. coming to the tenant, is not an equitable way of dealing with the wide variation that must exist in everyone's contemplation. Indeed, many examples have been brought before the House today.

One must also have regard to the poor tenant who wants to come into agriculture and who will be inhibited or prevented from doing so if he has to find an enormous sum in order to buy in effectively because of the amount of compensation that has been paid to the outgoing tenant. That is important in Wales.

I want to hear my right hon. Friend's views on marginal land. That has been mentioned by many hon. Members tonight. It is particularly significant that several hon. Members from Wales have spoken in the debate tonight and all have mentioned marginal land. A large part of my constituency of Anglesey is marginal land but there is a significant argument, which I have advanced, that the whole of Ynys Môn should be regarded as a marginal area. Indeed, I am sure that the hon. Member for Caernarfon (Mr. Wigley) would support me in that view. It is poor

land and the farmers work it extremely well. It is a constant source of amazement to me that they extract what they do from such poor quality land.

If my constituents find that they will be discriminated against by the formula in new clause 4, that will be a matter of grave concern and dissatisfaction which agriculture cannot afford at this time, after all the tribulation through which it has been.

I shall listen carefully to my right hon. Friend and I hope that he will say a lot about the flexibility that will be possible within the existing formula, and particularly how those on marginal land will be safeguarded. I hope that we may look at this again but at the moment I am more persuaded by new clause 6 than by new clause 4 unless he can persuade me to the contrary.

Mr. Nicholas Baker: I certainly cannot complain that my right hon. Friend the Minister has brought forward the proposals very speedily and without leaving us much time, because I am one of those who said that, in view of the lack of ability of the Country Landowners Association and the National Farmers Union to agree—which I deplore as much as anybody who has spoken in the debate—it was necessary that he should do so. Perhaps one of the reasons for the length of the debate—five hours is quite a long time to discuss the subject—is that many tenant farmers in our constituencies have got or been given the wrong end of the stick about some of my right hon. Friend's proposals.

I start from the position that the quota is a right in land, rather like a mineral right, and is therefore something in which a landlord has an essential and basic interest, albeit at a relatively low level. Above the landlord's basic level, the rest should be capable of apportionment between the landlord and the tenant.

The reason why I put my name to new clause 6 was partly to ensure that it was debated and partly because, looking at the different kinds of valuation, I favoured the input basis of valuation, which is looking at what both sides have put in by way of investment in buildings, equipment and so on, rather than what I call the output basis, which is the one adopted in new clause 4, which is based really on the rent that those buildings and parts can attract.

However, I see some severe problems with new clause 6. It is not clear to me how the landlord's interest is to be recognised and it does not seem to me to address the problem of valuation, which is bound to be complicated. Arguments that it is complicated are really a statement of something that cannot be avoided.

On my right hon. Friend's clause, I too would like to hear more about the lowering of the 20 per cent. variation level. I would regard that as rather high and would hope that it would be possible to have greater flexibility. I should like to see a greater differential between the maximum and the minimum which a tenant can obtain as a share of the quota. I have some qualms about the fact that it is for the Minister to decide what the standard quota is.

I look forward to hearing what my hon. Friend the Minister of State, the new father of the House, has to say.

Mr. Home Robertson: I think that a lot of us had hoped that this debate would have been completed some time ago, but I join other hon. Members in congratulating the Minister of State on the birth of his baby daughter. We wish his wife and daughter well and we wish the Minister of State himself many long, sleepless nights when he will be able to reflect not only on the consumption of milk but also on milk quotas and other such matters.

As the hon. Member for Ynys Môn (Mr. Best) said, this has not been a very happy week for the Government. They started getting themselves into trouble over the Shops Bill, they got a lot of people into considerably more serious trouble midweek over the bombing of Libya, and, to go from a very serious matter to what many people might think is a rather peripheral matter, I fear that they may have got the question of tenants' rights with respect to the milk quota wrong too.

I awaited with bated breath to hear what the hon. Member for Dorset, West (Mr. Spicer) would say when he rose to be the last speaker on the Government side. I wondered whether he would perhaps give some support, or even wholehearted support, to the Government, because we have gone through the five hours of this debate without any hon. Member giving unequivocal support to the Minister. *[Interruption.]* The hon. Member for St. Ives (Mr. Harris) is saying that the hon. Member for Milton Keynes (Mr. Benyon) was supporting the Government, but he was going in the opposite direction by saying amazingly, that it was too generous to the tenants. So absolutely nobody is happy with new clause 4. The Government have got themselves into a spot of bother.

There is considerable merit in the constructive suggestion of the hon. Member for Tiverton (Mr. Maxwell-Hyslop) that the Government should go away and think about this and return with a better-thought-out proposal upon which there might be consensus. Manifestly, there is no consensus for the present package.

It has been made very clear during the debate that this issue is important to the dairy industry. It is extraordinary that so many right hon. and hon. Members have referred to it. They have obviously been lobbied very strongly by their constituents. That is not surprising. According to my information, 40 per cent. of the dairy farms in this country are tenanted farms. It is therefore a matter of considerable importance to a high proportion of those who make their living from the dairy farming industry. There is evidence that two weeks ago the National Farmers Union may have been surprised by the strength of feeling among dairy farmers. The original formula suggested a 70-30 split in favour of the landlord. The NFU found that it was under pressure at that stage. The Government find that they are under pressure this evening over a different kind of formula.

Whether we like it or not, the milk quota is a unique capital asset. I do not want to dwell upon the Minister's past unhappinesses, but he will be aware that the Government blundered into this in 1984. It would be inappropriate to go into the circumstances, but it is worth recalling that this is a temporary five-year quota scheme that is supposed to disappear in 1989. I very much doubt whether it will disappear then, because we are writing on to the statute book another eight pages that are based upon the perpetuation of this scheme. The quota could attract a value of as much as £50,000, which somebody might buy or sell, on even a comparatively small farm. Therefore, it is difficult to imagine that the quota will disappear. We do not necessarily suggest that it should disappear, but it is time to dispel some of the fictions about the scheme.

It is unfortunate that what began as a short-term black market is about to be enshrined in statute. A black market in the quota has been operating in one way or another. We

[Mr. Home Robertson]

want the system to be flexible. It is right that the quota should be able to be moved from one unit to another, but when quota began to be purchased and leased we found that people were getting into trouble. In the *Farmers Weekly* of 7 March there is an article which reads:

"Hundreds of speculators now have milk quotas, even though they have no intention of becoming dairy producers. Many of them have never been producers and their speculative holding is upsetting many producers who are short of quota and cannot afford to buy more. Some landowners are keeping quota just to protect the value of their land."

Not surprisingly, the Milk Marketing Board is worried about this. It means that a quota that ought to result in the production of milk is not being used.

It might have been better—I say this, admittedly, with the benefit of hindsight—if the quota had never become a tradeable commodity and if any quota that was relinquished, for whatever reason, could have reverted to a quota bank for redistribution on a fair basis. That would have overcome the problem facing incomers to dairy farming, to which a number of hon. Members have referred. However, that has not come to pass and it is no good complaining about the background to the problem. We must confront the problem and do something about what I acknowledge is an urgent matter. Given that this commodity has a value, it is urgent that there should be a fair distribution of its value and that something must be done about the problem.

No right hon. or hon. Member who has taken part in the debate has expressed confidence in the new clause. The House is being bounced into taking a decision on a very substantial package. It will be possible to amend it only in the House of Lords. I wonder how many tenant dairy farmers will be content that their prospects under this system will be settled for them by the House of Lords? It will not be easy for the tenant dairy farmers lobby to get a fair hearing in that forum. The question of the Scottish dairy farmers will be dealt with in the House of Lords. The Minister may suggest that it would be possible for this House to deal with whatever comes back from the House of Lords as Lords amendments, but that is unamendable, and something which we will have to take or leave. It is clear that the package is not fair, but we are thankful for small mercies in that the Minister has recognised that the tenant is entitled to a share of the valuation.

9.30 pm

Under new clause 4, the bulk of the standard quota will belong to the landlord, and the tenant will have to rely mainly on the excess for his share of the valuation. No account has been taken of the 10 per cent. cut in production which was taken when quotas were introduced. Nothing is being done to avoid a penalty being imposed on non-intensive producers, nor on marginal land farmers. About 25 per cent. of the valuation will go to the tenant, in spite of the fact that in many cases the tenant may to a large extent have built up the value on which that figure is based by his own investment and by his own efforts.

New clause 6 provides a basis of a 50-50 share-out. That is a basic calculation which may vary according to the inputs of the two parties. It seems to be a fair way of approaching this point. That is why I strongly advise my hon. and right hon. Friends to reject new clause 4 so that the House can vote on and accept new clause 6 in due course. I put it to the hon. Member for Wealden (Sir G. Johnson Smith), who seemed to suggest that there was some way of fudging this issue and hoped that there would be an easy way out of it, that that will not do. If the House does not reject new clause 4, we will be saddled with this proposal, which has been seen to be loaded too heavily in favour of the landlord. We should not take that option. We should vote against new clause 4 and accept new clause 6.

Mr. Gummer: May I thank the Members of the House for their generous congratulations which were addressed to me but which I know are to go to my wife. Whether or not I should pass on to her the kind remarks of the Member for Torridge and Devon, West (Sir P. Mills), which referred to her in what I must say were rather bovine words, I do not know. Perhaps she will not read that particular part of *Hansard*. I must say to the hon. Member for Brecon and Radnor (Mr. Livsey) that the way in which he suggested that this was a somewhat early arrival was, it seemed to me, part of a deep party political purpose to undermine the confidence of the strict Baptists in my constituency about a matter on which they place a considerable amount of weight. I know it was a slip of the tongue, and that was the only slip involved.

My hon. Friend the Member for Cornwall, South-East (Mr. Hicks) introduced his new clause in a way which I think commended itself to the House. I hope that he will be helped by the answers which I give, not only to him, but to other hon. Friends and hon. Members as I go through this. There have been some very direct questions asked, and I shall have to answer them.

I do say that it is natural that the clause which has been put down by my right hon. Friend is one which does look more complex than his own, but that is partly because it covers a whole range of areas which need to be covered and which, his, I think, does not. My hon. Friend has accepted that to some extent; I do not think that there is division between us on it.

This is a complex matter, not just because it is an argument about who owns the quota or an argument between landlord and tenant. It is an argument, first, about the ownership of quota, dependent upon the circumstances which, as every hon. Member has agreed, differ widely; indeed, they might be said to differ from farm to farm and from relationship to relationship. Further, it is an argument between outgoing tenants and incoming tenants. I do not think that any hon. Member can forget that in seeking an equitable solution we cannot ignore the fact that in almost all cases—certainly in almost all cases which involve one tenant going out and being replaced by another tenant—the actual cost of the compensation to the tenant who goes out will come from the pocket of the tenant who comes in. That must be taken into account in the discussions.

In reply to the hon. Member for Brecon and Radnor, I would say that it is possible to postulate a scheme which would enable help to be given in the limited number of hardship cases. However, we are not talking about a limited number of hardship cases but about every case in which one tenant succeeds another tenant and in which there is a pay-out on the value of the quota. In every case that we are talking about, we are discussing a quota on which people who were in dairying before never expected to get any pay out. What tenants expect at the end of the

tenancy is to be paid for improvements. A description of that was given graphically by my hon. Friend the Member for Grantham (Mr. Hogg).

I remind those of my hon. Friends and Opposition Members who talked about hardship to the tenant that no tenant will suffer hardship because in every case in which there is a payment the tenant will be paid something which he could not have expected to get up to now. I hope that hon. Members realise that if we do not make a change, there will be no payment to tenants in these circumstances. Therefore, it is unfair to suggest that the Government have not had the tenant's interests considerably in mind in the drafting of the new clause.

The argument has been fiercely fought. I hope that hon. Members who were present listened carefully to the assertions of my hon. Friend the Member for Tiverton (Mr. Maxwell-Hyslop) and of my hon. Friend the Member for Milton Keynes (Mr. Benyon). In their speeches they made a statement which showed that they had taken a particular view about where the overwhelming weight of the value of the quota should be placed.

In this short debate I do not wish to stand on one side or the other. To argue that we have got it wrong because those two views are still unreconciled is to ignore the fact that the two views are unreconcilable because they take a wholly different view of the nature of the quota. Because the people representing those two views have not been able themselves to reconcile them, the Government are put into the position of producing an answer. I do not think it stands up for the hon. Member for East Lothian (Mr. Home Robertson) to say that that in some way casts doubt upon the strength of the position put forward because people still wished that their view had triumphed and that the other view had not been taken into account. That is the situation in which we find ourselves.

My right hon. Friend has been right, first, to seek to answer the question; secondly, to put down the new clause; and thirdly to say to the House that any delay means that tenants will leave without compensation, which must be damaging if hon. Members think that they have any rights in the matter. Given the short time that hon. Members have had to debate the matter, I accept that we must try to pay close attention to the points that have been made.

I can answer directly the question asked by the hon. Member for Pontypridd (Mr. John). He asked whether the 10 per cent. was taken into account. It was, and that is the reason why the standard quota is lower than the average quota. It was said from the beginning that the problem with the average quota is that it depends upon the quotas that were granted. Those quotas were diminished, in some cases by 10 per cent., and that was because of the arrangements made at the time by the Government. One could say that all this should be left to a valuer and that there is no reason to have this difference put into the Bill. However, there is a good reason for it.

Once we get into the business of trying to value quota that might have been given, we are in great difficulty. That is because we would be asking the incoming tenant not only to pay for the quota which has been granted and which he might be able to use to gain the money to pay compensation through the landlord, but also to pay compensation for quota that had not been granted. Therefore, he would not have the benefit of that quota to enable him to gain the return to pay his ingoing premium or his extra rate.

I have made a note of the points made by my hon. Friend the Member for Torridge and Devon, West (Sir P. Mills). He asked about the definition of the standard quota and then spoke about the 20 per cent. I shall come back to that in answering the points made by my hon. Friend the Member for Tiverton, his neighbour. On the matter of marginal land and low-input and low-output farmers, the present clause covers the problems my hon. Friend placed before us. We are determined that the clause should solve these problems and I give the undertaking that we shall watch carefully to see that it does what we want it to do, which is to provide a fair share of the quota to people who are in either of those positions. I hope that meets the needs which have been rightly mentioned by hon. Members who represent such constituents.

I think the House recognised that the points raised by my hon. Friend the Member for Milton Keynes (Mr. Benyon) represented a totally different point of view from that which was presented by other hon. Members. The hon. Member for Caithness and Sutherland (Mr. Maclennan) made the point that there are two totally different views about this and said we could not take any credit for our view. I should like to remind him of what *The Scotsman* said in an article on 12 April. It said:

> "This failure to satisfy either the landlord or the farmers' organisations is an indication that it may not be a bad formula after all."

I am sorry that that has to be said but I fear it may be true. There is a real lack of understanding on both sides of the other side's position. The two sides are far apart and it would be wrong of us to believe that merely by putting this off for another two weeks we would be able to give an answer which would satisfy people more than this, although I hope that we will use that time to look carefully at the points raised by hon. Members on both sides of the House.

An hon. Member asked about taxation. Some hon. Members defined this quota as a practical gain and payments for that will be subject to capital gains tax in the normal way. The hon. Member for Rother Valley (Mr. Barron) said that he was looking for a fair deal on retirement for the tenant. I hope that the House will accept that that is not what we are seeking, because the tenant receives part of his deal on retirement in the form of the payment that he receives for the improvements that he has made and, of course, through the arrangements that he has made for his retirement. Until very recently there was no question of a capital payment being made. That has come about because of the so-called creation of an asset.

9.45 pm

Mr. Nelson: Does my right hon. Friend accept that the extent to which such dairy farmers have been able to provide for their retirement during their working lives has been limited by the imposition of quotas? That is why the apportionment of such quotas on retirement is relevant.

Mr. Gummer: I am sure that my hon. Friend is right about apportionment being relevant. But it was suggested that that was all that we were talking about. I am sure that my hon. Friend will agree that in some cases the operation of quotas has not resulted in a lowering of the income in the way suggested, but that in many other cases, it has done so. There are some people who, by reducing their inputs and by accepting the lower outputs, have found that they have a higher margin than beforehand.

[Mr. Gummer]

This matter is not easily approached. Indeed, the hon. Member for Rother Valley seemed merely to restate that tenants were good and landlords were bad. But we will not get anywhere if hon. Members adopt that sort of approach.

Mr. Barron: Does the right hon. Gentleman accept that if a tenant has worked hard to build up his yield and his quota, he should be able to get something for it? Sometimes tenants build up their yields not with the aid of landlords but despite them.

Mr. Gummer: I quite agree, and that is why we are here today and why the Government have tabled the new clause. It saddens me that he and the hon. Member for Barnsley, West and Penistone (Mr. McKay) suggested that we were not trying to find an answer. We are all trying to find an answer, and we are trying to make sure that it is right. But we will not get much further unless hon. Members accept that.

My hon. Friend the Member for Wealden (Sir G. Johnson Smith) asked about share farmers. That is different, because most share farmers have specifically entered into their particular arrangements in order not to be subject to the landlord-tenant arrangements that are part of our statute law. Consequently, they have made arrangements as to what the apportionment of their inputs and outputs should be. This is not the relevant legislation for dealing with that—if there is a relevant statutory place for it, which I doubt. I hope that my hon. Friend will listen carefully when I answer the point about 20 per cent. that was raised by my hon. Friend the Member for Tiverton, as I believe that that will cover his point.

Mr. Christopher Hawkins: Perhaps my right hon. Friend will clarify the capital gains position. I accept that a capital gain should be taxed as such. But would it be taxed as a capital gain falling all in one year when it is paid, or could the capital gain be spread from the day that the tenant started his tenancy? Alternatively, would the capital gain be treated as starting the day that the quotas began? If my right hon. Friend cannot answer that point now, will he make a statement later?

Mr. Gummer: I should be happy to write to my hon. Friend on that point. It is, after all, a technical and complicated matter.

We listened carefully to the remarks of the hon. Member for Midlothian (Mr. Eadie). However, he underestimated the real problem of dealing with the balance between the outgoing and incoming tenant. We were opposed to quotas initially, but we cannot ignore them. We must get the balance right.

My hon. Friend the Member for Macclesfield (Mr. Winterton) spoke as enthusiastically as I would about the work that farmers do. But I very much disagreed with him when he questioned whether it mattered if we delayed. It does matter, because even a short delay would mean that some people who were entitled to perhaps a considerable part of a quota would in fact get none. We think that would be a mistake.

The hon. Member for Brecon and Radnor explained the complexities of the clause. I think that he underestimated the fact that the clause is based largely on what we understood was the view that the NFU felt was acceptable or would be acceptable to it, so it cannot be quite as unjust as some hon. Members have suggested, but we understand the problems. He got the stocking rate wrong because it is nearer 1·31 cows. I assure him that the views about which we are talking were well canvassed not only with the Royal Institution of Chartered Surveyors, but with the Central Association of Agricultural Valuers, both of which have given us advice. We have acknowledged this all along.

There is a very real problem in trying to shrug off the difficulty for the incomer merely by suggesting that one can deal with the hard cases. By increasing the amount of quota value to be paid out to the outgoers, one is setting a higher price for everybody who wants to come into dairying. Those of us who believe that one problem with farming is that it is increasingly difficult to enter because that is the nature of the control over surpluses would be very concerned not to push the problem aside. While I in no way wish to be party political, I think that on that occasion the hon. Gentleman showed a paucity of knowledge about the matter because tenants who are going to come in know perfectly well that they will not be covered by any scheme involving 10 per cent. tax on those who are able to find a way of transferring their quota, because at present there is no system of flexibility of quotas to enable that to be done. Therefore, I think that the hon. Gentleman is avoiding the difficulty, because as usual he wants to be all things to all men. One cannot deal with the outgoers in the way that he wants without affecting the incomers, and that must be faced.

I hope that I can give my hon. Friend the Member for Devizes (Mr. Morrison) some help. We did not have an enabling clause because we felt that it was important, if it was to last for as long as it looks as if it may have to, that over time there was seen to be an equity of compensation. If one were to leave it so vague, it would, first, be contrary to the advice that we received from the valuers because it would make for more expensive, protracted and general valuations; and, secondly, one would not achieve equity over time. Although there is, of course, the opportunity to appeal to the county court against what has been decided; I will look at his proposals about appeal to the agricultural land tribunal. I do not think that is the right place, but I will look at it.

I do not believe that one can have 100 per cent. compensation for the tenant. I believe that even if in the smallest way land has been used for dairy production, some small compensation must be available to the landlord. However, I must tell my hon. Friend the Member for Milton Keynes that I am not in favour of the proposition that the tenant who has reduced the value of his landlord's land, having taken over a dairy farm, should pay some sort of direct compensation on outgoing. That seems to be to be the exact corollary of 100 per cent. for the tenant in some cases, and therefore we have set our sights against both of those conditions.

I turn next to the points made by the hon. Member for Cunninghame, North (Mr. Corrie). *[Interruption.]* Hon. Members who have not been present in the debate may think that the points raised by those hon. Members who have been present are unimportant, but specific questions have been asked, the House is concerned that we should get this right and those questions must be answered.

My hon. Friend the Member for Cunninghame, North presented three different cases and asked about the difference in compensation. I believe that the compensation would be radically different in each of those cases. I

hope that we shall be able to increase the flexibility and make sure that the valuer is able to take even more into account. We shall see whether the new clause covers this point to the extent that my hon. Friend would wish.

The hon. Member for Wrexham (Dr. Marek) is not here——

Mr. Tony Banks (Newham, North-West): He is lucky.

Mr. Gummer: The hon. Member for Newham, North-West (Mr. Banks) has not been here at all for the debate, and we have all been very lucky. He ought to be here, because he now has no work to do on the GLC.

The hon. Member for Wrexham suggested that the Government tabled the new clause to protect the landlords' interests. That is manifestly untrue. Had we wanted to do so, we would have tabled no new clause, and consequently tenants would have got nothing.

My hon. Friend the Member for High Peak (Mr. Hawkins) referred to the less favoured areas. I shall take that point seriously. He was right to make it, and I shall see whether it can be put right if it is not right already. I believe that it is, but I shall see whether we can help.

The hon. Member for Meirionydd Nant Conwy (Mr. Thomas) asked us to withdraw the new clause. We cannot do so because we believe that would damage his tenants, and I am sure that his tenants would not want to get no support at all.

My hon. Friend the Member for Tiverton asked me to look at several matters. I cannot put off this decision——

Mr. Maxwell-Hyslop: Why not?

Mr. Gummer: I hope that my hon. Friend has listened to what I have said. We differ on this matter. I am on one side and he is on the other, and I am afraid that I cannot help him.

However, I can help in relation to the 20 per cent. I am perfectly prepared to look at it again. My hon. Friend said that this would be less helpful than it ought to be, and I shall see that we do something about it.

If I have not covered other points that have been raised it is because they are detailed and I shall have to deal with them at a later date—*[Interruption.]* If hon. Members wish to hear more, they will no doubt sit throughout the rest of the proceedings. This is the best way of dealing with a problem in respect of which we cannot satisfy two wholly divergent interests—those of the incoming tenant and those of the outgoing tenant. That is what this is really about, and I believe that the Government have produced the best answer.

Question put, That the clause be read a Second time:—

The House divided: Ayes 210, Noes 142.

Division No. 145] **[10 pm**

AYES

Alison, Rt Hon Michael
Amess, David
Ancram, Michael
Atkins, Rt Hon Sir H.
Atkinson, David *(B'm'th E)*
Baker, Rt Hon K. *(Mole Vall'y)*
Baldry, Tony
Batiste, Spencer
Bellingham, Henry
Bendall, Vivian
Bennett, Rt Hon Sir Frederic
Benyon, William
Best, Keith
Biffen, Rt Hon John
Biggs-Davison, Sir John
Blackburn, John
Bonsor, Sir Nicholas
Boscawen, Hon Robert
Bottomley, Mrs Virginia
Bowden, A. *(Brighton K'to'n)*
Bowden, Gerald *(Dulwich)*
Boyson, Dr Rhodes
Braine, Rt Hon Sir Bernard
Brandon-Bravo, Martin
Bright, Graham
Brinton, Tim
Brittan, Rt Hon Leon
Brooke, Hon Peter
Brown, M. *(Brigg & Cl'thpes)*
Browne, John
Bryan, Sir Paul
Carlisle, John *(Luton N)*
Carlisle, Kenneth *(Lincoln)*
Carlisle, Rt Hon M. *(W'ton S)*
Carttiss, Michael
Chalker, Mrs Lynda
Chapman, Sydney
Chope, Christopher
Churchill, W. S.
Clark, Dr Michael *(Rochford)*
Colvin, Michael
Conway, Derek
Cope, John
Cranborne, Viscount
Critchley, Julian
Currie, Mrs Edwina
Dicks, Terry
Dorrell, Stephen
Dover, Den
du Cann, Rt Hon Sir Edward
Dunn, Robert
Dykes, Hugh
Eggar, Tim
Emery, Sir Peter
Evennett, David
Eyre, Sir Reginald
Fallon, Michael
Favell, Anthony
Fenner, Mrs Peggy
Forman, Nigel
Forsyth, Michael *(Stirling)*
Forth, Eric
Fowler, Rt Hon Norman
Fraser, Peter *(Angus East)*
Freeman, Roger
Fry, Peter
Gardner, Sir Edward *(Fylde)*
Garel-Jones, Tristan
Goodhart, Sir Philip
Goodlad, Alastair
Gow, Ian
Grant, Sir Anthony
Greenway, Harry
Griffiths, Peter *(Portsm'th N)*
Ground, Patrick
Grylls, Michael
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hanley, Jeremy
Hargreaves, Kenneth
Harris, David
Haselhurst, Alan
Hawkins, C. *(High Peak)*
Hawkins, Sir Paul *(N'folk SW)*
Hayes, J.
Hayhoe, Rt Hon Barney
Hayward, Robert
Heathcoat-Amory, David
Heseltine, Rt Hon Michael
Hickmet, Richard
Higgins, Rt Hon Terence L.
Hind, Kenneth
Hogg, Hon Douglas *(Gr'th'm)*
Holland, Sir Philip *(Gedling)*
Holt, Richard
Howard, Michael
Howarth, Alan *(Strat'd-on-A)*
Howarth, Gerald *(Cannock)*
Howell, Rt Hon D. *(G'ldford)*
Hubbard-Miles, Peter
Hunt, David *(Wirral W)*
Hunter, Andrew
Hurd, Rt Hon Douglas
Jackson, Robert
Jenkin, Rt Hon Patrick
Jessel, Toby
Johnson Smith, Sir Geoffrey
Jones, Robert *(Herts W)*
Jopling, Rt Hon Michael
Joseph, Rt Hon Sir Keith
Key, Robert
King, Rt Hon Tom
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Lang, Ian
Lawler, Geoffrey
Lawson, Rt Hon Nigel
Leigh, Edward *(Gainsbor'gh)*
Lilley, Peter
Lord, Michael
Lyell, Nicholas
McCrindle, Robert
McCurley, Mrs Anna
MacGregor, Rt Hon John
MacKay, Andrew *(Berkshire)*
MacKay, John *(Argyll & Bute)*
McNair-Wilson, M. *(N'bury)*
McNair-Wilson, P. *(New F'st)*
Major, John
Malins, Humfrey
Malone, Gerald
Marlow, Antony
Mather, Carol
Maude, Hon Francis
Mawhinney, Dr Brian
Mayhew, Sir Patrick
Mellor, David
Merchant, Piers
Meyer, Sir Anthony
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Mills, Sir Peter *(West Devon)*
Mitchell, David *(Hants NW)*
Moate, Roger
Montgomery, Sir Fergus
Moore, Rt Hon John
Morris, M. *(N'hampton S)*
Morrison, Hon P. *(Chester)*
Moynihan, Hon C.
Murphy, Christopher
Neale, Gerrard
Needham, Richard
Neubert, Michael
Newton, Tony
Nicholls, Patrick
Norris, Steven
Onslow, Cranley
Oppenheim, Phillip
Osborn, Sir John
Ottaway, Richard
Page, Richard *(Herts SW)*
Parkinson, Rt Hon Cecil
Patten, J. *(Oxf W & Abgdn)*
Pawsey, James
Peacock, Mrs Elizabeth
Pollock, Alexander
Portillo, Michael
Powell, William *(Corby)*
Powley, John
Price, Sir David
Proctor, K. Harvey
Rathbone, Tim
Rees, Rt Hon Peter *(Dover)*
Rhodes James, Robert
Rhys Williams, Sir Brandon
Ridley, Rt Hon Nicholas
Ridsdale, Sir Julian
Roe, Mrs Marion
Sainsbury, Hon Timothy
Shaw, Sir Michael *(Scarb')*
Shepherd, Colin *(Hereford)*
Shersby, Michael
Silvester, Fred
Sims, Roger
Skeet, Sir Trevor
Smith, Sir Dudley *(Warwick)*

Soames, Hon Nicholas
Spicer, Michael *(S Worcs)*
Stevens, Lewis *(Nuneaton)*
Stewart, Allan *(Eastwood)*
Stradling Thomas, Sir John
Sumberg, David
Tebbit, Rt Hon Norman
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thurnham, Peter
Townend, John *(Bridlington)*
Tracey, Richard
Viggers, Peter
Wakeham, Rt Hon John
Walden, George
Walker, Bill *(T'side N)*
Wardle, C. *(Bexhill)*
Watts, John
Whitfield, John
Whitney, Raymond
Wood, Timothy

Tellers for the Ayes:
Mr. Tony Durant and
Mr. Mark Lennox-Boyd.

NOES

Adams, Allen *(Paisley N)*
Anderson, Donald
Archer, Rt Hon Peter
Ashby, David
Aspinwall, Jack
Atkinson, N. *(Tottenham)*
Banks, Tony *(Newham NW)*
Barnett, Guy
Barron, Kevin
Beckett, Mrs Margaret
Bennett, A. *(Dent'n & Red'sh)*
Bermingham, Gerald
Bidwell, Sydney
Blair, Anthony
Bray, Dr Jeremy
Brown, Gordon *(D'f'mline E)*
Brown, N. *(N'c'tle-u-Tyne E)*
Brown, R. *(N'c'tle-u-Tyne N)*
Brown, Ron *(E'burgh, Leith)*
Bruce, Malcolm
Buchan, Norman
Campbell-Savours, Dale
Carlile, Alexander *(Montg'y)*
Clark, Dr David *(S Shields)*
Clarke, Thomas
Clay, Robert
Clelland, David Gordon
Clwyd, Mrs Ann
Coleman, Donald
Cook, Frank *(Stockton North)*
Cook, Robin F. *(Livingston)*
Corbett, Robin
Corbyn, Jeremy
Cunliffe, Lawrence
Dalyell, Tam
Davies, Rt Hon Denzil *(L'lli)*
Davis, Terry *(B'ham, H'ge H'l)*
Dewar, Donald
Dixon, Donald
Dobson, Frank
Dormand, Jack
Dubs, Alfred
Dunwoody, Hon Mrs G.
Eadie, Alex
Evans, John *(St. Helens N)*
Ewing, Harry
Farr, Sir John
Field, Frank *(Birkenhead)*
Fields, T. *(L'pool Broad Gn)*
Fisher, Mark
Flannery, Martin
Forrester, John
Foster, Derek
Foulkes, George
Freud, Clement
Gardiner, George *(Reigate)*
Garrett, W. E.
Gilbert, Rt Hon Dr John
Hamilton, James *(M'well N)*
Hardy, Peter
Harman, Ms Harriet
Harrison, Rt Hon Walter
Hart, Rt Hon Dame Judith
Haynes, Frank
Heddle, John
Heffer, Eric S.
Hicks, Robert
Home Robertson, John
Howells, Geraint
Hoyle, Douglas
Hughes, Robert *(Aberdeen N)*
Hughes, Roy *(Newport East)*
Hughes, Sean *(Knowsley S)*
John, Brynmor
Kaufman, Rt Hon Gerald
Kirkwood, Archy
Knox, David
Lamond, James
Leadbitter, Ted
Leighton, Ronald
Lewis, Terence *(Worsley)*
Litherland, Robert
Livsey, Richard
Lloyd, Tony *(Stretford)*
McCartney, Hugh
McDonald, Dr Oonagh
MacKenzie, Rt Hon Gregor
Maclennan, Robert
McNamara, Kevin
McTaggart, Robert
McWilliam, John
Madden, Max
Marshall, David *(Shettleston)*
Maxwell-Hyslop, Robin
Maynard, Miss Joan
Michie, William
Mikardo, Ian
Millan, Rt Hon Bruce
Miller, Dr M. S. *(E Kilbride)*
Morris, Rt Hon J. *(Aberavon)*
Morrison, Hon C. *(Devizes)*
Nellist, David
Nelson, Anthony
Oakes, Rt Hon Gordon
O'Brien, William
O'Neill, Martin
Orme, Rt Hon Stanley
Parry, Robert
Pendry, Tom
Pike, Peter
Powell, Raymond *(Ogmore)*
Radice, Giles
Randall, Stuart
Raynsford, Nick
Richardson, Ms Jo
Rogers, Allan
Rooker, J. W.
Ross, Ernest *(Dundee W)*
Ross, Stephen *(Isle of Wight)*
Rowlands, Ted
Sheerman, Barry
Sheldon, Rt Hon R.
Shore, Rt Hon Peter
Silkin, Rt Hon J.
Skinner, Dennis
Smith, C. *(Isl'ton S & F'bury)*
Soley, Clive
Strang, Gavin
Thomas, Dafydd *(Merioneth)*
Thomas, Dr R. *(Carmarthen)*
Thompson, J. *(Wansbeck)*
Tinn, James
Torney, Tom
Wallace, James
Wardell, Gareth *(Gower)*
Wareing, Robert
Wigley, Dafydd
Williams, Rt Hon A.
Winnick, David
Winterton, Mrs Ann
Winterton, Nicholas
Young, David *(Bolton SE)*

Tellers for the Noes:
Mr. Ron Davies and
Mr. Allen McKay.

Question accordingly agreed to.

It being after Ten o' clock, further consideration of the Bill stood adjourned.

Ordered,

That, at this day's sitting, the Agriculture Bill may be proceeded with, though opposed, until any hour. — *[Mr. Mather.]*

Bill, as amended (in the Standing Committee) again considered.

New clause 4 added to the Bill.

New Clause 1

CONSUMERS' COMMITTEE

'In section 19 of the Agricultural Marketing Act 1958, for subsection (2) there shall be substituted—

"(2) A consumers' committee shall—

(a) consist of a chairman and not less than ten other members, who shall be such persons as appear to the Minister, after consultation as to one member with the Co-operative Union, to represent the interests of consumers; and

(b) be charged with the duty of considering and reporting to the Minister on issues of food policy affecting consumers.".'.—*[Mr. John.]*

Brought up, and read the First time.

Mr. John: I beg to move, That the clause be read a Second time.

The report that I heard last week that the cuckoo had not been sighted in Britain because of the cold weather is completely wrong. It has been sighted in the Agriculture Bill. The cuckoo in this case is new clause 4, which has so far displaced all the other business in the Bill. It has taken, properly, five and a half hours to debate it. My complaint is that whoever arranged for the Report stage and Third Reading in one day, took no account of that. It has produced a total distortion of the time allowed for debate and a total nonsense of the work of the Committee. I am not impressed with the way in which the Government have added to the Bill on Report.

That said, it is a pleasure to have moved new clause 1, the purpose of which is to extend the remit of consumer committees in the Ministry of Agriculture, Fisheries and Food. The problem with consumer affairs and the growing interest in consumer affairs in agriculture is becoming patent, and many Labour Members — their view is shared throughout the House — are anxious that the committees' influence should be increased. That is the purpose of the new clause. The time when shortage dictated an automatic market has passed, and what we and our fathers faced was competition from abroad. If British agriculture is to survive and prosper, it must pay much more attention to changing consumer tastes, not only because the consumer wants good quality food at reasonable prices, with a wide choice, but because it is good for farmers to ensure that there is discipline to provide food at the right price and the right quality.

Consumers want to buy such food, and there have been many complaints about the dearth of British resources.

There is a great debate about diet and health, and there is great concern about additives and labelling, all of which are here to stay, and all of which must be recognised in our dealings with consumer affairs. Section 19 of the Agriculture Marketing Act 1958, which set up the consumers' committee within the Ministry of Agriculture, Fisheries and Food, provides that there should be a chairman and no fewer than six members of the committee; secondly, that it should deal with any scheme, which must be approved by Ministers. Since it was set up in 1958, all but three schemes have been repealed, and the only schemes that are in operation are those for wool, milk and potatoes. Therefore, the consumer committee in the Ministry is limited in the type of commodity with which it may deal. It should be able to range across the wide spectrum of food.

Secondly, the committee is limited in the investigations that it may initiate. For example, it cannot directly intervene on behalf of consumers on topics such as import controls and food processing techniques. The latter are of paramount importance to the consumer. The body is limited not only in the range of topics with which it may deal, but in the initiatives that it can take. I think that that is wrong. New clause 1 would therefore substitute for subsection (2) a consumers' committee consisting of a chairman and at least 10 members, the addition in number being designed to take account of the wider sphere of work given to the committee, which would

"be charged with the duty of considering and reporting to the Minister on issues of food policy."

That wider remit is widely overdue.

I do not believe that by transforming the ministerial committee one could achieve the consumer input into food matters that is required. We need an outside body to consider the matter. Some body analagous to the National Consumer Council will have to be set up in future, with Government funding.

10.15 pm

The consumers' committee within the Ministry of Agriculture will be more relevant if we adopt new clause 1. It will be wider in scope than it is now and more relevant in the type of work that it can initiate. If we keep the consumers' committee in its present form it will speak with an increasingly irrelevant voice on a declining number of subjects, and we will have the worst of all possible worlds.

The Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food (Mrs. Peggy Fenner): I am glad to have this opportunity to place on record the Government's views on the representation of consumer interests. We attach great importance to the matter. Consumers have a real, proper and growing concern about the formulation of policies which have a direct bearing on the availability, quality and price of food. I can therefore register sympathy with a number of points which have been made in this respect by the hon. Member for Pontypridd (Mr. John).

I would not want the House to form the impression that the present consumer consultation arrangements are either non-existent or at best inadequate, or confined only to the area to which the hon. Gentleman referred. That is not the case. We regularly consult consumer interests on the Government's position in relation to the annual price-fixing proposals when determining the Government's negotiating stance. However, as in the case of all consultations on that matter, the realities of discussions in the Agriculture Council require a certain amount of flexibility to be retained in order to make progress. That does not mean that we lack sympathy for the consumer view. There are also regular and extensive discussions with consumer interests in one of my Department's other main areas of responsibility, namely, that of food standards and safety. There is a statutory obligation on Ministers to consult all interested parties, including consumer representatives, before making regulations under the Food Act. The Food Advisory Committee provides independent advice to Ministers on food matters, and its members are drawn from a wide range of interests, including consumers. Of course, one is always prepared to listen seriously to suggestions for improvement. The consumers' committees established under section 19 of the 1958 Act perform a useful task in monitoring the effect on consumers of agricultural marketing schemes. They were set up in connection with the regulated product contained in each scheme. Those schemes have been overtaken by time. Only those for potatoes, milk and wool remain. They are not slow to come forward with recommendations to Ministers, although alternative points of view are often put forward too.

Mr. Allan Rogers (Rhondda): The hon. Lady suggests that if anyone puts forward improvements she will consider them. Will she accept that on the question of agriculture and prices, she should contain prices and exhort the Minister of Agriculture, when he goes to Europe, to resist continual demands by the French and Germans for food price rises? That would be the best deal that the Government could give the consumers.

Mrs. Fenner: No hon. Member present has the opportunity to say more clearly than I do, having spoken at the Dispatch Box on and off since 1972, that the past few years are the only ones during which the food price index has remained below the retail prices index generally.

Mr. Rogers: That is not the Minister's fault. It should have fallen even further.

Mrs. Fenner: It could hardly have fallen further. Food prices have been stable.

It would be misleading to think that the new clause introduces some radically new concept into the area of consumer consultation, because it does not. Much of the machinery is already in place. In such circumstances, it does not seem sensible to introduce the changes proposed because they would overlap and duplicate many of the existing functions of consumer organisations which advise us and are always consulted over the years. They have built up an expertise in the areas for which they are responsible.

Mr. John: Outside consumer bodies must advise on food, such as milk and potatoes. One does not complain about an overlap with the ministerial committee in that respect. As it is the only ministerial committee, why can it not be given a decent remit?

Mrs. Fenner: I submit that it has the remit written into the Acts. I am sure the hon. Gentleman will agree that since writing those Acts and setting up marketing schemes, consumer expertise and sophistication throughout the Western world has grown. Those bodies are much more powerful and have a great input into every Western country's economy, including ours. They have a great deal of say. Nevertheless, I would welcome any progress which the consumer organisations can make in

[Mrs. Fenner]

increasing the consumers' impact in Brussels and other member states, possibly through increased co-operation among the consumer organisations in western Europe.

In a newspaper article, the hon. Member for Pontypridd has said that my Ministry has appeared to see its main task as representing farmers. That is just not so. I have already mentioned the liaison arrangements with consumers, and we also consult food manufacturers and distributors. In determining policy we cannot give absolute priority to any one point of view. We must take account of the public interests and public expenditure constraints. We must take account of what is practicable and negotiable in Brussels. There is a balance to strike. It is in the long-term interest of farmers that they should take account of the consumer interest, and that policies should be formulated with that in mind, together with other considerations. That is what my Department does, and since I joined it in 1972, and became the first woman to be appointed a Minister there, that has been one of my major preoccupations.

Finally, I doubt whether it would be appropriate to amend the 1958 Act in the way proposed, as its provisions deal with the regulated product of agricultural marketing schemes, rather than with wider agricultural and food policy issues.

The new clause, apart from being legally unsound, would serve only to confuse rather than to clarify. For those reasons, we are unable to adopt the changes which it would introduce in place of arrangements which I regard as being generally satisfactory, although I never have a closed mind about consumer representation.

Mr. Maclennan: The purpose of this new clause seems to be to give the consumer a new statutory body to speak more generally on marketing schemes than do consumer committees. However, I cannot see how this proposal would greatly benefit the consumer. In these matters of determining food policy, as the Minister said, the consumer's voice is represented by several existing statutory and other bodies and, in particular, by the National Consumer Council, which has a general remit and the members of which are in my experience, annually voicing their views about matters of food policy.

Mr. John: If the hon. Member had talked to the NCC he would have heard its complaint that little has neither the personnel nor the resources to deal adequately with so important and widespread an area as food. It would welcome the setting up of a properly funded analagous body. In the meantime, within the Ministry—and that is the point of the amendment—we would have a voice speaking for consumers in the councils of the Ministry of Agriculture, Fisheries and Food.

Mr. Maclennan: I thought that the earlier point the hon. Member was making was that he wanted an independent voice and not a voice within the Ministry. It seems that he wants to have the argument both ways. I believe that consumers are well represented by the NCC and other statutory bodies that regularly make representations. I would not want to see their independent position undermined by a body appointed in the way the hon. Member has suggested.

Mr. John: I am not sure whether to marvel at the hon. Member's naivety or at his stupidity; perhaps it is an unlikely combination of both. The hon. Member has clearly never troubled to consult the NCC. He has exuded complacency. This bears ill with the pretentions of the alliance to be the champion of the consumer. He is opposing the extension of the remit of a body that exists already within the Ministry. He appeared not to understand that situation very clearly. I suggest that, in his busy schedule, he find time to see the NCC representatives and ask them whether they think they have sufficient remit, resources and personnel in order to deal with the matter of food. If he does so, the complacency he has shown in his short and misguided contribution this evening will rapidly disappear.

Mr. MacLennan: The hon. Member is really remarkably arrogant about these matters. I must remind him that for five years I served as Under-Secretary of State for Prices and Consumer Protection and dealt, on an almost weekly basis, with the NCC. I am bound to say that his experience in other fields may be considerable, but I do not believe that he can speak with equal authority on this matter. The NCC would be horrified if it thought that its independent role as a representative of the consumer was to be usurped by a creature of a Department of State. I believe that the hon. Member's suggestion is positively damaging to consumer interest. However, had he not felt obliged to make his extraordinarily immoderate response to my speech, I should not have had to reiterate that point.

Mr. John: No one knows as much about anything as the hon. Gentleman pretends to know about everything, so I bow to his seal of guarantee on arrogance because it seems that no one is as well qualified in this House as he to give such a seal. He simply does not understand the new clause or the point I am making. I have said that two things are necessary. As he will know from his vast ministerial experience, at present there is a committee within the Ministry of Agriculture, Fisheries and Food to advise the Minister on consumer affairs. That committee deals with only three areas, namely, wool, potatoes and milk. In order to extend its influence and make its remit proper and understandable it should be given a much wider remit, not because I believe it would replace outside independent bodies. I deliberately said that I believe an outside independent body is also necessary. If we are to have a ministerial committee, it should be given a proper job to do. I hope that the hon. Gentleman will ponder that and come up with more constructive ideas about the protection of the consumer when he next speaks on this subject.

10.30 pm

I regret that from the Minister I did not get even tea and sympathy; perhaps I got water and sympathy. She, too, in a sense believes in Dr. Pangloss's claim that all is best in the best of all possible worlds. The drafting of the new clause may not be perfect, but she did not answer the principle of it, which is that if a consumer committee in the Department is to be relied on, it should be given a proper job to do. There is no point in asking the committee to examine a scheme if its members feel frustrated and that their initiative is severely limited.

For those reasons, it has been worth airing the role of the ministerial committee. It is not designed to replace the outside independent body. This committee already exists within the counsels of the Ministry of Agriculture, Fisheries and Food and it would be appropriate to extend its remit.

Question put and negatived.

New Clause 5

CONSOLIDATION OF AGRICULTURAL MARKETING SCHEMES

'The following paragraph shall be inserted after paragraph 5 of Schedule 1 to the Agricultural Marketing Act 1958—

"5A.—(1) Without prejudice to any other powers conferred on him by this Act, the Minister, if he is of opinion that it is expedient that any scheme should be consolidated, may by order make a substitutional scheme.

(2) The power conferred by this paragraph to make an order shall be exercisable by a statutory instrument which states that the order contains only provisions made for the purpose of consolidating a scheme revoked by it; and any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.".'.—*[Mr. Andrew F. Bennett.]*

Brought up, and read the First time.

Mr. Andrew F. Bennett (Denton and Reddish): I beg to move, That the clause be read a Second time.

The clause deals with a small but technical point with which the Joint Committee is much concerned. It is an important and accepted principle of legislation that we try to consolidate the law and that, when the law is implemented through regulations, those regulations are consolidated in such a way as the public can inspect the law without having to thumb through a great deal of other legislation.

We also try to ensure when we pass legislation that the Government have power to consolidate regulations. Under the milk marketing scheme the Government are not able to initiate regulations. They simply have a semi-judicial role in that they arbitrate on the regulations. That has made consolidation difficult. The new clause would enable consolidation to take place.

I suspect that the Minister will say that the drafting of the new clause is faulty, although we were assisted in its drafting by Mr. Speaker's counsel. I shall be content, and not press the matter, if the Minister accepts the principle of the new clause and undertakes to introduce in another place a satisfactory form of words to cover the point that I have in mind.

Mr. Jopling: I am grateful to the hon. Member for Denton and Reddish (Mr. Bennett) for explaining his amendment. I find it difficult to accept the amendment as it stands, but I am prepared to discuss with the hon. Gentleman the introduction of an amendment in another place which would meet the Joint Committee's wishes as well as a number of other points. If he would be satisfied with that and be good enough to withdraw his new clause perhaps we can proceed on those lines.

Mr. Andrew F. Bennett: On the basis of the undertaking that has just been given by the Minister, I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Clause 1

PROVISION OF SERVICES AND GOODS CONNECTED WITH AGRICULTURE AND COUNTRYSIDE

Mr. John: I beg to move amendment No. 1, in page 1, line 6, leave out clause 1.

Mr. Speaker: With this it will be convenient to take the following amendments: No. 2, in page 2, line 6, after 'or', insert,

'subject to approval by affirmative resolution of the House of Commons'.

No. 4, in page 2, line 7, at end insert—

'(3A) Within three months of the passing of this Act the Minister shall set out in a report to Parliament the criteria which he proposes to apply in determining whether to introduce charges for services provided under this section, the method of charging which he proposes to adopt, the amounts which he proposes to charge, and any exemptions from charging which he proposes to make.'.

No. 5, in page 2, line 7, at end insert—

'(3A) The Minister shall appoint such officers and staff as may be necessary for the supply of services or goods under this section and shall provide training appropriate to their duties.'.

Mr. John: Some of the amendments in this group amend in part the basis of charging and the number of staff in the Agricultural Development and Advisory Service, but amendment No. 1 simply seeks to delete clause 1.

We had a short stand part debate in Committee, but nevertheless there was a remarkable lack of clarity at that stage as to how the scheme would work, what the basis of the charging was, how the ADAS staff would be able to cope, how they would be trained to do so and how many of them would be engaged in invoicing an billing as opposed to delivering the advice.

I hoped that with the passage of the 11 weeks to which I have earlier referred that more clarity and detail will be available to us tonight than was the case in Committee, because we are that much nearer the implementation of the scheme. If ADAS is to be launched upon an unsuspecting agricultural public, we had better know and debate the scheme and its ramifications at this stage.

Clause 1 is broad in scope, not only covering the provision of any services or goods in relation to production and marketing of agricultural produce but also dealing with research and development. So it is not confined merely to advisory services; it also deals with research. It seeks to replace provisions in the Agriculture (Miscellaneous Provisions) Act 1944 and the Wildlife and Countryside Act 1981 as well as the Agriculture Act 1947.

Clause 1 should be removed from the Bill, first because so far there has been a statutory duty upon the Ministry to provide advisory services and all the other subjects which are listed in clause 1. Clause 1 would substitute a discretionary power and whether it is to be provided or not will cause widespread concern because of the uncertainty that is bound to arise whenever a discretionary power is put in the place of a duty. There will be widespread concern among the farming population, conservation organisations, and so on. I refer, because it is a matter of common circulation to hon. Members, to the memorandum of the Council for the Protection of Rural England on that subject. Therefore, clause 1 should be deleted because it removes a statutory duty and replaces it with a discretionary power.

Secondly, clause 1 exists against the background of cuts both in the advisory and research services. The House should consider the extent of each of those. In advisory services in 1987-88 the cut at the ADAS level will be £20 million which will be accompanied at MAFF level by a cut in the same year of £16·5 million. In agricultural research we have a cut in 1986-87 at ADAS level of £10 million doubling to £20 million in 1987-88. At the same time, in ministerial research we have a cut in 1986-87 of £18·25 million rising to £16·5 million in 1987-88. At a time when agriculture is expected to adapt to deal with the new situation, cuts are bound to weaken the fabric of both

[Mr. John]

ADAS and ministerial advice and research into the subject. Unless the Minister can provide one tonight, there is no guarantee that after 1987 that will be the end of the matter. There may be a continuing spiral of cuts.

Although the proposed cuts may appear to be significant at the bilateral talks that are held each autumn, compared with the £1,893 million that is spent upon CAP market support in the United Kingdom they are very small indeed. They are being made at the expense of the dispersal of and, in many cases, at the expense of the redundancy of highly expert advisers and research specialists. Their dispersal means that never again will there be collected together such an expert body to advise agriculture in a position of travail. *[Interruption.]* I appreciate that the Minister and his Parliamentary Private Secretary have difficulty in understanding this biblical phrase, despite the Minister's earlier allusion to Baptists.

Mr. Gummer: Given where I have spent the whole of this afternoon, the word "travail" is very close to my heart.

Mr. John: I should have thought that, were he prepared to use it, the word "labour" would be much nearer to it.

The dispersal of this body of expert knowledge would have tragic consequences for the quality of advice and research that is available to agriculture at precisely the time when it needs it most.

Furthermore, parliamentary approval is not required for the detailed system of charging. We have not been given the basis for the charges. No details have been made public so that discussions can be held about them. We are told that no charge will be made for conservation advice, but if a future Minister were to decide that a charge should be made for conservation advice, the House would have no power to influence his decision, or even to debate the matter.

A great deal of the statutory work that is shared by the NFU and the milk marketing board is carried out for the benefit of the public. Inspections are carried out under the milk and dairy regulations to protect the public against the consequences of contaminated milk. A charge is to be made for this service. The Minister says that the provision of good milk will benefit the consumer. The producer also benefits. The consumer is at one remove from the producer who is being charged. The fact that statutory work has not been charged for has served us well over the years. It has ensured a reasonably high standard of food hygiene and the standard of care to which the Parliamentary Secretary referred in the last debate. The charging system needs to be clarified.

On 13 February *Big Farm Weekly* carried an interview with Professor Todd who was reported as having said that the full economic cost of the service is to be passed on to the user. Is that so? Or will the Minister say, using the immortal words that so enlivened our Committee stage debates, that consultations are still taking place? If he cannot assure us that those consultations are now coming to an end and that they know what they intend to do, I fear that the inclusion of this clause is a blank cheque.

The Government have said that advice relating to conservation, rural diversification and animal welfare will be exempt from charges.

In Committee the Minister seemed unable to suggest how one would draw a line between those and the other advice.

If we go to the Bell report, at paragraph 47, we find that Professor Bell says that this type of advice—meaning conservation—is inexorably linked with the measures which improve the efficiency of the operation. That is what I would like to ask the Minister. How can he separate the two, and what counts as pure conservation?

For example, advice on pesticides may benefit the environment, and also benefit the farmer to cut his costs by being able to apply only the correct amount of pesticide. Will this service be charged for, because it has to do with the business, or will it be exempt because it has to do with the environment? That is the sort of detail upon which we had no advice in Committee, and I believe that it is high time that we had some advice.

10.45 pm

The next point is the mushrooming of private consultants. We shall see a sudden increase in the firms of private consultants, who will give the advice which ADAS is now being disabled from giving for financial and personnel considerations. They will not be obliged to take conservation into account as did the ADAS personnel. Should there not then be a code of practice for them?

I do not know whether Ministers will consider that matter, whether they have already made up their minds, or whether they are still open minded about it. Time is getting short. We have had a Committee stage plus eleven weeks, and we still do not know publicly what the ministerial stance is.

I believe that the major flaw in this case is that charging will mean that the very people who need the advice most will be unable to pay for it. Small farmers on hill and upland areas who most need advice may well find themselves precluded from taking as much advice as they would wish, even if they can afford some.

If subscription schemes are introduced, will there be a guarantee that farmers will get advice from ADAS as and when they want it? We know that often emergencies divert attention, energy and manpower, but will that advice be available?

I should like to deal with the training of ADAS staff in their new marketing orientation. I give way.

Mr. John Carlisle: Before the hon. Member goes on to training, he is giving the impression that farmers receive advice at the moment only from ADAS. Will he agree that many commercial organisations give an enormous amount of advice free of charge, in some cases in commercial consideration of their products which they are trying to sell. However, the personal advisers that he has talked about have been in existence for many years and have not just sprung up because of this Bill. They have the advantage of giving farmers and growers advice without having some commercial consideration by a large firm behind them.

Mr. John: I should like slightly to adapt the advice given to some hon. Members and say that there is no such thing as a free consignment. A lot of advice is given by commercial advisers on the side to enable the farmer to apply their products.

ADAS is perceived to be totally independent, at the service of the farmer, and able to range across a much wider spectrum than would agricultural supplier who would deal mainly with his own product, and its effects.

Although I agree that other advice is possible, I would say that no advice could supplant ADAS, and I do not believe that any advice is as good as ADAS advice. The hon. Gentleman may disagree, but I say that if this measure goes through agriculture will learn to its cost just how good ADAS has been and just how damaging are the Government's proposals for it.

I am sure the hon. Member for Luton, North (Mr. Carlisle) was not trying to divert me from the new training for ADAS staff for their marketing orientation. Whatever else we may disagree about, we will agree that that is a new departure for the staff. They have not been used to charging for their services and they will have to become market-oriented. From the news I have received about training, it seems like a bad book in the series, "How to Succeed". I understand that it is proposed to have a two-day course to train ADAS staff for their market orientation —how to be a salesman in two days. It sounds like a course in how to learn Esparanto in 12 hours. If the Minister has contrary information, he should tell the House tonight that their training will be much more thorough. If they are to have only a two-day course, ADAS will be launched into its new role completely unprepared for the rigours of the market. That brings me back to the private consultants who will operate without a code of conduct.

Another matter of concern is that a statutory duty is being accepted by the Ministry of Agriculture, Fisheries and Food. We were delighted to hear that in Committee, but it will have an effect upon ADAS. How can it carry out that role when it has to charge? I would not be the first to be thought of as a Francophile, but the French are raising their research budget by 10 per cent. at this difficult time when we are cutting ours. The ADAS staff has already been cut by 12 per cent. and the cut will go up to over 20 per cent. when the further 450 redundancies are declared.

We have had no details to date about redundancies in the ADAS research organisations. I hesitate to remind the House how long it has been since Second Reading, yet no further details have been made available. We know about the implications for the manpower of the Agricultural and Food Research Council because it has published a corporate plan for 1986-91 which refers to a 26 per cent. drop in the volume of research over the period between 1983 and 1991; job losses are put at 600 in 1984-85, 580 in 1985-86 and 600 in 1986-87. That is roughly one third of all staff employed by the council; about 1,800 people will be declared redundant between 1984 and 1987.

Coupled with the privatisation of the plant breeding organisation and other bodies, that points not only to the basis of ADAS being changed but to the quality of its advice, and of all advice and research in agriculture being badly affected at the very time when farmers are desperately seeking such advice and research to help them adapt to the changed circumstances which will affect farming in future. That is why I believe that the House should throw the clause out, although other amendments seek to modify its rigours slightly.

Mr. Roger Moate (Faversham): I agree very much with the words of the hon. Member for Pontypridd (Mr. John) in commendation of the work done by ADAS and the high regard in which it is held, certainly by the people with whom I am particularly concerned, namely, the smaller growers and farmers. I also agree with the emphasis that he placed on the importance of research and development at a time of high and increasing competition with our continental competitors. As the hon. Gentleman might expect, I also agree with what he said about the £2 billion that we spend on market support under the common agricultural policy at a time when we are making fairly major cuts in these important services.

I do not agree with the rather pessimistic approach that the hon. Gentleman adopted. I warmly welcome the increased opportunities for private consultancy, as I do the point made by my hon. Friend the Member for Luton, North (Mr. Carlisle) that commercial interests can and will provide a wide range of highly valuable services to a large number of growers. There is some validity in the point that the advice tendered by commercial organisations concentrates on the areas of their own interests and does not generally cover the wide spectrum of interests which have frequently and consistently been supported by ADAS and the Ministry.

The specific worry that I should like to put to my right hon. Friend is about the effect on smaller growers. We are entitled to some reassurance from my right hon. Friend that this matter will receive careful consideration. Smaller growers are least able to afford higher charges and might suffer most. Although we talk easily about the problems of agriculture and about the high levels of income to the larger growers, it should be borne in mind that many smaller growers—I say growers because I am talking about the horticulture industry in my constituency—struggle year after year to survive. The imposition of charges will be a heavy burden on them.

Small growers have benefited most from the first-class services offered by ADAS and the Ministry, especially in the development of new types of fruit. This is not an area in which private commercial interests are likely always to be available to advise; and small growers may well suffer. I do not disagree with the principle of charging. Agriculture is a highly important matter about which commercial interests should have the chance to make commercial decisions. I receive representations from highly efficient but small growers who are struggling to stay in business and are genuinely worried about the charges that might be imposed by organisations upon which in the past they have depended and greatly respect. I hope that nothing we do will make it harder for those growers who are fundamental to the life of our countryside to stay in business and to flourish at a time when they are desparately worried about new competition, especially from an enlarged European Community.

Mr. Livsey: I should like to make a few important points. I cannot agree that charging for ADAS services is a good thing. There is room for commercial advice and this has been available for some years. I have worked in the commercial advisory field. We are being asked to introduce charges for ADAS services. That advice has always been independent and not linked to commercial interests, and it is important for us to stick to that principle. I am not saying there is no room for commercial advice, because there certainly is, but ADAS should not be asked to impose charges in competition with commercial advisors.

I am worried about research. The plant breeding institute in Cambridge has been involved in all kinds of research into cereals and has carried out that research in an objective and fine way. What will happen if

[Mr. Livsey]

commercial interests become involved in the plant breeding institute and we lose some objective research? Pure research, possibly on low input systems of growing cereals may conflict with the commercial interests of any grouping that may take over the plant breeding institute. We cannot afford to lose objective research. We have seen cuts in the Weed Research Organisation. That has happened in the past, but now the research station has disappeared. We have also seen cuts at various other research stations such as Compton which has stopped research in several areas. We have seen also cut backs in the Welsh plant breeding station, and the losses of jobs in all those places.

11 pm

There are many fears about clause 1. I believe that it will undermine objective research and objective advice. I am not saying that there should not be a commercial sector. There is a commercial sector, but I think that it will not adequately compensate for the necessary independent research and advice.

I am particularly worried about charging for advisory services in the less wealthy farming areas, in particular in the less favoured areas where the ability to pay for services does not exist. The targets set for ADAS in regard to charging and income I believe will not be achieved in those areas. Are we, therefore, to discriminate against those areas in the matter of advice? I am sure that is not the Government's intention, but that is what may happen as a result of what they are doing.

If the Government reject our arguments for clause 1 to be taken out of the Bill, we would like to see each charge for every service put before the House for consideration.

Mr. John Carlisle: Like the hon. Member for Brecon and Radnor (Mr. Livsey), I have been involved in commercial advice to farmers and growers. I wish to allay some of the fears that will have been aroused by the alarmist talk of the hon. Member for Pontyprid (Mr. John). The question has been raised, particularly by Opposition Members, whether advice given freely is necessarily better advice than that which might be given on a commercial basis. I suggest that the hon. Gentleman may have underestimated somewhat the advice that is given in the private and commercial sector by those who are well trained. The cost of this training is borne by companies at considerable expense, and those involved are not sent out into the world until they have had that training. Farmers are, I think, getting better advice from commercial companies now than they were in the old days. I say that from a certain amount of experience.

If I may say so, I think that the hon. Gentleman also overestimated the value of advice given by ADAS. Although because it is so-called free it is meant to come in an unbiased way, the advice given is not necessarily the best advice. It could be argued that, had more money been available for better training in the ADAS scheme, with farmers and growers able to make contributions to it, ADAS might have been better advised.

As the hon. Member for Pontypridd has said, there is no such thing as a free service, yet Opposition Members are now complaining that the service has to be paid for.

Mr. Stephen Ross (Isle of Wight): Does the hon. Gentleman not agree that agriculture is probably the most efficient industry in the country? Why has it been so efficient and done as well as it has done? The answer is, through the services of ADAS and its predecessors. It has been of the highest quality. It is disgraceful that the hon. Gentleman should decry it now.

Mr. John Carlisle: I do not need lessons from the hon. Member for Isle of Wight (Mr. Ross) in the viablity of agriculture. I have spent all my life in agriculture, I am a farmer's son and I have spent 20 years of my commercial life advising farmers and commercially marketing their products. I do not need the hon. Gentleman to tell me about the viablity of an excellent agricultural trade.

I say to the hon. Gentleman and to the Opposition that the great idea that because the advice is freely given it is the best advice is nonsense. I would not want the House to be left with the impression that those in the commercial sector are giving advice purley for their own commercial interests. As I said in an earlier intervention, there was a growth of personal consultants over many years before the Bill was considered, even in the dark days before this Government were elected. These consultants stand or fall on the advice that they give and on the commercial viability of the farmers on which they consult. If their advice is not good enough, the farmers will not accept it. It is a hard commercial world in relation to advice. Most of us in the trade welcome the fact that ADAS will now have to be paid for.

The hon. Member for Brecon and Radnor talked about the PBI. When it is privatised—and I hope that it will not be too long before it is—the money that will be available for potential buyers could be such that the research and development that goes into the PBI will be considerably more than at present. That must be to the benefit of growers. A large amount of cash will be involved, and that will be to the benefit of the growers and the institute.

Farmers and growers are ready to pay for advice if they think that such advice will help make them more commercially viable. The Bill's provisions will assist them in that way.

Mr. Dafydd Wigley (Caernarfon): I intervene briefly towards the end of the Bill's passage—my hon. Friend the Member for Meirionnydd Nant Conwy (Mr. Thomas) having been involved in earlier stages.

I cannot accept the comments that have just been made, particularly the slur on people working in ADAS—[HON. MEMBERS: "Shame."] It was a slur. If the hon. Member for Luton, North (Mr. Carlisle) carefully reads what he said, he will see that there is a reflection on the ability of ADAS—that people are not as well trained as they might be and that the resources have been such that people may not be up to the same standard as the private sector.

The experience of farmers in my part of the world has been very different indeed. I do not know whether standards vary from area to area, but the representations that I have received arise directly from the large volume of pressure in my own constituency from farmers who are extremely upset at the possibility of a decline in the ADAS service.

In my area, farms are small. It is subsistence farming. It is not farming with large resources that can be used for highly professional independent advice. I wish that that were the case. It would be excellent if farmers had the

resources to take advantage of every possibility, but in my area it is very much breadline farming, and those farmers depend on the advice that they receive from bodies such as ADAS.

Over the last few years, there has been a tremor of fear in the Welsh agriculture industry because of the run down in research. The hon. Member for Brecon and Radnor (Mr. Livsey) referred to the effect on the plant breeding station. Farmers in Wales were extremely concerned about the cuts at Aberwstwyth, because the direct help that they have received for many years has made land—often marginal land—much more productive because of know-how and development.

The agriculture industry faces a difficult time. Farmers may lose the services of ADAS, which has been one of their main supporters, and because of the resource squeeze on them they may not be able to take advantage of other opportunities.

I am not for a moment decrying the ability of those who are working in the private sector, although I would question whether they are all totally impartial as they obviously have an eye on their own commercial interests. That is perfectly natural and understandable, but there must be an alternative that is readily available and not priced out.

People in Wales feel strongly about the possibility of charges for some of these services. That could put farmers off from using them. We must devote all the resources we can to research in the agricultural sector, and we should not restrict artificially the availability of those services. For that reason, I shall support amendment No. 1.

Mr. Gummer: The purpose of this clause which we are invited to remove from the Bill is, first and foremost, to make clear the wider remit of agriculture as distinct from the one which has so far been depended upon in earlier Agriculture Acts. I believe it to be absolutely right that we should make clear that the Minister is responsible for supplying to any person any services or goods relating to a much wider range of items than was previously the case. We used to see agriculture in far too narrow a context.

However, there is an inevitable result. One cannot—not just ought not—lay the same statutory duty for that wider range of matters as for the much narrower range. It would mean that anyone concerned with

"the conservation and enhancement of the natural beauty and amenity of the countryside"

could say that any service which he thought concerned that ought, by statutory power, to be carried out by ADAS. That cannot be so.

We have had this argument in Committee. It was one of the arguments which seemed to me to be so obviously accepted that the other side of it rather trailed away. Those who opposed it realised, when they looked at the problem in a straightforward way, that the reality was different from the fear. I can see that one could be afraid that to move from a statutory duty, in the narrow sense, to a wider statement might mean that less concern would be shown in the future than hitherto. Yet nothing that my right hon. Friend and I have said or done could possibly lead to the substantiation of that fear.

The opposite has happened. We are now saying that agriculture is not just about husbandry and growing crops; it stretches to conservation and

"the enhancement of the natural beauty and amenity of the countryside".

Agriculture is also concerned with other activities and enterprises which benefit the rural economy. That is why cause 1 is crucial. If Opposition Members persist in pressing for the abolition of this clause, they will once again be taking a reactionary view about what we are trying to do in the Bill, for at long last we have broken out of the attitude towards agriculture which is now being trumpeted abroad by the Labour party. It evidently does not want to have this extension or scope. If it wants it, why does it wish to get rid of the clause in which that extension is enshrined?

That is why the introduction of the hon. Member for Pontypridd (Mr. John) to what he put forward was neither acceptable nor in accordance with the facts. More important, it appears that in the 11 weeks of which he has spoken he has learnt nothing, for we have had this debate backwards and forwards—and nobody took his view. He did not win a single impartial person to his side. The reason is that it does not stand up. Many of those people who felt that perhaps he might be right realised, when they came to consider what a statutory duty would mean, that this was an impossible situation, for anyone involved in any activity in the countryside could demand that the Minister should provide any service he regarded as being related to that activity.

The hon. Gentleman cannot have it both ways. Either he wants this wider definition of agriculture, or he must accept that only the narrower definition can carry a statutory duty. If he wants the wider, he must accept that it is no longer a statutory duty but a discretionary power. Otherwise no Ministry could take this wider remit upon its shoulders, and this Ministry certainly would not be prepared to take on that which it could not carry out.

The hon. Gentleman went on to talk about a number of things, but I would take up particularly the milk and dairy regulations. It is true that their cost will be borne by those who receive the benefit. Who are the first beneficiaries? They are those who wish to sell the product with the assurance that it is a pure product. It is perfectly right for those who produce and sell to carry that kind of cost. That is, after all, what his Government visited constantly on the rest of industry. Is he suggesting that in some way or other industry should turn to the Government for payment of so many of the things which, rightly, he demands that it achieves?

Most of industry has laid upon it a requirement to sell goods of a proper standard for the purpose for which they are intended. It is not the Government who pay for that research, or for the checking and testing; it is industry itself. It is not unreasonable that the agriculture industry should also meet the cost of being able to sell its goods at the standard required by the customer.

11.15 pm

The hon. Gentleman spoke in a sneering tone about the mushrooming of private consultancies. There is great advantage in the private consultancy because we know where its bias lies. Therefore, unless one thinks that farmers are extremely stupid—and I am sure that the hon. Gentleman does not think that—one realises that the farmer knows perfectly well that, when consulting someone with a commercial interest, he must take the advice with a very large pinch of commercial salt.

[Mr. Gummer]

There are other sorts of bias. When I talk to conservation interests, they say that ADAS is very much biased against them. I do not happen to believe that, but they think so. There are many differing biases.

I would not go along with what my hon. Friend the Member for Luton, North (Mr. Carlisle) said in his assessment of ADAS. I also find peculiar the view that it is blasphemous to cast any doubt upon the service provided by ADAS at any time, as suggested by Liberal Members. It was a most preposterous riposte. It appears that every time we discuss any section of the population that might vote Liberal they come into their own. It is a most remarkable achievement——

Mr. Stephen Ross: That is disgraceful coming from a member of the Church of England synod.

Mr. Gummer: Oh dear, oh my goodness——

Mr. Ross: It is totally dishonest and a disgrace.

Mr. Gummer: It is a little late in the evening for the hon. Gentleman to enter our debate and then to lose his temper so rapidly. He should look after his health a little better. It is synthetic anger.

The House should honestly be able to say that ADAS has done—*[Interruption.]*

Mr. Deputy Speaker (Mr. Harold Walker): Order. Hon. Members must not bellow across the Chamber.

Mr. Gummer: The House must honestly accept that ADAS has contributed a great deal to the advancement of agriculture. However, to say that the advancement of agriculture is entirely the responsibility of ADAS is a load of rubbish, and we all know it. It is to do with the work of farmers, it is to do with the investment of farmers and landowners, it is to do with the way that the agriculture industry has been led to produce 80 per cent. of the temperate needs of this country. It is ridiculous to say that because ADAS has been largely responsible for that, we cannot discuss alternative means of providing advice, and it is not sensible to suggest that ADAS cannot charge for some of its services. Many of us would say that by charging for some of its services it would get closer to the market and, perhaps, tailor some of its services more to what people need rather than what they think they should need. There is always a temptation—*[Interruption.]* It is odd that some people believe that, unless one is 100 per cent. sure that the way an organisation is, is how it should always be, one is betraying that organisation. I am simply saying that we can improve ADAS by ensuring that there is a closer association between it and the market——

Mr. Malcolm Bruce (Gordon): Rubbish.

Mr. Gummer: The hon. Gentleman's contribution to this part of the debate, as in the rest of our debate this evening, consists of shouting "Rubbish" from a sedentary position. We know the contribution of the alliance parties to agriculture. We have had nothing useful or productive from its members this evening, which is the fifth successive time that we have had no help from the alliance when debating agriculture.

Mr. Bruce: Give way.

Mr. Gummer: No, I shall not give way, because so far I have been unable to speak without the hon. Gentleman shouting at me. He does not even have the courtesy to ask me to give way. The hon. Gentleman must accept that if ADAS is to do its job properly it must be viewed in the context of general advice not only from commercial businesses but from elsewhere.

The hon. Member for Pontypridd used a technique which I have noticed before which is called the using-the-percentage-without-giving-any-of-the-figures technique. The hon. Member said that France would increase by 10 per cent. the state contribution to the advisory service, but he did not say on what or in comparison with what. I checked on the situation in France and it should be said that French farmers contribute nearly half of the cost of the advisory service. The Government are considering small charges, but are still spending £120 million on ADAS. The figure of 10 per cent. seemed to be a figure plucked out of the air. In Denmark the contribution of the state was 37 per cent. in 1972 and fell to 22 per cent. in 1982. In Germany the state contribution is 40 per cent. and in the Netherlands it is about 50 per cent.

We would not be out of line with our neighbours if we suggested that some part of the cost of the advisory service should be contributed by those who receive its advice. I agree with the worries expressed by my hon. Friend the Member for Faversham (Mr. Moate). I have carefully considered what we are doing and I shall monitor what we are doing. I appreciate his concern about the small grower. I have many such growers in my constituency and they are concerned that services should be tailored to their special needs. I hope that the element of commercialism will promote that.

Mr. John: The right hon. Gentleman has said that comparatively small charges would be imposed on British farmers. How do we know that when he has not given us any details on charging?

Mr. Gummer: I mentioned such charges in making the point that, even with these charges, we will be spending £120 million on the services provided. That is a large proportion of the expenditure.

The hon. Member for Pontypridd wondered why in such circumstances we do not place before the House a series of charges. The answer is that in these areas we want ADAS to be commercially oriented and able to react to the needs of the market. We want to ensure that it can provide the services which are required by the small growers mentioned by my hon. Friend the Member for Faversham. ADAS can do this only if we have some flexibility. If it is tied to a tariff, one is expecting it to work in a commercial environment with both hands tied behind its back. If that were the case, it could not compete with commercial enterprises. The hon. Member for Pontypridd wants us to do the one thing which would destroy the ability of ADAS to compete and and win in the market place.

I have no fear for ADAS because it is a successful body and will be able to meet the needs of the market. To ensure that the marketing is effective there will be a two-day induction course for all employees of ADAS. That is just the starting point, because there will be continual training. To laugh at the initial two-day course is to suggest that educational training can start nowhere.

That is a typical example of the reaction of those who do not wish ADAS to work because they believe that the only advice worth having is free advice. That is nonsense.

Mr. Bruce: That is not what was said.

Mr. Gummer: The hon. Member may shout that, but the spokesman for the Liberal party said that he did not think that the services of ADAS should be charged for —or did he?

Mr. Bruce: He did not say that.

Mr. Gummer: The hon. Member for Brecon and Radnor (Mr. Livesy)—it was the one occasion when the hon. Member for Gordon was in the Chamber—said that ADAS gave the best advice and that that advice should be free. He went on to say that commercial advice was biased and, therefore, worse than the unbiased advice of ADAS. That must mean that he believes the best advice to be free advice.

I am sorry to have taken so long in replying to the debate——

Mr. Livsey: The Minister is getting carried away with himself. I did not say what he suggested. I said that we have a perfectly good advisory service which has a free, honourable record. Why cannot we continue with that and have commercial advice alongside it? It is disgraceful to charge for the advice of a service that was not set up for that purpose.

Mr. Gummer: If the hon. Gentleman believes that I have mis-stated what he said, I withdraw any part of my remarks which mis-stated his case. But what he said is precisely what I thought—that ADAS provides the sort of advice which he and his hon. Friends see as better, more important and more central than any other advice.

Mr. Bruce: Rubbish.

Mr. Gummer: Is ADAS advice better than other people's advice? That is the question that I ask the Liberal party.

Mr. Bruce: It is necessary to have it.

Mr. Gummer: That changes the position altogether. Of course, it is necessary to have it, and we shall continue to have it. The Government will continue to pay for a large proportion of it, and we are asking people to pay a proportion for themselves. That is what happens in all the countries of the European Community that I have mentioned.

More importantly, the hon. Member for Brecon and Radnor is asking for apartheid between commercial advice and the advice given by ADAS. That is unacceptable. It would be much better if ADAS provided a more direct connection with the market, and that is what the amendment proposes to do. I am sorry if the Opposition do no want the clause, but I hope that the House has noticed that the arguments against the clause, although wrong, have been made properly by the official Opposition, in contrast with the mere shouting match from the alliance.

Mr. John: After such felicitations from the Minister, I regret having to remind him that, although some women undergo post-natal depression, he is obviously undergoing post-natal euphoria. If the alliance did not exist, it would be necessary for him to invent it, because, robbed of that prop, the House might have adjourned at a reasonable hour tonight.

The Minister talked of the lost 11 weeks. Neither in Committee nor tonight has he deigned to give us facts. He says, "I cannot tell you about charging because it may contravene commerciality, and anyway I am not so timorous about the future of ADAS as to believe that it could go wrong." In that, he differs from Professor Bell, who says that, depending on where the charges are pitched, there could be a substantial fall in demand, which could jeopardise dual objectives. Professor Bell could conceive of difficulties, but our euphoric Minister of State could conceive of nothing. The House is not worthy to hear even the basis of the charges being put before it. I challenge the Minister once more to say whether the full economic cost of ADAS advice will be charged.

The Minister is always longer on rhetoric than on fact. I challenge him to say how we could separate conservation advice which happened to be intertwined with advice on pesticides, in view of his declaration that environmental advice would not be charged for but that commercial advice would. Shall we have a stopwatch ADAS, in which every 30 seconds a watch clicks off and on and they say, "We are off pesticides as a conservation measure; we are on to pesticides as a commercial venture?" Is that what he is asking us to accept? Of course not. He is asking us to accept that his amusing tirade at the expense of the alliance is a substitute for answering the detailed and perplexing points that we raised in Committee, but which were not answered then or tonight. The House does not know the facts and neither does ADAS.

11.30 pm

The Minister talked about my sneering at the two-day course. The responsibility for ADAS having nothing better than a two-day course to prepare it for the realities of the commercial market is the Government's. They have not been able to devise a scheme, or to take ADAS into their confidence, early enough for it to be prepared properly. They will cast it into competition with what the hon. Member for Luton, North (Mr. Carlisle) has described as expert commercial undertakings, and I have no doubt that many of them are, with only a two-day course to prepare it. To use the modern jargon, it will have two days of in-house training. Even with the Minister of State's silver tongue, that is not a recipe to ensure that ADAS will be able to take its place in the commercial market and compete with the commercial undertakings. It is a recipe for decline.

The attractive feature about ADAS has been its duty to give advice rather than discretion, and by removing that duty and replacing it with discretion we shall have an adverse effect on the quality of advice which has guided agriculture under both Labour and Conservative Governments.

The Minister has sneered and said that the Labour party argues that industry has to pay for ensuring the merchantable quality of its goods. That is so, but we are talking of different traditions. Agriculture has so far been in a position where it has not been charged for advice that has benefited the public as well as manufacturers. At the end of the day it will be the consumers who carry the cost and not producers. The Minister should be frank and admit that to the House.

Mr. John Carlisle: That happens now.

Mr. John: But in a diluted form. The taxpayer carries the cost now. The hon. Gentleman may squirm, but the consumer and the taxpayer do not always coincide. The

[Mr. John]

largest consumers are often those who are unable to bear additional costs, but that is a wider economic argument which I do not want to enter into tonight.

ADAS is being asked to effect economies through the redundancy of 450 members of its staff. The Minister has talked about the percentages to which I referred, but he did not challenge the assertion that ADAS's advisory staff will be reduced by 20 per cent. He is aware that the Minister of Agriculture, Fisheries and Food has stated that the ADAS research staff will be cut by 450 in two years. Those people will be cast adrift in a commercial world and will be inadequately prepared, and ADAS will have a diminishing staff that will be unable to compete on equal terms. There will be less advice available to agriculture at a time when it will want it most.

I do not want to take up all the Byzantine rhetoric that the influence of certain shouting induced the Minister to produce, but I must respond to the right hon. Gentleman's comment that the Opposition trailed away in Committee. We trailed away to the extent that we forced a vote against the clause at the end of the debate to decide whether the clause should stand part of the Bill. We intend to force a vote against the clause this evening because we believe that a statutory duty could be combined with a wider definition of agriculture, and not because we believe that a narrower definition of agriculture should prevail. We do not accept that the one goes with the other. I hope that the House will reject the clause out of hand.

Question put, That the amendment be made:—

The House divided: Ayes 28, Noes 125.

Division No. 146] **[11.35 pm**

AYES

Bennett, A. *(Dent'n & Red'sh)*
Bruce, Malcolm
Campbell-Savours, Dale
Carlile, Alexander *(Montg'y)*
Clelland, David Gordon
Cunliffe, Lawrence
Dalyell, Tam
Eadie, Alex
Evans, John *(St. Helens N)*
Ewing, Harry
Harrison, Rt Hon Walter
Haynes, Frank
Home Robertson, John
Howells, Geraint
John, Brynmor
Kirkwood, Archy
Livsey, Richard
McKay, Allen *(Penistone)*
Maclennan, Robert
Nellist, David
Parry, Robert
Pike, Peter
Randall, Stuart
Rogers, Allan
Ross, Stephen *(Isle of Wight)*
Rowlands, Ted
Skinner, Dennis
Wigley, Dafydd

Tellers for the Ayes:
Mr. Ron Davies and
Mr. John McWilliam.

NOES

Amess, David
Ashby, David
Atkins, Rt Hon Sir H.
Atkinson, David *(B'm'th E)*
Baker, Nicholas *(Dorset N)*
Baldry, Tony
Batiste, Spencer
Bellingham, Henry
Benyon, William
Biffen, Rt Hon John
Biggs-Davison, Sir John
Blackburn, John
Bonsor, Sir Nicholas
Boscawen, Hon Robert
Bottomley, Mrs Virginia
Bowden, Gerald *(Dulwich)*
Bright, Graham
Brinton, Tim
Brooke, Hon Peter
Bryan, Sir Paul
Bulmer, Esmond
Carlisle, Kenneth *(Lincoln)*
Carlisle, Rt Hon M. *(W'ton S)*
Carttiss, Michael
Cash, William
Chalker, Mrs Lynda
Chope, Christopher
Clark, Dr Michael *(Rochford)*
Conway, Derek
Cope, John
Cranborne, Viscount
Currie, Mrs Edwina
Dorrell, Stephen
Dover, Den
Dunn, Robert
Durant, Tony
Eyre, Sir Reginald
Fallon, Michael
Farr, Sir John
Favell, Anthony
Fenner, Mrs Peggy
Fletcher, Alexander
Forman, Nigel
Forsyth, Michael *(Stirling)*
Forth, Eric
Fowler, Rt Hon Norman
Freeman, Roger
Garel-Jones, Tristan
Goodhart, Sir Philip
Griffiths, Peter *(Portsm'th N)*
Ground, Patrick
Gummer, Rt Hon John S
Hamilton, Hon A. *(Epsom)*
Hamilton, Neil *(Tatton)*
Hanley, Jeremy
Hargreaves, Kenneth
Hawksley, Warren
Heathcoat-Amory, David
Hickmet, Richard
Hind, Kenneth
Holt, Richard
Howarth, Alan *(Stratf'd-on-A)*
Howarth, Gerald *(Cannock)*
Hunt, David *(Wirral W)*
Hurd, Rt Hon Douglas
Jenkin, Rt Hon Patrick
Johnson Smith, Sir Geoffrey
Jopling, Rt Hon Michael
Kellett-Bowman, Mrs Elaine
Key, Robert
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Edgbaston)*
Knowles, Michael
Leigh, Edward *(Gainsbor'gh)*
Lennox-Boyd, Hon Mark
Lilley, Peter
Lord, Michael
Lyell, Nicholas
McCurley, Mrs Anna
MacGregor, Rt Hon John
MacKay, John *(Argyll & Bute)*
Major, John
Malins, Humfrey
Marland, Paul
Mather, Carol
Mayhew, Sir Patrick
Merchant, Piers
Miller, Hal *(B'grove)*
Mills, Iain *(Meriden)*
Mitchell, David *(Hants NW)*
Moate, Roger
Moynihan, Hon C.
Murphy, Christopher
Nelson, Anthony
Neubert, Michael
Newton, Tony
Nicholls, Patrick
Osborn, Sir John
Page, Richard *(Herts SW)*
Patten, J. *(Oxf W & Abgdn)*
Pollock, Alexander
Portillo, Michael
Powell, William *(Corby)*
Powley, John
Proctor, K. Harvey
Raffan, Keith
Rees, Rt Hon Peter *(Dover)*
Rhodes James, Robert
Rhys Williams, Sir Brandon
Ridsdale, Sir Julian
Sainsbury, Hon Timothy
Shaw, Sir Michael *(Scarb')*
Shepherd, Colin *(Hereford)*
Soames, Hon Nicholas
Stradling Thomas, Sir John
Thompson, Donald *(Calder V)*
Thompson, Patrick *(N'ich N)*
Thorne, Neil *(Ilford S)*
Thurnham, Peter
Viggers, Peter
Wakeham, Rt Hon John
Wardle, C. *(Bexhill)*
Whitfield, John
Wood, Timothy

Tellers for the Noes:
Mr. Gerald Malone and
Mr. Francis Maude.

Question accordingly negatived.

11.45 pm

Mr. Home Robertson: I beg to move amendment No. 7, in page 2, line 22, at end insert—

'(6) In exercising his powers and duties under section 4 of the Small Landholders (Scotland) Act 1911, the Secretary of State for Scotland shall take account of the objectives of subsections (1), (2) and (4) of this section.'.

Mr. Deputy Speaker: With this it will be convenient to take amendment No. 28, in page 14, line 34 *[Clause 15]*, leave out subsection (6).

Mr. Home Robertson: One of the purposes of amendment No. 7 is to enable us to hear something from the Under-Secretary of State for Scotland, who sat through the entire Committee stage of the Bill in silence. That, I think, was a case of dumb insolence on his part, but we hope during this brief debate to entice him to say something about the situation in the agricultural, advisory and research service in Scotland.

The obscure reference in the amendment to the Small Landholders (Scotland) Act 1911 will, I trust, enable us to debate the Government's attack on the agricultural advisory service, the research service and agricultural education in Scotland. The amendment would incorporate the useful aspects of clause 1 into the Scottish system, and it would specifically build in the reference to conservation in subsection (1)*(b)* into the Scottish scene, but it would

obviously omit the unjustifiable reference to charges in subsection (3), about which my hon. Friend the Member for Pontypridd (Mr. John) was speaking in relation to the rest of the United Kingdom a minute or two ago.

Charges for advisory services for agriculture in Scotland are not ruled out by the present legislation as it affects Scotland. However, it has not been the practice of the Scottish agricultural colleges to charge for their advisory services, and the plans to impose such charges are part of a squalid package of cuts which are being imposed by the Treasury on the Ministry of Agriculture, Fisheries and Food and on the Department of Agriculture and Fisheries for Scotland. What a package that is for Scotland.

We are being confronted with a 41 per cent. cut in the funding for the agricultural advisory services of the three Scottish agricultural colleges. We are being confronted with an 18 per cent. cut in the funding for research and development in Scotland, and there are parallel cuts in the state veterinary service and in the other aspects of state involvement in agriculture in Scotland.

All that is being dressed up as some kind of a review of agricultural education, advisory services and research in Scotland, but in reality this is an extremely damaging raid by the Treasury on the Scottish agricultural college system.

The integrated system that we have in Scotland is universally recognised to work well. Indeed, it was recently commended by the Select Committee on Agriculture as a system which worked well because it is a partnership between the agricultural research services, the agricultural advisory services and agricultural education.

There is no waste in the system, and there is proper co-operation between the three sectors. There are no watertight compartments. People involved in agricultural research in Scotland are in close contact with farmers, and the students in our colleges get the maximum practical experience. There is a proper flow of information between the three sectors.

The cuts in the budgets of our three agricultural colleges, and the cuts which have been imposed on the Scottish agricultural research institutes are undermining the whole system. There is genuine evidence that Scotland is taking a heavier share of that cut, although the Government are predictably going to great lengths to try to obscure the issue. Indeed, it is difficult to establish direct comparisons because of the different structures in England and Scotland.

I find the arguments and the detailed figures which have been provided by the Scottish agricultural colleges on this issue convincing and disturbing. There appears to be a genuine risk that if the income from charges cannot be raised in the coming year, the advisory staff throughout Scotland could be cut from a total establishment of 208 advisers to only 55.

The problem seems to be that the Scottish agricultural colleges are facing even tougher constraints than ADAS in accommodating that regime of cuts. The first year could be absolutely disastrous. If they cannot get the income from the charges in 1987-88, the entire system could collapse. That is no exaggeration, because if there is a fall in the numbers of staff available to do the job in Scotland it will be impossible for those in remote areas to get access to the service. The costs of providing the service are higher in Scotland. Many farms are in remote areas. The needs of the marginal areas, such as the area that the Parliamentary Under-Secretary of State for Scotland is supposed to represent, are considerably greater.

I refer to the annual report for 1985 of the Edinburgh School of Agriculture that serves the east of Scotland. It refers to a market research project into the reaction of farmers at the prospect of having to pay commercial rates for advice. It says:

> "This report indicates that the standing of the College's advisory service ranks high with Scottish farmers but their ability to pay is, as we suspected, severely curtailed by their current financial position. In the last normal year for which data are available (1984), the net farm incomes of Scottish farmers were less than £5,000 a year, and thus it is obvious that many farmers with less than average incomes will have great difficulty in paying an economic charge for advice which they have previously received free."

The report continues:

> "the revamped services will not merely have to be sold to farmers able and willing to pay, they will have to be tailor-made to farmers' needs and marketed accordingly."

The report makes two fundamental points. First, there is likely to be a slump in the uptake of advice by farmers. That slump in uptake may be only temporary, because the farmers cannot afford the advice, in present circumstances. Many of the farmers who most need the advice will be those who cannot afford it, under present circumstances. They may believe that they can do without this kind of technical support in the next year or two, but if they do without it in the next few years they will find that it is no longer there if they decide later that they want to take it up again. The shortfall in funding could wreck the system.

Secondly, the advisory and research services may in future have to be targeted at the most prosperous farms. The smaller, marginal farms—the farms that most need advice — will find that those services are no longer available. It is a serious matter, and I hope that the Minister will deal with it.

As if the disruption of the Scottish colleges, with their excellent system of integrated education and advice, were not enough, the Government have extended their attack to the Scottish agricultural research institutes. The principal focus of the Government's attack is upon soil science, land use and marginal farming. I refer to the Macaulay Institute of Soil Research in Aberdeen and to the Hill Farming Research Organisation that is based at the Bush in Midlothian.

These two institutes provide a classic example of the principle of divide and rule. The Government say that they want to get rid of about 100 members of staff and of one of the two locations at either Craigiebuckler or the Bush. Not surprisingly, both of the institutes and their staff have rallied to save their own institutes. The Government have cynically stood back and watched the conflict that they deliberately sought to start. That is a despicable way to treat two excellent Scottish agricultural research institutes. Even at this late stage, I urge the Minister to think again.

The remote rural areas in Scotland that are involved in marginal farming need all the expertise that is available in Scotland to restructure and to diversify land use and the economy of those areas.

This is not the moment in our history to sacrifice excellent institutes like the MacAuley and the HFRO, which can help restructure those important and fragile factors of our economy and ecology.

I am not opposed to a review of the system, but I am opposed to these wholesale cuts at a time like this. Can I

[Mr. Home Robertson]

urge the Government to give genuine consideration to the positive suggestions being made by the Institution of Professional Civil servants which call for the forming of a new united institute which could work from the two locations in Mid-Lothian and Aberdeen? It would be sensible because it would provide a focus of activity both in the north and south of Scotland which could meet the needs of both parts of the country.

I would like to mention the cuts in the state veterinary service, because I think that that is relevant to what we are talking about tonight, and the centre at Casswade in Mid-Lothian, which is being closed.

I fear that the cuts will undermine the genuinely vital service and could increase the hazards not only to animal health, but also to human health in Scotland. We all know that some animal health problems can give rise to a risk to human health too.

I put it to the Minister that the Government must stand condemned in its contempt for rural Scotland, the farming industry, and the staff of the Scottish agricultural colleges and institutes. We demand a proper constructive review of the system, which must include adequate funding to help to guide the Scottish agricultural industry through these times of fundamental change.

12 midnight

The Parliamentary Under-Secretary of State for Scotland (Mr. John MacKay): The purpose of these amendments would have been to ensure that the provision of advisory and related services in Scotland would be the same as in England and Wales. That was not obvious from the hon. Member's speech, because the last thing that he did was to speak to the two amendments in his name.

We are proud in Scotland of our distinctive system, a key element of which is the Scottish agricultural colleges, generally independent of Government, though deriving a substantial proportion of their income from Government, and able to integrate advisory, research and development and education services.

Section 4 of the Small Landholders (Scotland) Act 1911 has been seen as the main vehicle by which the Secretary of State for Scotland can provide advice and services through the colleges. The terms of this section are broadly drawn and they have proved sufficiently flexible over the best part of the century to allow changing levels and patterns of service to be provided.

Existing legislation already provides sufficient cover for the Secretary of State for Scotland to fund, and thus guide, the provision made by the colleges for the advisory and related services. Further legislation as suggested in amendments by the hon. Member is strictly unnecessary, and can only put in question the adequacy of that existing legislation. Far from clarifying the position, as is not unusual with the hon. Member, he could only create uncertainty.

The advisory services north and south of the border have always marched broadly in step. The idea that the cuts in Scotland will be as drastic as an hon. Member was suggesting is totally misleading. The idea that a 41 per cent. reduction in expenditure will lead to a 75 per cent. reduction in staff is also misleading, and causes alarm amongst the people whom I presume the Opposition want it to cause alarm to.

He himself said that there was some agreement on the merit of the new united institution. I think he also mentioned one of the trade unions involved. He knows that both institutions favour that concept, and the governing body of the MacAuley recently issued a statement to that effect.

The idea is an exciting one, and one which a lot of people agree with. The contentious question is where the institution should be cited.

A group is currently studying the options available to us for the citing of the institution, whether Aberdeen or Edinburgh, or a combination of the two. It will not do any good to prejudge what that group is going to advise us on the question of citing.

Mr. Michael Forsyth (Stirling): Could I urge my hon. Friend to give as much weight to the arguments which have been put by the hon. Gentleman as is reflected by the attendance of Opposition Members? The fact that there is only one of them present surely indicates that there is not as much feeling about this as an issue as he has given us to understand.

Mr. MacKay: My hon. Friend has made a valid point, but any of my hon. Friends who have listened to the hon. Member for East Lothian (Mr. Home Robertson) will know that he is a great man for generating heat, if a little light. Obviously his colleagues know that and have pushed off to their beds.

As independent companies, the Scottish agricultural colleges do not require statutory authority to raise charges. It would be undesirable for Ministers to exercise the degree of control over such companies suggested in the hon. Member's amendments. None the less, as the major funding body for the colleges, my Department can exercise close oversight over their activities and we shall expect the spread and level of charges to be determined only after close consultation with the Department.

I ask my hon. Friends to resist the amendments on the grounds that they are unnecessary, confusing and therefore undesirable, but most particularly because they are wholly inappropriate to the present distinctive arrangements for providing advisory and related services in Scotland. If the hon. Member does not seek to withdraw I hope my hon. Friends will join me in the Lobby.

Amendment negatived.

Clause 4

CONSTITUTION AND FUNCTIONS OF HOME-GROWN CEREALS AUTHORITY

Mr. Deputy Speaker: We now come to Government amendment No. 8, with which it will be convenient to consider amendment No. 9 and Government amendment No. 10.

Amendments made: No. 8, in page 3, line 16, leave out 'eleven' and insert 'twelve'.

No. 10, in page 4, line 1, leave out from beginning to end of line 8 and insert—

'(4A) The Ministers shall appoint one of the members appointed under paragraph *(a)* of subsection (3) of this section to be chairman and another to be deputy chairman of the Authority.'.—*[Mr. Gummer.]*

Mr. Home Robertson: I had better move amendment No. 9.

Mr. Deputy Speaker: The hon. Gentleman has missed his chance. I have put the Question on amendment No. 10.

Amendment made: No. 11, in page 4, line 18, after 'cereals"', insert 'and for the words "the marketing of cereals" there shall be substituted the words "the production or marketing of cereals."'. — *[Mr. Gummer.]*

Clause 6

EXTENSION OF CEREALS MARKETING ACT 1965 TO NEW CEREALS AND OTHER CROPS

Amendments made: No. 12, in page 6, line 35, after '*(a)*', insert 'herbage seed, flax and'.

No. 13, in page 6, line 39, at end insert—

'*(d)* any other arable crop (except sugar, hops, potatoes or any horticultural produce within the meaning of section 8(1) of the Horticulture Act 1960).'. — *[Mr. Gummer.]*

Clause 7

CONSTITUTION AND LEVY SCHEMES OF MEAT AND LIVESTOCK COMMISSION

Amendment made: No. 14, in page 7, line 23, leave out 'eleven' and insert 'fifteen'.—*[Mr. Gummer.]*

Clause 12

DESIGNATION AND MANAGEMENT OF ENVIRONMENTALLY SENSITIVE AREAS

Mr. Maclennan: I beg to move amendment No. 18, in page 11, line 4, leave out 'person' and insert 'landlord and tenant'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments:

No. 19, in page 11, line 4, leave out 'having an interest in' and insert 'farming'.

No. 20, in line 5, leave out 'that person agrees' and insert 'those persons agree'.

No. 22, in line 27, at end insert—

'( ) Prior to the making of an agreement with a tenant of agricultural land, the Minister shall notify the owner of that land of the terms offered to the tenant and shall provide the owner with a copy of the agreement.'.

No. 23, in line 28, leave out subsection (7).

Mr. Maclennan: I move the amendment, admittedly at a late stage in the proceedings on the Bill, to get clarification from the Government about the arrangements which they may make under the provisions in the clause for the designation and management of environmentally sensitive areas, and to seek elucidation as to with whom the Government intend that the arrangements should be made.

It seems that both landlord and tenant would have an interest in the arrangement, although normally it would be the tenant, if there is a tenant, who would be most immediately involved in the sense of his income being affected by the recompense for the implementation of the management agreement. None the less, the use of different techniques by the tenant could affect the capital value of the land and might even affect the rent. Therefore, it would be interesting to know how the Government see it. The use of the word "person" which I seek to have substituted might cover both landlord and tenant, but, as I read the clause, it is not necessarily so. I should be grateful for the Minister's elucidation.

Mr. Stuart Randall (Kingston upon Hull, West): The purpose of amendment No. 19 is to make clear with whom the agreement about environmentally sensitive areas will be made. Clause 12 (4) says that the agreement may be made between the Minister and somebody

"having an interest in agricultural land".

I carefully read the Minister of State's notes. As he knows, I was not on the Committee, and I found that his explanation of the matter was quite clear. I noted that he was anxious to ensure that the terms used were sufficiently broad to make sure that one did not write any person or group out of the legislation.

The term,

"any person having an interest in agricultural land"

is so broad that it makes that part of the clause misleading. Our amendment seeks to remove that term and substitute "a person farming agricultural land." The amendment will ensure that the agreement cannot be unfairly exploited by landowners, especially landowners who do not work the land.

The second aim of the amendment is to ensure that any ESA grants or moneys go direct to tenants, because they are the people who farm the land and who could lose the use of productive land or find that their agricultural output is reduced as a result of the experiment. In its submission the National Farmers Union said:

"Agreements should whenever possible be entered into with the person who has the right to determine the practices followed."

Clearly, that says that it is the tenant to whom we should be referring.

There is a need to make the wording of the clause more specific for the purposes of clarification. In Committee the Minister made a fair point when he said that there is a need to ensure flexibility to cater for all the cases and for the range of cases to which the ESAs and the various agreements will refer. For example, one could have an agreement between the Minister and a tenant, and one could also have sub-tenancies and grazing rights and all these things need to be catered for. The phrase "farming agricultural land" makes it clear that the clause is still broadly based and caters for the range of cases for which it needs to cater without the need for subsequent amendments to the legislation.

The words, "having an interest in" are too general and could lead to abuse. Some landlords have an interest in their land but do not actually farm it, and the clause as presented could be taken to embrace landlords who do not work the land. That is not what the clause should be about. For too long we have been damaging our environment, and the hon. Member for Mid-Worcestershire (Mr. Forth), who will lose his seat at the next general election, ought to concern himself about these matters. When I lived in his constituency, I was aware and, indeed, was continually told by people in the constituency, how he neglected it. Rather than barracking, he ought to think about his own constituents and about some of the ESAs because they would be useful in his constituency.

If an ESA is to be a success, the prerequisite is that it must be seen to be fair. Fairness is crucial. This means that we must compensate tenants for the loss of productive capacity and output, which obviously affects their incomes.

[Mr. Stuart Randall]

In addition to ensuring that they get all this money, there must be an incentive to participate in the scheme and make sure that it works effectively. We all know that landlords have a lot of practical and financial influence and many powers. This means that they have enormous inherent advantages. They can, for example, determine tenancy agreements when there is a change of tenancies, and whether an ESA continues. The amendment attempts to counter this inherent advantage and to provide a more balanced arrangement.

We also believe that the agreement should be directly with the tenant, namely, the person who farms the land. We believe that it would not be unreasonable for the landlord to be informed of the agreement. It is not difficult to think of instances where certain interests of landlords could be affected in a detrimental way.

There are two reasons why landlords should not worry about an amendment of this kind. First, the agreements are voluntary in nature, and last for about five years only. The full support of the tenants is vital to the success of any agreement. It is important that tenants get the full financial compensation. If not, the ESA scheme will fail. We believe that this will be bad for Britain.

We say that the amendment is accurate, broadly based and indicates clearly that the agreement is to be with those who farm the land. We hope that the Minister will take this into account.

If I may deal briefly with amendment No. 22, on the face of it it looks not unreasonable, but I would like to have the Minister's interpretation of the words

"notify the owner of that land of the terms offered to the tenant".

The amendment states that the landlords should be notified beforehand of the changes and agreements. Does notify mean notify, or does it provide the landlord with an opportunity to take part——

Mr. Deputy Speaker: Order. The hon. Member for Hereford (Mr. Shepherd) is waiting to explain his amendment to the House. It might be more convenient for the House to listen to the hon. Gentleman before it starts to make up its mind on the amendment.

Mr. Randall: That is a good idea. I take your advice on that, Mr. Deputy Speaker. I shall wait to hear what the hon. Gentleman has to say, and I shall respond to it afterwards.

12.15 am

Mr. Colin Shepherd: I am grateful for the opportunity to intervene, and I shall speak very briefly to amendments Nos. 22 and 23. During the Committee proceedings, the CLA was worried lest there be misunderstanding that amendment No. 22 sought provision for prior consent by a landlord before a tenant could enter into an agreement with an ESA. That was not the case. The CLA was seeking to ensure that the owner was made aware of the fact that an agreement was being entered into and the terms of that agreement. Apart from wishing to know about management decisions affecting his land, the owner should be informed of any financial arrangements entered into by the tenant that may well be material in rent reviews.

The Minister replied that the MAFF would

"normally want the landlord to take his full part in the agreement".

He also said:

"First, we shall be discussing the matter with all those concerned. Secondly, in agreeing with a tenant we shall require him to notify the owners". — [*Official Report, Standing Committee B*, 28 January 1986; c. 259-61.]

If that is to be the case, the CLA feels that the Act should say clearly that the owner is to be notified. For the benefit of the hon. Member for Kingston upon Hull, West (Mr. Randall), it is the pure dictionary definition of the word "notify". The Act should also state whether the tenant or the Minister should notify.

In Committee, the Minister gave repeated assurances that no agreement would be binding on anyone who did not voluntarily enter into it, nor on one who was not party to it. In view of that, it would be preferable to delete a clause that seeks to bind successors in title—hence the reason for amendment No. 23. I very much hope that my right hon. Friend will give sympathetic consideration to accepting these two amendments because they put straight matters that were subject to confusion or misunderstanding in Committee.

Mr. Gummer: I shall deal first with the amendments that were introduced by the hon. Member for Caithness and Sutherland (Mr. Maclennan). It is difficult to accept them. If they were inserted in the Bill, it would mean that the Minister would be able to make an agreement only with the landlord and the tenant. I hope that the hon. Gentleman agrees that that is not what he would wish us to do, because there will be occasions on which one might wish to make an agreement with an owner-occupier. That would not be possible if this change were made, and one might wish to make other agreements with the tenant without reference to the landlord, although it will be insisted that the tenant must notify the landlord.

It may be that we shall wish to reach agreement with a tenant on a matter that is purely in the direct interest of the tenant. We want to be as flexible as possible in our arrangements. That is the purpose of the ESAs. They are experimental areas, and all sides of the House will agree that we want to keep them as such so that we can learn from them and perhaps build upon them.

If that is so, it is important that we do not tie anyone down to a precise formula of the kind that would involve making an agreement only with the landlord and tenant. I am keen that it should not be as narrow as that, and I am sure that the hon. Member for Caithness and Sutherland will not wish to press the amendment, given that it has an unfortunate side effect which I do not think he intended.

Mr. Maclennan: I am not sure whether it has that unfortunate side effect, but perhaps that is a matter of interpretation. The Minister's intentions are important. What does he mean by a person having an interest in land? In a case involving landlord and tenant, does he mean merely the tenant? If that is so, he has at least cleared up part of my uncertainty, but I am not satisfied that the landlord should not have a say in such cases.

Mr. Gummer: What we mean is precisely what we have said about persons having an interest in the land. We want to have an agreement with the person who can deliver on the subject on which the agreement is made. These agreements will be very wide. We shall be making various kinds of agreement, different circumstances, and different arrangements. Some will be minor, some major, in the impact they have upon farming patterns. In all cases, in dealing with a tenant we shall require that the tenant

informs the landlord. That is a requirement that we shall lay down, and I have given an absolute commitment to that which I repeat this evening.

What we do need, however, is to be able to have that agreement with the person who has the interest in the land and who can deliver the goods, so to speak, the person who is carrying out the activity or is involved in the activity on which we wish to get agreement. I am sorry that it is as broad as this, but, if we are experimenting in the way that we wish, we do not want to get into the position the hon. Gentleman would put us in, that of having to agree with the landlord and tenant in circumstances where we need an agreement only with the tenant, only with the landlord or where we want to have an agreement with the owner-occupier. The amendment would mean that we could have none of those separately but only one in combination. It is more than unnecessary; it would be onerous and wrong to write into the legislation what is contained in the amendment.

Mr. Randall: Just a very quick point of clarification. I take the Minister's point about flexibility. It is just that when one looks at this particular clause one immediately has the impression that, if the courts had to interpret it, they would see the main motive not as looking after the interests of the tenant and ensuring that all the money goes to the tenant, but providing loopholes for the landlord, who might not necessarily farm the land, to get his hands on some of the money. This is really what I should like an assurance on from the Minister.

Mr. Gummer: The purpose of the money is to achieve the end that we have in mind; therefore, the money is provided to the person who can deliver the goods. I am putting it as broadly as that because I hope that the hon. Gentleman, in following very carefully, as I know he has been doing, the *Hansard* report of the Committee, will see that we are concerned with a whole range of different agreements. So I am putting it as broadly as that to cover the whole range of deals that we may do in order to protect the environmentally sensitive areas. I can assure the hon. Gentleman that the purpose is to use that money to recompense people who would otherwise have farmed in a different way, so, in a very large proportion of cases, they will be the farmers.

I do not want to be tied to "the farmer", for the reason that, if we put in "farmer", as the hon. Gentleman would wish, it would mean that we were tied then to doing the deal only with the tenant, if it was a tenancy that was involved. I can envisage circumstances in which that would be inhibiting. Let us take, for example, a situation in which there might soon be a change of tenancy. One might want to have a tripartite agreement between the existing tenant, the landlord and the Ministry, in order to ensure that a number of aspects of the matter were taken into account. Sometimes we might want to link together a group of people; under the amendment, we could not actually do that. That is why we think that it would be a mistake. We want to be in a position where we can make an agreement with the landlord if that is the person with whom it can most properly be made, and where, if we need to make an agreement with landlord and tenant, we can do that.

We have been perfectly straight about it: if the experiment is to work we must have the opportunity of trying to find the best agreement in the circumstances, so that we can look at all these five or six places and see how they work, in order to learn one from another.

I hope that Opposition Members will accept that and will not feel it necessary to press these amendments. It is right for them to have raised the amendments, but I feel that to be more precise here than we have been will be to put ourselves into a more difficult position.

Turning to the amendments of my hon. Friend the Member for Hereford (Mr. Shepherd), I had hoped that we had dealt with these earlier, in Committee. I repeat that I am absolutely committed to requiring the tenant to notify the landlord when there has been an agreement with the tenant. I do not want to include a specific provision on this point in the clause because we have not gone into detail about this in all the other areas of which we have been speaking. It would be a very peculiar general enabling position if the only thing that we put into it was that in the case of a tenancy we would require the tenant to notify the landlord. I give an absolute assurance that that is what we shall do. That is the way in which we shall conduct these experiments. In the light of that absolute assurance, I ask my hon. Friend whether he would feel able to withdraw his amendment.

The clause could so easily have become a pantechnicon of bits and pieces — each perfectly reasonable — and would have become unwieldy. We would gradually have moved to a position where the experiments would have been far too regimented. For the sake of others, I ask my hon. Friend to withdraw——

Mr. Deputy Speaker Order. The amendment was selected for debate, not for a possible Division. It has not been moved.

Mr. Gummer: It would be right to leave the position as it is because to do otherwise would complicate the matter and lead others to feel that other things should be added. I hope that my hon. Friend will accept my assurances.

My hon. Friend referred to a succession of tenancies. We are thinking in terms of five-year agreements, so any agreement passed on to the next tenant would not be very onerous. It is necessary to have some continuity. As we are talking about the defence and protection of sensitive areas, we are keen that the agreement should be given a reasonable run. If there is a change of tenancy, it would not be onerous for the agreement to be passed on for its duration. We do not want to be tied entirely to the norm of a five-year agreement because, for experimental purposes, we might try slightly shorter or even slightly longer periods. It would be a small price to pay for some degree of continuity.

I am sure that my hon. Friend will appreciate that to have all but one tied to a five-year agreement, with the one split because of a transfer from one tenant to another, would be damaging to the experiment. I hope that he accepts my assurance that it is less onerous than the provision in section 39(3) of the Wildlife and Countryside Act, under which agreements can extend for an unspecified and much longer period. I hope that my hon. Friend will accept this shorter period.

Mr. Maclennan: I remain a little uneasy about the wording for fear that an agreement reasonably entered into

[Mr. Maclennan]

between the Minister and one party with an interest in the land may adversely affect the interests of another party such as the tenant or the landlord.

I admit that my concern has not been voiced strongly by outside interests, so it would be inappropriate to press the amendment.

I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 15

SHORT TITLE, COMMENCEMENT, CONSEQUENTIAL AMENDMENTS, REPEALS AND EXTENT

Amendments made: No. 25, in page 14, line 18, leave out from '8' to 'shall' in line 19 and insert '10 and section [*Compensation to outgoing tenants for milk quota*] and the repeals consequential on sections 8 to 10'.

No. 26, in page 14, line 20, leave out 'responsibie for agriculture in the different parts of the United Kingdom'.

No. 27, in page 14, line 25, at end insert 'and in this subsection "the Ministers" means the Ministers responsible for agriculture in the parts of the United Kingdom to which the provision in question extends'.

No. 29, in page 14, line 34, leave out 'Section 1 of this Act does' and insert 'Sections 1 and [*Compensation to outgoing tenants for milk quota*] above and Schedule [*Tenants' compensation for milk quota*] to this Act do'.—*[Mr. Jopling.]*

'NEW SCHEDULE

TENANTS' COMPENSATION FOR MILK QUOTA

Part I

Right to Compensation

Tenants' right to compensation

1.—(1) Subject to the following provisions of this Schedule, where on the termination of the tenancy of any land the tenant has milk quota registered as his in relation to a holding consisting of or including the land, the tenant shall be entitled, on quitting the land, to obtain from his landlord a payment—

(a) if the tenant had milk quota allocated to him in relation to land comprised in the holding ("allocated quota") in respect of so much of the relevant quota as consists of allocated quota; and

(b) if the tenant had milk quota allocated to him as aforesaid or was in occupation of the land as a tenant on 2nd April 1984 (whether or not under the tenancy which is terminating), in respect of so much of the relevant quota as consists of transferred quota transferred to him by virtue of a transaction the cost of which was borne wholly or partly by him.

(2) In sub-paragraph (1) above—

"the relevant quota" means—

(a) in a case where the holding mentioned in subsection (1) above consists only of the land subject to the tenancy, the milk quota registered in relation to the holding; and

(b) otherwise, such part of that milk quota as falls to be apportioned to that land on the termination of the tenancy;

"transferred quota" means milk quota transferred to the tenant by virtue of the transfer to him of the whole or part of a holding.

(3) A tenant shall not be entitled to more than one payment under this paragraph in respect of the same land.

Succession on death or retirement of tenant

2.—(1) This paragraph applies where on the termination of the tenancy of any land after 2nd April 1984 a new tenancy of the land or part of the land has been granted to a different tenant ("the new tenant") and that tenancy—

(a) was obtained by virtue of a direction under section 39 or 53 of the Agricultural Holdings Act 1986 (direction for grant of tenancy to successor on death or retirement of previous tenant);

(b) was granted (following a direction under section 39 of that Act) in circumstances within section 45(6) of that Act (new tenancy granted by agreement to persons entitled to tenancy under direction); or

(c) is such a tenancy as is mentioned in section 37(1) *(b)* or (2) of that Act (tenancy granted by agreement to close relative).

(2) Where this paragraph applies—

(a) any milk quota allocated or transferred to the former tenant (or treated as having been allocated or transferred to him) in respect of the land which is subject to the new tenancy shall be treated as if it had been allocated or transferred to the new tenant; and

(b) in a case where milk quota is treated under paragraph *(a)* above as having been transferred to the new tenant, he shall be treated as if he had paid so much of the cost of the transaction by virtue of which the milk quota was transferred as the former tenant bore (or is treated as having borne).

(3) Sub-paragraph (1) above applies in relation to the grant of a new tenancy before the date on which the Agricultural Holdings Act 1986 comes into force as if the references in that sub-paragraph to section 39, 53 and 45(6) of that Act were references to section 20 of the Agriculture (Miscellaneous Provisions) Act 1976, paragraph 5 of Shedule 2 to the Agricultural Holdings Act 1984 and section 23(6) of the said Act of 1976 respectively.

Assignments

3. Where the tenancy of any land has been assigned after 2nd April 1984 (whether by deed or by operation of law)—

(a) any milk quota allocated or transferred to the assignor (or treated as having been allocated or transferred to him) in respect of the land shall be treated as if it had been allocatd or transferred to the assignee; and

(b) in a case where milk quota is treated under paragraph *(a)* above as having been transferred to the assignee, he shall be treated as if he had paid so much of the cost of the transaction by virtue of which the milk quota was transferred as the assignor bore (or is treated as having borne);

and accordingly the assignor shall not be entitled to a payment under paragraph 1 above in respect of that land.

Sub-tenancies

4. Where the sub-tenancy of any land terminates after 2nd April 1984 then, for the purposes of determining the sub-landlord's entitlement under paragraph 1 above—

(a) any milk quota allocated or transferred to the sub-tenant (or treated as having been allocated or transferred to him) in respect of the land shall be treated as if it had been allocated or transferred to the sub-landlard;

(b) in a case where milk quota is treated under paragraph *(a)* above as having been transferred to the sub-landlord, he shall be treated as if he had paid so much of the cost of the transaction by virtue of which the milk quota was transferred as the sub-tenant bore (or is treated as having borne); and

(c) if the sub-landlord does not occupy the land after the sub-tenancy has ended and the sub-tenant has quitted the land, the sub-landlord shall be taken to have quitted the land when the sub-tenant quitted it.

Part II

AMOUNT OF COMPENSATION PAYABLE

Calculation of payment

5.—(1) The amount of the payment to which the tenant of any land is entitled under paragraph 1 above on the termination of his tenancy shall be determined in accordance with the following provisions of this paragraph.

(2) The amount of the payment to which the tenant is entitled under paragraph 1 above in respect of allocated quota shall be an amount equal—

(i) in a case where the allocated quota exceeds the standard quota for the land, to the value of the sum of—

(ii) the amount of the excess:

(b) in a case where the allocated quota is equal to the standard quota, to the value of the tenant"s fraction of the allocated quota; and

(c) in a case where the allocated quota is less than the standard quota, to the value of such proportion of the tenant's fraction of the allocated quota as the allocated quota bears to the standard quota.

(3) The amount of the payment the tenant is entitled to under paragraph 1 above in respect of the transferred quota shall be an amount equal—

(a) in a case where the tenant bore the whole of the cost of the transaction by virtue of which the transferred quota was transferred to him, to the value of the transferred quota; and

(b) in a case where the tenant bore only part of that cost, to the value of the corresponding part of the transferred quota.

"Standard quota"

6. —(1) Subject to the following provisions of this paragraph, the standard quota for any land for the purposes of this Schedule shall be taken to the number of litres of cow's milk which could reasonably be expected to have been produced from the land in a period of 12 months.

(2) The number mentioned in sub-paragraph (1) above shall be calculated—

(a) by reference to the average number of hectares of the land used during the relevant period for the feeding of dairy cows kept on the land; and

(b) on the assumption that the amount of milk produced from one hectare of land in a period of 12 months is such amount as the Minister may by order prescribe.

(3) An order under sub-paragraph (2) above may make different provision for different cases.

(4) Where—

(a) the average number of hectares of the land in question which could reasonably be expected to have been used during the relevant period for the feeding of dairy cows kept on the land (having regard to the number of grazing animals other than dairy cows fed from the land during that period) is substantially greater or less than the average number referred to in sub-paragraph (2)*(a)* above; or

(b) the amount of milk which could reasonably be expected to have been produced from one hectare of the land in question during the relevant period is substantially greater or less than the amount prescribed under sub-paragraph (2) *(b)* above, then that number or, as the case may be, amount shall be adjusted accordingly.

(5) For the purposes of sub-paragraph (4) above a number or amount shall be taken to be substantially greater or less than another only if it exceeds, or, as the case may be, falls short of that other by an amount equal to or greater than 20 per cent. of that other.

(6) The power to make an order under this paragraph shall be exercisable by statutory instrument and any statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this paragraph references to the feeding of animals are to grazing and feeding from harvested crops (other than loose grain) and references to dairy cows are to cows kept for milk production.

"Tenant's fraction"

7. —(1) For the purposes of this Schedule "the tenant's fraction" means the fraction of which—

(a) the numerator is the annual rental value at the end of the relevant period of the tenant's dairy improvements and fixed equipment; and

(b) the denominator is the sum of that value and such part of the rent payable by the tenant in respect of the relevant period as is attributable to the land used in that period in connection with the production of cow's milk.

(2) For the purposes of sub-paragraph (1)*(a)* above the rental value of the tenant's dairy improvements and fixed equipment shall be taken to be the amount which, would fall to be disregarded under paragraph 2(1) of Schedule 2 to the Agricultural Holdings Act 1986 on a reference made in respect of the land in question under section 12 of that Act (arbitration of rent), so far as that amount is attributable to tenant's improvements or tenant's fixed equipment which are relevant to the production of cow's milk.

(3) Where—

(a) the relevant period is less than or greater than 12 months or

(b) rent was only payable by the tenant in respect of part of the relevant period,

the average rent payable in respect of one month in the relevant period or, as the case may be, in that part shall be determined and the rent referred to in sub-paragraph (1)*(b)* above shall be taken to be the corresponding annual amount.

(4) For the purposes of sub-paragraph (2) above "tenant's improvements" and "tenant's fixed equipment" have the same meanings as in paragraph 2 of Schedule 2 to the 1986 Act, except that—

(a) any allowance made or benefit given by the landlord after the end of the relevant period in consideration of the execution of improvements wholly or partly at the expense of the tenant shall be disregarded for the purposes of sub-paragraph (2)*(a)* of that paragraph;

(b) any compensation received by the tenant after the end of the relevant period in respect of any improvement or fixed equipment shall be disregarded for the purposes of sub-paragraph (3) of that paragraph; and

(c) where paragraph 2 above applies in respect of any land, improvements or equipment which would be regarded as tenant's improvements or equipment on the termination of the former tenant's tenancy (if he were entitled to a payment under this Schedule in respect of that land) shall be regarded as the new tenant's improvements or equipment.

"Relevant period"

8. In this Schedule "the relevant period" means—

(a) the period in relation to which the allocated quota was determined; or

(b) where it was determined in relation to more than one period, the period in relation to which the majority was determined or, if equal amounts were determined in relation to different periods, the later of those periods.

Valuation of milk quota

9. The value of milk quota to be taken into account for the purposes of paragraph 5 above is the value of the milk quota at the time of the termination of the tenancy in question and in determining that value at that time there shall be taken into account such evidence as is avaialble, including evidence as to the sums being paid for freehold and leasehold interests in land—

(a) in cases where milk quota is registered in relation to the land; and

(b) in cases where no milk quota is so registered.

PART III

SUPPLEMENTAL PROVISIONS

Determination of standard quota and tenant's fraction before end of tenancy

10.—(1) Where, on the termination of a tenancy of any land, the tenant may be entitled to a payment under paragraph 1 above, the landlord or tenant may at any time before the termination of the tenancy by notice in writing served on the other demand that the determination of the standard quota for the land or the tenant's fraction shall be referred to arbitration.

(2) On a reference under this paragraph the arbitrator shall determine the standard quota for the land or, as the case may be, the tenant's fraction (so far as determinable at the date of the reference).

(3) Section 84 of the Agricultural Holdings Act 1986 (arbitrations) shall apply as if the matters mentioned in this paragraph were required by that Act to be determined by arbitration under that Act.

Settlement of tenant's claim on termination of tenancy

11.—(1) Subject to the provisions of this paragraph, any claim arising under paragraph 1 above shall be determined by arbitration under the Agricultural Holdings Act 1986 and no such claim shall be enforceable unless before the expiry of the period of two months from the termination of the tenancy the tenant serves notice in writing on his landlord of his intention to make the claim.

(2) The landlord and tenant may within the period of eight months from the termination of the tenancy by agreement in

[Mr. Maclennan]

writing settle the claim but where the claim has not been settled during that period it shall be determined by arbitration under the Agricultural Holdings Act 1986.

(3) Where a tenant lawfully remains in occupation of part of the land subject to the tenancy after the termination of the tenancy, the references in sub-paragraphs (1) and (2) above to the termination of the tenancy shall be construed as references to the termination of the occupation.

(4) Section 84 of the Agricultural Holdings Act 1986 (arbitrations) shall apply as if the requirements of this paragaphah were requirements of that Act, but paragraph 18 of Schedule 11 to that Act (arbitration awards to fix days for payment not later than one month after award) shall have effect for the purposes of this paragraph as if for the words "one month" there were substituted the words "three months".

(5) Where—

(a) before the termination of the tenancy of any land the landlord and tenant have agreed in writing the amount of the standard quota for the land or the tenant's fraction or the value of milk quota which is to be used for the purpose of calculating the payment to which the tenant will be entitled under this Schedule on the termination of the tenancy; or

(b) the standard quota or the tenant's fraction has been determined by arbitration in pursuance of paragraph 10 above,

the arbitrator determining the claim under this paragraph shall, subject to sub-paragraph (6) below, award payment in accordance with that agreement or determination.

(6) Where it appears to the arbitrator that any circumstances relevant to the agreement or determination mentioned in sub-paragraph (5) above were materially different at the time of the termination of the tenancy from those at the time the agreement or determination was made, he shall disregard so much of the agreement or determination as appears to him to be affected by the change in circumstances.

Enforcement

12.—Section 85 of the Agricultural Holdings Act 1986 (enforcement) and section 86(1), (3) and (4) of that Act (power of landlord to obtain charge on holding) shall apply to any sum which becomes due to a tenant by virtue of this Schedule as they apply to the sums mentioned in those sections.

Termination of tenancy of part of tenanted land

13.—References in this Schedule to the termination of a tenancy of land include references to the resumption of possession of part of the land subject to the tenancy—

(a) by the landlord by virtue of section 31 or 43(2) of the Agricultural Holdings Act 1986 (notice to quit part);

(b) by the landlord in pursuance of a provision in the contract of tenancy; or

(c) by a person entitled to a severed part of the reversionary estate in the land by virtue of a notice to quit that part given to the tenant by virtue of section 140 of the Law of Property Act 1925;

and in the case mentioned in paragraph *(c)* above this Schedule shall apply as if the person resuming possession were the landlord of the land of which he resumes possession.

Severing of reversionary estate

14.—(1) Where the reversionary estate in the land is for the time being vested in more than one person in several parts, the tenant shall be entitled, on quitting all the land, to require that any amount payable to him under this Schedule shall be determined as if the reversionary estate were not so severed.

(2) Where sub-paragraph (1) above applies, the arbitrator shall, where necessary, apportion the amount awarded between the persons who for the purposes of this Schedule together constitute the landlord of the land, and any additional costs of the award, caused by the apportionment shall be paid by those persons in such proportions as the arbitrator may determine.

Powers of limited owners

15. Notwithstanding that a landlord of any land is not the owner in fee simple of the land or, in a case where his interest is an interest in a leasehold, that he is not absolutely entitled to the leasehold, he may for the purposes of this Schedule do anything which he might do if he were such an owner or, as the case may be, were so entitled.

Notices

16.—(1) Any notice under this Schedule shall be duly served on the person on whom it is to be served if it is delivered to him, or left at his proper address, or sent to him by post in a registered letter or by the recorded delivery service.

(2) Any such notice shall be duly served on an incorporated company or body if it is served on the secretary or clerk of the company or body.

(3) Any such notice to be served on a landlord or tenant of any land shall, where an agent or servant is responsible for the control of the management or farming, as the case may be, of the land, be duly served if served on that agent or servant.

(4) For the purposes of this paragraph and of section 7 of the Interpretation Act 1978 (service by post), the proper address of any person on whom any such notice is to be served shall, in the case of the secretary or clerk of an incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person in question.

(5) Unless or until the tenant of any land has received—

(a) notice that the person who before that time was entitled to receive the rents and profits of the land ("the original landlord") has ceased to be so entitled, and

(b) notice of the name and address of the person who has become entitled to receive the rents and profits,

any notice served on the original landlord by the tenant shall be deemed for the purposes of this Schedule to have been served on the landlord of the land.

Crown land

17.—(1) The provisions of this Schedule shall apply to land which belongs to Her Majesty in right of the Crown or to the Duchy of Lancaster, the Duchy of Cornwall or a Government department or which is held in trust for Her Majesty for the purposes of a Government department, subject in each case to such modifications as the Minister may by regulations prescribe.

(2) For the purposes of this Schedule—

(a) as respects land belonging to Her Majesty in right of the Crown, the Crown Estate Commissioners or the proper officer or body having charge of the land for the time being, or, if there is no such officer or body, such person as Her Majesty may appoint in writing under the Royal Sign Manual, shall represent Her Majesty and shall be deemed to be the landlord;

(b) as respects land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy shall represent Her Majesty and shall be deemed to be the landlord;

(c) as respects land belonging to the Duchy of Cornwall such persons as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints shall represent the Duchy and shall be deemed to be the landlord and may do any act or thing which a landlord is authorised or required to do under this Act;

(d) as respects land held in trust for Her Majesty for the purposes of a Government department, that department shall represent Her Majesty and shall be deemed to be the landlord.

(3) Any sum payable under this schedule by the Duke of Cornwall (or any other possessor for the time being of the Duchy of Cornwall) may be raised and paid as if it were an expense incurred in permanently improving the possessions of the Duchy as mentioned in section 8 of the Duchy of Cornwall Management Act 1863.

(4) Any sum payable under this Schedule by the Chancellor of the Duchy of Lancaster may—

(a) be raised and paid as if it were an expense incurred in the improvement of land belonging to Her Majesty in right of the Duchy within section 25 of the Duchy of Lancaster Act 1817, or

(b) be paid out of the annual revenue of the Duchy.

(5) The power to make regulations under this paragraph shall be exercisable by statutory instrument and any statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation

18.—(1) In this Schedule—

"allocated quota" has the meaning given in paragraph 1(1) above;

"holding" has the same meaning as in the 1986 Regulations;

"landlord" means any person for the time being entitled to receive the rents and profits of any land and "sub-landlord" shall be construed accordingly;

"milk quota" means—

(a) in the case of a tenant registered in the direct sales register maintained under the 1986 Regulations, a direct sales quota within the meaning of the 1986 Regulations, and

(b) in the case of a tenant registered in the wholesale register maintained under those Regulations, a wholesale quota within the meaning of those Regulations;

"the Minister" means—

(a) in the case of land in England, the Minister of Agriculture, Fisheries and Food; and

(b) in the case of land in Wales, the Secretary of State;

"registered", in relation to milk quota, means—

(a) in the case of direct sales quota, within the meaning of the 1986 Regulations, registered in the direct sales register maintained under those Regulations, and

(b) in the case of a wholesale quota, within the meaning of those Regulations, registered in a wholesale register maintained under those Regulations;

"relevant quota" has the meaning given in paragraph 1(2) above;

"standard quota" has the meaning given in paragraph 6 above;

"the 1986 Regulations" means the Dairy Produce Quotas Regulations 1986;

"tenancy" means a tenancy from year to year or a tenancy to which section 3 of the Agricultural Holdings Act 1986 applies, and "tenant" and "sub-tenant" shall be construed accordingly

"tenant's fraction" has the meaning given in paragraph 7 above;

"termination", in relation to a tenancy, means the cesser of the letting of the land in question or the agreement for letting the land, by reason of effluxion of time or from any other cause;

"transferred quota" has the meaning given in paragraph 1(2) above.

(2) The designations of landlord and tenant shall continue to apply to the parties until the conclusion of any proceedings taken under or in pursuance of this Schedule.'.—*[Mr. Jopling.]*

Brought up, read the First and Second time, and added to the Bill.

Motion made, That the Bill be now read the Third time.

Mr. Michael Jopling, by Her Majesty's Command, acquainted the House, That Her Majesty, having been informed of the purport of the Bill, gives her Consent, as far as Her Majesty's interest is concerned, That the House may do therein as it shall think fit.

Mr. Michael Jopling, by Command of the Prince of Wales, acquainted the House, That His Royal Highness, having been informed of the purport of the Bill, gives his Consent, as far as the Prince of Wales's interest is concerned. That the House may do therein as it shall think fit.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

CONSUMER PROTECTION

Ordered,

That the draft Child Resistant Packaging (Safety) Regulations 1986, which were laid before this House on 5th March, be approved.—*[Mr. Malone.]*

Criminal Injuries Compensation Scheme

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Malone.]*

12.30 am

Sir Humphrey Atkins (Spelthorne): It was almost exactly 22 years ago that the Government of the day, with the full approval of both Houses of Parliament, established the criminal injuries compensation scheme. The scheme was intended, and still is intended, to provide some measure of compensation to people who have suffered injury through criminal action and who are unable to get any kind of recompense, either because the criminal could not be identified or, if he was identified, was in no position to make any recompense himself. The scheme is administered by a board whose chairman and members are appointed by my right hon. Friend the Home Secretary and who make annual reports to Parliament. It is a measure of the general satisfaction with which Parliament regards the way the board has conducted its activities that, so far as I can trace, not one of these reports has ever been debated in this House.

However, a situation has now come to light of which I believe the House would wish to be aware and I am grateful to my right hon. Friend for making himself available to answer this debate tonight. The situation arises from the events of October 1984 when a terrorist gang exploded a bomb in the Grand hotel at Brighton during the Conservative party conference. This fearful event led not only to much destruction of property but, far more seriously, to the death and serious injury of many people. We all, of course remember that one of our own number was killed and many of us here also remember the others who were killed.

As a result of this crime, no fewer than 21 applications were made to the criminal injuries compensation board for compensation, 19 from civilians and two from the police. Naturally, applications such as these take a little time to process because, for example, it is not always possible to determine very quickly the precise extent of personal injury and, therefore, the loss of earning power or whatever it may be that may be permanently with the injured person. I do not know what has happened in the majority of these 21 cases, but I do have personal knowledge of three of them and it is these three that I would like to bring to the attention of the House.

Let me say straightaway that I do not propose to identify the applicants. They have suffered enough and if I were to mention their names they would, I fear, be the subject of further publicity and inquiry and I am sure that none of us would wish to inflict that upon them. I will simply refer to them as applicants A, B and C, but my right hon. Friend, of course, knows precisely to whom I am referring in each case.

Applicant A's claim was comparatively easy to process, although the injuries were serious in all conscience, and the board assessed the claim, made an offer, had the offer agreed and made the payment all within a comparatively short time and the whole matter was settled in the first half of last year. Applicant B's claim was more complicated and so the board, clearly accepting that the claim had validity, but without being able to determine the precise level of payment which

[Sir Humphrey Atkins]

should be made, gave applicant B an interim award which again was paid in the first half of last year. No further payment has been made, for a reason to which I will come back in a moment.

Applicant C's claim was the most complicated of the three and the details could not be settled until the second half of last year. Here again the board has refused to make any further progress with this claim and applicant C has not yet received a penny piece. Since it became known that I was to raise this matter tonight, several other people have told me that they, too, have not yet received anything in respect of their claims following this same incident. Applicant C's case, therefore, is by no means unique.

The board has given one reason and one only why it has brought to a halt all further work on these outstanding claims and why it is leaving these claimants without any payment over a period which now amounts to many months. It is that in June last year a man was arrested and a little later was charged with complicity in this bomb outrage, and the board takes the view that it cannot make any payments because, if it did, it might prejudice the fair trial of the accused. I must tell the House that I find that excuse completely unacceptable, and, what is perhaps even more important, completely untenable, for three reasons.

The first is that I cannot for the life of me see why the making of a payment under the criminal injuries compensation scheme in respect of a crime has any bearing whatever upon the identity of the person who committed it. Mr. X, who has been charged, may or may not be guilty; I do not know, and the board does not know. Only the courts can decide, but, unless it is to be argued that the setting off of a bomb in the Grand hotel in Brighton is a perfectly lawful act and, therefore, no crime was committed, which everybody will agree is ludicrous, I cannot see why the fact that somebody had been charged prevents payments from being made.

My second reason is that, even if that argument is accepted as valid, the pass has already been sold. As I mentioned earlier in the case of applicants A and B, payments have already been made, and for all I know other payments have been made, too. The chairman of the board, Mr. Ogden, speaking on "The World This Weekend" on the radio on Sunday, said that the first payment was made "a long time ago". That has no bearing on the matter. Either the making of payments is prejudicial to a fair trial, in which case he was wrong to make any payments, or, as I contend, it is not, in which case he is wrong to stop making payments now.

My third reason is that Mr. Ogden and his board stand condemned by their words. Paragraph 43 of its 20th report to Parliament for the year ended 31 March 1984 — Cmnd. 9399—discusses at some length the problems of making awards when criminal proceedings are pending and refers to such matters as the possibility that an accused might plead that injuries were inflicted by him in self-defence and matters of that sort.

However, I draw my right hon. Friend's attention to one part of paragraph 43 where the board says:

"However in cases as clear cut as bomb outrages, we do not consider ourselves so limited".

It goes on to say:

"Provided we are satisfied on the balance of probabilities after a detailed investigation that the application satisfies the requirements of . . . the scheme . . . then we feel able to make awards in such cases."

I simply cannot understand why, in view of all that I have said, and of the board's words, the board is behaving in this extraordinary way today.

The scheme was set up to provide some relief to people who had suffered injury and financial hardship. The scheme received the approval of Parliament when it was established, when it was revised in 1979 and, of course, again every single year when the money for the scheme, including the salary of the chairman, is voted by Parliament. Furthermore, our Select Committee on Home Affairs, which in 1984 investigated compensation and support for victims of crime, produced a report—its first report in Session 1984-85—and referred at some length to the need to avoid delay in payments.

In paragraph 49 it said:

"untoward delays in settlement can only detract from any satisfaction and consolation the victim might derive from the outcome of his claim: he gives twice who gives quickly".

And yet here is this board quite deliberately delaying payment heedless, it seems, of the needs of the claimants.

There is no reason to suppose that any or all of them are financially able to manage quite happily without any kind of compensation. Physical injury, loss of earning capacity, damage of all kinds make, as we all know, a devasting impact upon a family's finances. There can be little doubt — indeed, I know this for a fact — that a number of outstanding claimants are suffering considerable financial hardship. That is why Parliament willed that everything possible should be done as quickly as may be to try to help people in these unhappy circumstances.

I know that Mr. Ogden, in the broadcast to which I referred earlier, said that it was open to anyone who felt that he had been badly treated by the board to go to the courts and ask for a ruling that he or she ought to be paid. If I may say so, this is a most unreasonable proposition. We all know the cost of legal proceedings and the suggestion that someone ought to put at risk possibly the whole amount of any award seems to me, although possibly legalistic, completely heartless.

Having set out my view of the matter, I should like to ask my right hon. Friend two questions. First, does he agree with Mr. Ogden's statement that the correct course to follow is to withhold all further payments by way of compensation until the trial of anyone accused of complicity in the offence is completed, however long that may take? If he does, I know that he will wish to explain to the House in greater detail than is at present available why he thinks it is correct, and furthermore why it is that the scheme under which the board operates contains no reference to this provision and also why it is that the board never tells any claimant that the charging of anybody in connection with the offence will bring an immediate stop to any further action on his claim.

If, however, he does not agree with Mr. Ogden, I come to my second question. What is my right hon. Friend going to do about it? There seems to be a rather grey area here. The scheme is non-statutory; therefore, there is no Act which lays down the powers and responsibilities of my right hon. Friend. Paragraph 3 of the scheme makes it clear that the board will be entirely responsible for what compensation should be paid in individual cases and its decisions should not be subject to appeal or ministerial review. I think that we would all agree that this is a

sensible provision because otherwise my right hon. Friend would no doubt be inundated with requests for the review of awards.

However, I draw attention to the fact that this provision specifically addresses the question of what compensation should be paid, not when it should be paid. Could my right hon. Friend tell the House please whether he has any power to give directions to the Board about how it should conduct its operations? If he does not have any such power, are we not in an intolerable situation?

Here is a board, appointed by my right hon. Friend, responsible for the distribution to innocent victims of crime of £40 million a year of taxpayers' money, which we vote, seemingly able to withhold payment for months or even years on grounds which no one here believes to have any validity, and to behave in a way which is clearly contrary to the will of Parliament, whose Chairman claimed on the radio that he could not be removed from office, and my right hon. Friend can do nothing about it. If this is really the case, it is my view that the situation is wholly unacceptable. In this first debate on the matter—we can always return to it—I look forward to hearing my right hon. Friend's observations.

12.44 am

The Secretary of State for the Home Department (Mr. Douglas Hurd): I am grateful to my right hon. Friend the Member for Spelthorne (Sir H. Atkins) for raising this issue. It must be right that an important and sensitive issue, which affects people in circumstances with which every Member of this House has the utmost sympathy, should be raised in this House. My right hon. Friend, as one would expect, has deployed his case in a clear and impressive way.

I should begin by explaining the role of Ministers in the criminal injuries compensation scheme. Criminal injuries compensation in England and Wales and Scotland is at present on a non-statutory basis, and awards are ex gratia. Governments have concluded that the system of criminal injuries compensation would be more orderly and satisfactory if set out in a formal scheme. This tells Parliament, applicants and the general public what they can expect, and provides a basis for judicial review of the board's decisions in individual cases. The scheme itself is the responsibility of my right hon. and learned Friend the Secretary of State for Scotland and myself. Under the terms of the scheme, compensation is administered by the Criminal Injuries Compensation Board, which is entirely responsible for deciding what compensation should be paid in individual cases. The board's decisions on such matters are not subject to appeal to Ministers or to ministerial review. The general working of the scheme is, however, a matter for review by the Government, and my colleagues and I take a keen interest in its operations, as I hope to show before I conclude. It is right on that basis that my right hon. Friend should bring his concerns before the House this evening.

As one would expect, the scheme itself does not deal in detail with particular matters of administration, nor has it been the general practice of Ministers to intervene in such matters. The expectation is that, having set out in the scheme the main principles of eligibility for compensation and similar matters, and having appointed an independent board to administer the scheme, we can rely on the board to deal sensibly with the cases.

As my right hon. Friend said, the Brighton explosion took place on 12 October 1984. In all, 32 people were injured, including five who were killed by the explosion or as a direct result of it. Police inquiries were, from their earliest stages, based on the premise that the explosion had been caused by a bomb. Press reports at the time were to the same effect. The board heard in September 1985 that the extensive police investigation had resulted in charges being brought.

The Criminal Injuries Compensation Board received a total of 28 applications as a result of the incident. This figure updates that mentioned by my right hon. Friend. The latest position is that 10 of these applications have been resolved and awards made. Of the further 18 cases still awaiting resolution, in 11 cases the board does not yet have enough information to enable it to decide what award, if any, should be made: it needs further medical or other reports, and the delay in these cases has nothing to do with the criminal proceedings.

Tonight, my right hon. Friend has focussed attention on the seven other cases which are otherwise considered ready to be put before a board member for a decision but which have been held up, as my right hon. Friend said, because of the impending criminal proceedings.

The question how to mesh its own procedures with criminal proceedings is a question that the board may have to consider in every case which comes before it. It has to have a general rule, and the general rule which it has adopted is that where criminal proceedings are in train, the board will not reach a decision on the application to it until the trial result is known.

Despite the apparent contradiction — to which my right hon. Friend understandably drew attention — with part of its 20th annual report, the board has explained that it has basically two reasons for this approach. First, if it takes a decision in the absence of information which may come out at the trial, its decision may be wrong. The extra information which may come out is not precisely foreseeable in advance, but the obvious category of information which is likely to be added at the trial is the defendant's own side of the story. The board has no power of its own to summon and question the alleged assailant, although it can take into account any information which is volunteered to it. I could elaborate at this point, as part of the board's general explanation, but I will not do so, because my right hon. Friend could say with justice that this is far from the present case.

However, there is a second reason why the board is reluctant to make awards when criminal proceedings are pending, and this second reason is more relevant to this set of seven cases. In the view of the chairman of the board, there is a risk that a decision to award compensation could itself become an issue in the later proceedings and be a matter of embarrassment in those proceedings. For example—and this is the key point—the defence could argue that the trial had been prejudiced if a public body had previously reached a conclusion about the origin of an explosion.

Where no alleged offender has been traced, the board obviously cannot wait for ever but must get on and do the best it can. If, later, someone is prosecuted, the fact that the board has made an award is not something anyone can do anything about.

But the chairman of the board feels, as I understand it, that there is a notable difference between that situation and the one in which the board makes an award in the

[Mr. Douglas Hurd]

knowledge that a criminal case is pending. That is the board's answer to the point that my right hon. Friend made about the difference of treatment accorded by the board to the various cases.

Sir John Stradling Thomas (Monmouth): I am sympathetic to the point that my right hon. Friend is making and that Mr. Michael Ogden made. But I cannot see any connection between the prejudicing of the case and the right to compensation for those who have suffered as victims. Under our system of law, that could be taken care of by the learned judges without prejudicing the trial of any culpable defendant in a trial and without having any relationship to the question of the right of the victim to compensation. Will my right hon. Friend address himself to that?

Mr. Hurd: I am doing so. The board is entitled to make compensation only where there is a case of criminal assault, and I wish to develop carefully what I understand to be the board's interpretation of this and explain what support it has had, and in doing that I will cover the point that my hon. Friend makes.

I was dealing with the difference between the situation to which I referred and the one in which the board makes an award in the knowledge that a criminal case is pending. As I said, that is the board's answer to my right hon. Friend's point about the difference of treatment accorded by the board to the various cases.

Those which reached the settlement stage before criminal proceedings were instituted were settled. Those which did not have been held up. The thought here must be that, while the degree of actual prejudice may be the same, the disregard of the risk is more wilful and, therefore, more reprehensible on the board's part.

It is difficult for a non-lawyer such as I to reach a definite view on the prejudice issue. It may seem far-fetched, as it does to my right hon. Friend. But—and this is now the crucial point in this case—I have not the slightest inkling, and nor has the board, of what defence any of those accused in connection with the Brighton explosion will raise.

I have personal views, as does my right hon. Friend, on how likely it is that the jury will be persuaded that the explosion resulted from, say, a fractured gas main rather than an explosive device. Less easy to judge—my right hon. Friend raised the question whether a criminal attack was involved — is whether the jury is likely to be influenced at all by a decision reached before the trial by the Criminal Injuries Compensation Board and whether it could with any force be claimed by defence counsel that they may have been influenced.

I am sure that my right hon. Friend would wish to join me in hoping for a fair trial and a trial that proceeds without diversion from the issues that will properly be before the jury. The chairman of the board, applying himself to the matter diligently, has reached the conclusion that the awards should not proceed while the trial is pending.

The chairman of the board is not alone in this view. He has, in this case, sought the views of the Lord Chief Justice on whether there would be a risk of prejudice if the board were to proceed to make awards. The Lord Chief Justice has confirmed the view to Mr. Ogden, and separately to me, that a risk of prejudice does exist, both as a question of general principle as well as in the case that we are now considering. Of course, the view taken in the trial would be a matter for the judge concerned, and the arguments put forward, but it is clear that authoritative legal opinion is that the risk of prejudice cannot be dismissed.

Indeed, in these circumstances, in view of the publicity which this matter has, naturally, received and the crucial importance of getting a proper trial in which any guilty person can actually be found guilty, I have been forced to conclude that it would be foolish to intervene, even if I had the right to do so.

The trial will open in the next few weeks. I understand —and it is certainly my wish—that the board should be free to resolve the outstanding cases as soon as it is clear from the process of the trial that the fact that a criminal act took place is not in doubt. This means that it should not be necessary to wait for the result of the trial to be known before the board can proceed. So the remaining delay should not be great, although I accept that any delay on the scale that has occurred in these kind of cases can cause hardship.

But we cannot leave the matter there.

Mr. Jeremy Hanley (Richmond and Barnes): For a jury to be prejudiced it has to have heard of the amount of compensation given as a result of a particular act. Of the 30,000 compensation cases dealt with last year, I wonder how many were published in the newspapers and how many juries ever heard of compensatory amounts being paid.

Mr. Hurd: That matter has rightly and honourably been raised by my right hon. Friend. It is not a matter which can be dealt with in a corner and nor has anyone sought that it should be. I have mentioned not only the views of Mr. Ogden but the views which support him in that respect of the Lord Chief Justice. I have also mentioned, which I think that the House would agree with, the crucial importance of getting a proper trial in which diversionary issues are not raised in any way which might prevent anyone who may be guilty from being found guilty. That thought has rather dominated my non-legal mind in tackling this matter.

As I said, we cannot leave the mattter there. The general issue which emerges from these cases may recur and further thought must be given to it. It would be too easy to reach a conclusion based simply on the notion of playing safe without regard to the considerations of humanity, touching the lives of individuals which my right hon. Friend has clearly and properly expressed.

My right hon. Friend mentioned that this is the first debate on the subject, and that is correct so far as the Government's intentions are concerned, as well as, perhaps, his own. I have announced in the White Paper on criminal justice, recently published, that we intend to put the criminal injuries compensation scheme on to a statutory basis for the first time. So there will be, when we come after the next Gracious Speech to a Bill which will implement this and other proposals, an opportunity for Parliament and Government to consider the matter further. Parliament will, as part of its consideration of our proposals for putting the scheme on a statutory basis, need to tackle the relationship between the scheme, the Government and the courts. There will be occasion, and, I think, obligation, to think about the matter, among others.

I have given the reasons why, quite apart from the convention that Governments do not intervene in the administration of the board, for obvious reasons which my right hon. Friend accepted, in this case, with a trial of this importance pending, it is difficult for me to go against the considered view of the Lord Chief Justice. But this is not a matter which will go to sleep and there will soon be opportunities as part of the general consideration of the scheme for the House to return to it. The cases to which my right hon. Friend has referred will be a test of the view formed in particular of the relationship between the board and the courts. This debate may thus turn out to be an important prelude to future decisions and I am glad that it has taken place.

Question put and agreed to.

Adjourned accordingly at two minutes to One o'clock.

House of Commons

Friday 18 April 1986

The House met at half-past Nine o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Orders of the Day

Corneal Tissue Bill

As amended (in the Standing Committee), considered.

Mr. Speaker: The House will have seen my provisional selection of amendments. Amendments Nos 1 and 2 are separate points and should be taken separately, not discussed together as shown on the list.

Clause 1

AMENDMENT OF HUMAN TISSUE ACT 1961

9.36 am

Mr. Jeremy Hanley (Richmond and Barnes): I beg to move amendment No. 1, in page 2, line 1, leave out 'in the employment of a health authority'.

I thank you, Mr. Speaker, for separating these two amendments. They have nothing to do with each other, although they are both concerned with this important Bill. This is not Third Reading but I know, Mr. Speaker, that you will allow me to pay a quick tribute to my hon. Friend the Member for Exeter (Mr. Hannam) for this Bill. I should like to say more about that later.

In Committee we discussed health authorities and their relevance to the licence to allow properly qualified technicians to remove corneal tissue. There was some discussion, especially from my hon. Friend the Member for Weston-super-Mare (Mr. Wiggin) as to the intention of the Bill with regard to the words:

"in the employment of a health authority".

There was some question whether the technicians, who would be suitably qualified to carry out the task of removing corneal tissue, had to be within the public health service and, therefore, whether the private health service was excluded.

Many of us know that many private health organisations play a valuable role, not only in health generally but in transplantation of organs, especially American Medical International which has a unique record in the transplantation of kidneys. There is no reason on earth why private clinics could not gather the expertise, as many of them do now, in the area of corneal tissue transplantation.

The Bill's intention is to precipitate the removal of an increased number of corneas when the next of kin and the deceased want that to happen. If the body happens to be under a private health organisation, this clause might cause problems for those who want to remove the cornea for transplantation.

When explaining this point in Committee, my hon. Friend the Minister said that employees of private clinics are in the employment of a health authority, perhaps by the facility of an honorary contract. In fact, my hon. Friend the Member for Exeter (Mr. Hannam) mentioned the honorary contract concept and the fact that all doctors and properly qualified technicians would be under either a direct contract with a local health authority or an honorary contract. I believe that this is an unsatisfactory position. I do not like to hear of things such as honorary contracts merely to facilitate what I think is a desirable intention of the Bill. Therefore, I would like further clarification on this point. If the technician is properly qualified, working under the instructions of a properly qualified doctor, I cannot see why the clause is necessary.

We are not talking about people trying to fight for kidneys in the private sector or trying to claw their way to the front of a paying queue. I do not think that anybody believes that. All we are trying to do is ensure that the bureaucracy and difficulty currently involved in the removal of corneas is removed, so that much-needed therapeutic help can be given. I believe that this little phrase will cause confusion and should be removed.

Mr. John Hannam (Exeter): My hon. Friend the Member for Richmond and Barnes (Mr. Hanley) was a valued member of our Committee, especially because of his personal experience of a corneal transplant following the excruciating illness that he had in 1979. My hon. Friend the Member for Kingswood (Mr. Hayward), who had serious eye trouble, and was on the Committee, is also here. I very much welcome, and am grateful for, their support for the Bill.

I have some reservations about the amendment. I fully understand the motives behind it. It would extend the scope of the Bill to cover work carried out in the private sector. In principle, I do not oppose that objective. However, I believe that the amendment will remove an important safeguard.

As with kidney transplants, demand for eye tissue exceeds supply. Therefore, we must prevent any unethical methods by people trying to procure tissue for financial gain. All those in the professional medical organisations who have supported the change that I propose in the Bill have done so in the light of proper safeguards for the removal of corneal tissue carried out by properly trained technicians.

In Committee, as my hon. Friend the Member for Richmond and Barnes said, concern was expressed about the possibility of entrepreneurial activity in the procurement of eye tissue. We must be extremely careful to preserve the integrity of the transplant system, especially at this stage. Of course, the Bill as it stands does not squeeze out the private sector, where many removals already take place. These are carried out by ophthalmic surgeons, but in future I hope that they will be carried out by skilled technicians, approved by the surgeons. Health Service employees from the eye hospitals or trained in the new eye banks will be able to carry out their work in private hospitals or at private homes, wherever the donor material is available.

The amendment would not prove a great disaster, but it needs further consideration before it is included in the Bill. I leave it to my hon. Friend the Under-Secretary to offer the expert advice that we need to assist us in our decision, so I await his comments before deciding whether I can support the amendment.

The Parliamentary Under-Secretary of State for Health and Social Security (Mr. Ray Whitney): I studied with great care the amendment proposed by my hon. Friend the Member for Richmond and Barnes (Mr. Hanley). As my hon. Friend the Member for Exeter (Mr. Hannam) said, to whose assiduity and expertise we owe our presence here today, my hon. Friend the Member for Richmond and Barnes has personal and important experience, so we take careful note of any amendments that he tables to this excellent and much-needed Bill.

As we recognise, the objective of the Bill is to increase the supply of tissue for corneal grafting by removing the most significant constraint on its procurement. That is why the Government have no hesitation in supporting the main provision of the Bill, which is that staff who are not medically qualified should be permitted, subject to certain safeguards, to remove corneal tissue from cadavers. But the removal of organs from bodies, as I am sure the House agrees, needs to performed competently, safely and sensitively. Therefore, there is no doubt that there is a great need for adequate safeguards. One of those safeguards, to which we attach great importance, is that the members of staff who are permitted to undertake those procedures should be employees of health authorities.

I appreciate that my hon. Friend the Member for Richmond and Barnes is concerned to ensure that corneal grafting is not excluded from private hospitals. I certainly accept that. We would wish to see that procedure undertaken in private hospitals, but there is no doubt that, under the operation of the proposals that we have in mind, that will be able to happen without the beneft of my hon. Friend's amendment. I hope that private hospitals that wish to perform that procedure will enter into agreements with health authorities or the United Kingdom transplant service in Bristol for corneal tissue to be supplied to them.

There would be no objection to that, provided that the supply of corneal tissue is sufficient to meet the health authorities' own needs. If private hospitals wish to make their own arrangements for the procurement of corneal tissue, either the tissue will have to be removed by a registered medical practitioner, as now — I do not envisage that presenting any difficulties—or they will need to enter into an agreement with a health authority for the use of health authority staff. I do not believe that that provision will be an unreasonable constraint on private hospitals.

9.45 am

As the House will know, we recognise the contribution made by private hospitals to health care. Although it is marginal to the huge volume of care that is provided under the National Health Service, we recognise the importance of its contribution, complementing the resources of the Health Service and demonstrating that people have a right, should they wish, to dispose of some of their income in that area.

I do no wish to turn this exercise into a party political exchange, but earlier in the week when I had the pleasure of participating in a debate on television with the hon. Member for Holborn and St. Pancras (Mr. Dobson), who is apparently determined to prevent people from spending part of their income on the provision of private health care, I was dismayed that that seemed to be the policy of the official Labour party spokesman on health. That is regrettable, and I am sure that that will be the view of most people.

I wish to ensure that we are committed to the existence of the Health Service, complemented by private health care. I do not, however, believe that the extension of the facility, as envisaged in the amendment of my hon. Friend the Member for Richmond and Barnes, would be necessary.

The requirement that the non-medical staff who will be permitted to remove corneal tissue be employees of the Health Service has implications beyond private hospitals. As employees of health authorities, those members of staff would be subject to whatever procedures the health authorities consider necessary. I am confident that health authorities will exercise those responsibilities wisely. As I have said, the procurement of corneal tissue needs to be undertaken competently, safely and sensitively. We would not wish it to become an entrepreneurial activity undertaken outside the control of health authorities.

Therefore, I hope that my hon. Friend the Member for Richmond and Barnes will accept that we have considered the issue carefuily, that we believe that there would be sufficient freedom under the arrangements that we have in mind, to implement the changes that flow from the Bill of my hon. Friend the Member for Exeter, and that we have the balance right between that freedom and the control that we still consider necessary in this important but delicate area. I urge my hon. Friend the Member for Richmond and Barnes to withdraw his amendment.

Mr. Frank Dobson (Holborn and St. Pancras): I was not intending to speak in the debate, but I am a proud opponent of all forms of non-National Health Service provision, particularly as most of it is exceedingly heavily subsidised by the taxpayer and the NHS hospitals nearby.

I hope that the hon. Member for Richmond and Barnes (Mr. Hanley) will accept the Minister's advice on the matter, because the amendment could have a knock-on effect. I am not suggesting that there is any likelihood of scandalous behaviour in a private hospital. But if there were to be one scandal involving what some people have described as entrepreneurial activity, or perhaps super-entrepreneurial activity, often known as theft, the whole of the corneal transplant scene might well be set back and people would be reluctant to agree to what they readily agree to at the moment. I do not wish to be contentious, but for those reasons alone I hope the hon. Member for Richmond and Barnes will accept the advice of his hon. Friend and withdraw the amendment.

Mr. Hanley: I am grateful to have had the opportunity of this small debate on amendment 1. This matter needs airing, because the objective of the Bill, steered so cleverly and with so much co-operation throughout by my hon. Friend the Member for Exeter (Mr. Hannam), is intended to increase the numbers of corneas available for transplantation. I was fearful that perhaps there might be a limitation which, because of the way the clause was originally written, could be opened up by this amendment.

The character of my hon. Friend the Member for Exeter and the high esteem in which he is held on both sides of the House encourages me to agree with what he said about the amendment. My hon. Friend the Minister has, in effect, given a guarantee of co-operation between health authorities and the private sector, and that allays one of my major fears.

We had some worries in Committee. As I said earlier, the fact that the health authority can employ on short term

or honorary contracts technicians employed in the private sector was a messy way to proceed with the Bill. I now understand the reasons for the control and believe it is desirable. The private sector will not exploit a more ready supply of corneas. I trust the private sector. I know that the hon. Member for Holborn and St. Pancras (Mr. Dobson) dislikes and distrusts the private sector. However, an increasing number of trade unionists are turning to private health schemes, and it is also for them that I moved the amendment. However, bearing in mind the comments of my hon. Friends, I am prepared to withdraw the amendment. I am grateful for the consideration that has been given to it. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 2

SHORT TITLE, COMMENCEMENT AND EXTENT

Mr. Hanley: I beg to move amendment No. 2, in page 2, line 13 at end insert—

'(4B) Whenever the person lawfully in possession of a body is a health authority and the deceased person's relatives are asked by that health authority for permission for an autopsy to be performed upon that body, they shall at the same time be asked if they object to the removal of the deceased person's eyes for therapeutic purposes or for the purposes of medical education or research.'.

This is a different matter. When we went through the Bill in Committee we were mindful not only of bureaucracy but of the fact that because of the problems associated with the bereaved a number of corneas cannot be removed even though the deceased had wished them to be removed.

Perhaps I might outline my own experience. I cannot speak too highly of Moorfields hospital and the way that it cares of for its patients, many of whom are in extreme pain, because our pain is fairly unique. I was told that I was to receive a transplant cornea under the National Health Service and I was taken to the operating theatre and given a general anaesthetic. I came round some hours later and found that the operation had not taken place. The reason was that although a transplant cornea was available still intact in an eye, the eye was demanded for autopsy as part of a general autopsy into suspicious circumstances surrounding the death of the donor.

The deaths of many donors are not suspicious. They are, regrettably, caused by road accidents, and there is no need for an autopsy for which all the organs must be stored and investigated. However, in the case of my donor there was a need for further investigation. I was assured by medical staff that the autopsy was a matter of procedure and would not provide any extra information to the people carrying out the autopsy.

When coroners look into matters and receive expert advice, or carry out their own investigations, the detail they receive from the investigation of the organs can be vital in determining the cause of death. However, the information that they receive from the eye, if any, is not as important, and I seek to ensure that the wishes of those who want the corneas of their loved ones to be transplanted are carried out.

The period between the death of the donor and the time when the eye is available for the cornea to be removed can be so long as to damage the tissue. Fourteen hours is regarded as the maximum time within which corneas can be removed, and in the 14 hours following death many things happen. For a start, in the vast majority of cases the donor has unexpectedly lost his or her life. That is a traumatic experience for the family of the deceased. One has to trace the family after the deceased has been identified, and there are many matters to be taken into account.

It is sometimes a miracle that any organs are successfully removed for transplantation, but millions of people in Britain carry cards to show that the waste and futility of death should not be total, and that parts of their bodies, should they be of benefit to others, should be used for transplantation or for any other therapeutic or research purpose.

I admire the next of kin as much as I admire the deceased. They are suffering from their bereavement and for them it is an extremely difficult time. Such people may be considering the life of the person they have created, their own child, and they are being asked to sanction what might be regarded as a defilement of the body. However, instead of thinking that it is a mere body that will be destroyed in time, one should bear in mind that life can be enhanced by something in that body, and that adds comfort to the next of kin. I know from personal experience how next of kin can feel great benefit because something of their deceased, loved one will continue to give life and continue to add to the mystery of life.

A doctor often finds it the most difficult part of his job to speak to the next of kin. He often finds it extremely traumatic, both for him and for the next of kin. At that stage, the doctor having plucked up the courage, based on the special training he has received and the care and dedication that is inherent in those who take up that profession, it would be far better for him to ask the next of kin whether at the time of the autopsy they would like a certain part of their deceased loved one to be used in transplantation. That would help to increase the numbers. The amendment says:

"they shall at the same time be asked if they object to the removal of the deceased person's eyes".

As we said in Standing Committee, that is the right attitude to take. We are all put on this earth for a purpose, and what has been put on the earth should not be wasted at death. Therefore, the wishes of most individuals would be upheld if their bodies could be used for legal and limited transplantation unless the next of kin or the person himself objects, particularly if that person objects through the opting out process. That ought to be discussed on Third Reading.

Mr. Hannam: Amendment No. 2 is especially interesting to me, as it considers how we obtain donor material and whether we should have an opting-in or an opting-out system.

I have been involved in the campaign run on behalf of kidney patients for a long time. It is extremely distressing that medical science has produced a remedy for a disease which, 20 years ago, was nearly always fatal but that young children and elderly people still die from kidney failure because there is a shortage of donors. The Esther Rantzen television programme recently tore at our heart-strings by showing pictures of agonised parents and doctors who, if kidneys had been available, would have been able to save children's lives.

10 am

The shortage of donor material, not a shortage of donors, has prompted the Bill. The amendment is prompted by a desire to increase the amount of tissue available. One of my first campaigns in the 1970s was for attendance allowance to be paid to kidney patients on dialysis. We achieved that. We then got more money for kidney units. The Government responded to that challenge with substantial increases in resources, backed up as usual by voluntary contributions and voluntary organisations. We now have a large new kidney unit in Exeter.

The Government then launched the donor card programme. Most of us carry kidney donor cards. I hope that all those present do, although I shall not challenge them. The result of that campaign has been a substantial increase in the number of transplant operations, but there have not been enough. I am afraid that the voluntary donor system is not good enough. We shall have to bite this difficult bullet and change to an opting-out system in which it will be assumed that organs are available unless people carry a card or their relatives say that the removal of organs is not desirable.

Such a change could free us from the haunting spectre of people dying, not because we cannot save them or because people are unwilling to donate vital organs, but because the system fails to produce the organs at the crucial time. The amendment takes us a little way in that direction, but I am not sure that progress should be piecemeal. I doubt whether we should change the Bill when other organs or tissues are not covered in the same way, although I shall listen carefully to my hon. Friend the Minister's advice.

I should like to thank my hon. Friend the Member for Richmond and Barnes (Mr. Hanley) for giving us an opportunity to discuss an important aspect of transplantation policy.

Mr. Whitney: I, too, am grateful to my hon. Friend the Member for Richmond and Barnes (Mr. Hanley) for tabling the amendment. It draws attention to an important source of corneal tissue which is all too often neglected.

I should like to draw a distinction between a coroner's autopsy and an autopsy that is undertaken on the initiative of a health authority. Whenever a coroner is worried about the facts surrounding a death, he has the power to order that an autopsy be performed, and neither the health authority nor the deceased person's relatives have the right to stand in the way. The amendment is not concerned with coroner's autopsies.

Autopsies may also be performed on the initiative of a health authority if, for example, doctors want to discover fuller information about the course of a patient's disease so that their understanding of it will be increased. Such autopsies can fulfil a useful function, but they can be performed only if the deceased person's relatives give their permission. As health authorities are already required to approach relatives in such circumstances, it would seem sensible for them at the same time to ask relatives whether they have any objection to the removal of corneas for transplantation.

Mr. Frank Cook (Stockton, North): The amendment proposes that permission should be sought for the removal of corneal tissue and

"for the purposes of medical education or research."

Will the Minister give an assurance that, when considering that request, relatives will be made aware of the more macabre and unfair aspect of the regulations relating to such activity—that those who donate their bodies to medical investigation forfeit entitlement to death grant as they no longer have a responsibility to dispose of the remains?

Mr. Deputy Speaker (Sir Paul Dean): Order. That is going a little wide of the amendment. I am sure that the Minister will keep his reply within the terms of the amendment.

Mr. Whitney: I am happy to follow your direction Mr. Deputy Speaker. I note the hon. Gentleman's point and do not doubt that my colleagues with responsibilities in the matter will have done so as well.

I hope that health authorities will ask relatives whether they object to the removal of corneas when asking for permission for autopsies. It provides a straightforward way in which the supply of corneal tissue can be increased. I hope that, in the event of the Bill becoming law, health authorities will profit, if that is the most practical way in which tissue can be procured.

I would not want health authorities to be required to do that, as my hon. Friend's amendment suggests. With some autopsies, the delay between death and the permission of relatives being obtained makes corneas unsuitable for transplantation. My hon. Friend the Member for Richmond and Barnes referred to the 14-hour maximum. I would not want relatives to be asked about corneal transplantation when there was no possibility of its being carried out.

Moreover, the deceased person's eyes might have been damaged enough to make that unsuitable, and asking about transplantation could only aggravate relatives' distress. The circumstances surrounding death might render such an inquiry more harmful than advantageous. I urge health authorities to ask relatives for permission to remove corneas when they ask permission to perform an autopsy, provided that the circumstances are propitious.

A balance must be struck. Moving in the direction which the amendment suggests—a legal obligation—is going too far. The Government share my hon. Friend's view about the need to increase the availability of all organs. We are doing everything that we can to promote the organ donor campaign and are considering the possibility of other initiatives. However, to lay down a legal duty on health authorities would be misguided and unnecessary, and I hope that my hon. Friend will feel able to withdraw the amendment.

Mr. Hanley: I plead guilty to trying to introduce an opting-out system by the back door, but I believe that such a system is desirable and will dramatically increase the number of organs available for transplantation. The fact that there are only 2,000 transplants in Britain each year, of which about 90 per cent. are successful, and that there are more than 500,000 deaths in Britain each year is a poor record. I am certain that many more than 2,000 people would be willing for their corneas to be used. I fully appreciate what my hon. Friend has said about the difficulty for a doctor at the time of autopsy.

I understand, as perhaps I did not appreciate fully before, what my hon. Friend said, that it could make the position worse if there were a statutory obligation to ask permission to take tissue at a difficult time for the next of kin. I would do nothing that would make their suffering at that stage even greater. On balance, I believe that it is

better to leave the matter to the skill, care and consideration always shown by doctors in these circumstances, and I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Order for Third Reading read.

10.12 am

Mr. Hannam: I beg to move. That the Bill be now read the Third time.

Recent weeks have been extremely exciting for me and all others involved in disablement matters. Last Friday, the House completed deliberations on the Disabled Persons (Services, Consultation and Representation) Bill, a major piece of legislation by any standards, especially as it was a private Member's Bill involving probably £100 million of new resources. As a sponsor of that Bill, I congratulate the Government on the major support they gave. Having been involved throughout consideration of that Bill, I can assure the House that the Government assisted with its drafting and, in the end, the financing of the measure. That Bill was top of the ballot.

My Bill today drew number 19 in the ballot, but as a lucky coincidence of being in the right place at the right time for once when it came up for Second Reading and slipping into the airstream, as it were, of the rather larger disabled persons measure of the hon. Member for Monklands, West (Mr. Clarke), this Bill received a vital Second reading on 17 January and moved up the snakes and ladders board into second place; we are now today putting it through Parliament. I should like to thank all hon. Members who helped make that possible.

The basic aim of the Bill is to remove a major obstacle to successful eye transplants in this country. The obstacle is not in the actual transplant area, but in the collection of suitable eye tissue needed for the operation. The amendments we have been discussing are designed to assist in that regard. We all know that this material is desperately needed to prevent loss of sight and blindness.

The cornea is the circular and transparent lens on the front of the eye, approximately 11 mm by 13 mm in size. When disease, degeneration or injury causes a loss of the normal tranparency of the cornea, light fails to get through to the retina and blindness occurs. So in corneal transplants we are talking about a graft of a 7 mm to 8 mm button of donor tissue being transplanted into a recipient hole in the eye.

It is a simple graft operation performed routinely in teaching hospitals and district general hospitals with special units. Some 1,500 to 2,000 grafts are carried out in the United Kingdom each year, with a 90 per cent. success rate. However, the supply of eye tissue donor material is not great enough to satisfy the waiting list for transplants, and some hundreds of people are anxiously waiting for the time they can have an operation to save their sight. The hold-up is not due, as it is in the case of kidney transplants, to a shortage of donors. It is due to a shortage of opthalmic surgeons, the specialists required under the existing law to perform the routine cornea removals from the bodies of the donors.

The Human Tissue Act of 1961, which we seek to amend, requires that the removal of organs from bodies for medical purposes can be carried out only by fully registered practitioners. That has undoubtedly been a perfectly proper requirement and certainly needs to continue for organs other than eyes or parts of eyes where a comparatively simple operation can now be carried out, as in other countries, by eye technicians properly trained and supervised.

Our hospital ophthalmic doctors, who are under great stress these days, cannot be available day and night to interview relatives and then remove eye tissue. In the United States and other countries considerable developments have occurred and eye banks are now a standard part of ophthalmic units, under the direction of a medical board and run by eye bank technicians. In the United States, in 1984, 24,000 corneal removals were carried out, 98 per cent. of them by such technicians. In Holland and other European countries, similar eye banks are now operating, and I have received letters from the United States and Holland supporting this Bill.

There is absolutely no opposition from medical organisations; indeed, they support the Bill and welcome a relaxation of the 1961 law so that an improved supply of corneal material can be available for transplantation. The national United Kingdom organisation promoting this change is the Iris Fund for Prevention of Blindness, ably led by its director, Susanna Burr, whom I thank most deeply for her inspired help for the Bill. The iris fund established the United Kingdom Corneal Transplant Service in 1983 with Department of Health and Social Services support and has financed it since then, although it hopes that the scheme will be taken over next year by the DHSS.

The service is based in Bristol, in the constituency of my hon. Friend the Member for Kingswood (Mr. Hayward). In a letter dated 3 December 1985, the director, Ben Bradley, states:

> "The demand for donor material is always increasing, and despite having recorded more than 900 cornea grafts since we started in October 1983, there are still 316 people on our cornea waiting list.
>
> Your help in bringing the plight of these patients to the attention of the House will, I am sure, result in an increase in the number of corneas made available for transplantation."

Over the whole country, 4,000 eye grafts have taken place during the past two years in hospitals from Bristol to Edinburgh. As many as 1,500 extra transplants a year could take place if this Bill were enacted. The life of the eye tissue is very short — 14 hours from removal to transplant, so the need for an efficient system is obvious. Until very recently, these short-lived eye materials have been kept alive for a maximum of four days by a conventional liquid preservation technique using the MacCarey-Kaufman solution, but most transplant operations are still carried out using fresh material — removed from the donor—within that short period.

However, a revolutionary advance has just been made by the Bristol eye hospital and the United Kingdom transplant service research team at Bristol university. Within the past week or two, a new technique for storing corneas for up to 30 days in an eye bank has resulted in the first two corneal transplants being carried out by Professor David Easty in Bristol using corneas stored in a special nutrient fluid. These organ cultured tissues can be re-checked over a period to make sure that they are suitable and in good condition, and also that their tissue material can be better matched with the patient's needs.

In those two operations, David Easty used one cornea which had been stored for two weeks in the United Kingdom transplant bank and one from Denmark which had been stored for a month. That represents a tremendous

[Mr. Hannam]

advance and helps, with the Bill, to produce a solution to this long-standing problem. Both patients have been discharged and are doing well.

Because such transplant tissue can be stored for up to a month, both the patient and the surgeon can plan when the operation will take place. That relieves the pressure on operating theatres and the patient's anxiety. Following the successful operations, Professor Easty said:

"This means that our eye banks can now provide an instant supply of material for emergencies."

Material will be readily available to save sight if major accidents occur. Eventually, by having a store of this tissue, there will be an end to waiting lists for corneal transplants and we shall be able to deal promptly and efficiently with major disasters. Through this legislation, we can increase and speed up the supply of corneal tissue provided by the eye banks. That tissue can be used to restore the sight of all those facing loss of vision and blindness. My hon. Friend the Member for Kingswood must be proud of the Bristol team's achievements. I hope that he will pass on our congratulations to all those involved.

I thank all those who have helped to pilot the Bill through Committee and Report. Some of those hon. Members who were active in the early stages were not able to be present today. They include my hon. Friend the Member for Weston-super-Mare (Mr. Wiggin), who, following an accident, was given a corneal transplant—as was my hon. Friend the Member for Richmond and Barnes (Mr. Hanley)—and my hon. Friend the Member for Walden (Sir G. Johnson Smith), who has suffered from an eye illness. I especially thank my hon. Friend the Under-Secretary and his officials for their assistance in drafting the Bill. I hope that the House will now send the Bill to the other place so that it can quickly become law and end the waiting lists for eye transplants.

10.22 am

Dr. M. S. Miller (East Kilbride): I welcome the Bill. There have been amazing developments in modern science and technology which will ensure that, when the Bill is enacted, cornea transplants will take their place among the other grafts and transplants which have become an acceptable part of the fight against illness and disease and the battle to make the afflicted healthy. I congratulated the hon. Members responsible for the legislation.

The faith of hon. Members and the Minister in the medical profession is touching. The Bill states:

"No such removal of an eye or part of an eye shall be effected except by—

(a) a registered medical practitioner".

I cannot imagine the eye or part of the eye being removed by anyone other than a registered medical practitioner, although the hon. Member for Exeter (Mr. Hannam) mentioned other people who could be involved.

The Bill states that the registered medical practitioner "must have satisfied himself by personal examination of the body that life is extinct".

Sometimes, it is not as easy as one imagines to ascertain that life is extinct. I am sure that the Under-Secretary of State is well aware of that. The absence of a fully detectable pulse or heartbeat does not necessarily mean that a person is dead. I assure the public that tissues are not taken from people who have not been certified as dead. People have expressed that concern.

We know the scaremongering about this issue. People should be encouraged to state clearly that they are willing to donate parts of their bodies. Eye tissue should be added to organs listed on the card carried by people who wish to donate.

I warmly welcome the Bill. I hope that, before long, these transplants will take their place with the others.

10.25 am

Mr. Rob Hayward (Kingswood): I support the Bill. As my hon. Friend the Member for Exeter (Mr. Hannam) has said, I have a personal interest in it. I believe that all hon. Members would willingly support the Bill if they were aware of its contents.

The legislation arises primarily from the advance of modern technology. The Human Tissues Act 1961 recognised the limits of technology at that time. Ophthalmic surgeons had to perform the operations to ensure that transplants were suitable for recipients, but that is no longer the case. Twenty-four years have passed and there have been substantial changes in medical technology. People with lesser skills—I do not want to denigrate them—can now perform these operations.

I pay tribute to the efforts of my hon. Friend the Member for Exeter not only in introducing the Bill but in working for the disabled. Last week, he was given an honorary degree by the Open university. That is a substantial recognition of his efforts on behalf of many people.

My hon. Friend the Member for Exeter said that the service is based in Bristol. The United Kingdom transplant bank is organised from Bristol. Research is undertaken by Ben Bradley and his team and by the staff at the Bristol eye hospital to benefit people suffering such tragedies. For those reasons, I take great pride as a Member from Bristol in supporting the Bill.

I have a direct interest in this issue because, when I was 17—regrettably, that was too long ago—I developed partial blindness, which recurred intermittently for the next four years, sometimes with total blindness. Fortunately, at no stage did that blindness continue for a substantial period. Obviously, it was disconcerting. I saw eye specialist after eye specialist, none of whom could tell me precisely what was wrong. Fortunately, when I was 22, the problem seemed to disappear and, for the next eight or nine years, I suffered no problems with my sight.

When I was 30, the problem recurred on a few occasions to a limited extent. Again, I suffered from either partial or total blindness, but, mercifully, it was for a fairly short period. Less than two years ago the eyesight in my left lower quartile deteriorated substantially. That had the dramatic effect of stopping me from being a rugby referee because it confirmed what all players believe about rugby referees—that they are blind. The problem continued and I visited a series of specialists at a number of hospitals, both in London and Bristol, for assessment of my eyesight difficulty. At the time I was also suffering from a nervous difficulty in my hand.

After undergoing a series of tests I was referred to the Burden institute at Frenchay hospital where I had a brain scan. I am in the unique position of being able to say that I am the only Member who can prove that he has a brain. The brain scan provided no further information about the cause of my problems. Ultimately, it was diagnosed that I had multiple sclerosis, a disease for which there is no cure. I was not over-frightened by that diagnosis. People

live with far worse diagnoses than that. At this stage there is no known treatment or cure for multiple sclerosis. The virus was identified a few years ago. Work is being done at the moment, and people who suffer from it are given advice about the forms of diet and exercise that they might take.

Where an illness is not treatable or curable, one learns to live with it and accept it. Surely it is far worse to know that one will go blind, and needs an operation, that the technology is available and many people can carry it out by performing a transplant, but that legislation does not allow it. That is the point of the Bill. The technology is available. Just imagine if one were a surgeon or doctor, and had to say to a patient or his relatives, "We know what you are suffering from. We could cure it, but the legislation does not allow us to do so because it is too restrictive."

It is for that reason that I am such an enthusiastic supporter of the legislation. It broadens the opportunity for many more people to have an operation, for which the facilities and the expertise have been available for so long. For those reasons, I encourage the whole House to support this excellent and long-overdue measure.

10.33 am

Mr. Colin Moynihan (Lewisham, East): It is difficult not to rise with a substantial degree of humility, having heard the expertise of those hon. Members on both sides, either through professional or personal experience, who have introduced the Bill. I hope that the Bill will pass expeditiously through the other place and on to the statute book.

I wish briefly to concentrate on the substantial technical developments which have occurred and make the Bill all the more important. We have come a long way since the early days of this century when the first transplant was performed by a doctor on his pet gazelle in Africa. In due course it was rejected.

Now we seek tissue types for corneal grafting. Often complex grafting is required, which makes the special identification of the right type of tissue through clinical work most important. The Bill will allow the more widespread collection of the right tissue types, relieving the pressure on those in advanced clinical work, resulting in providing the right tissue in the right place and supporting the technological developments in the eye banks.

It is important to recognise that at present ophthalmic surgeons must spend a geat deal of time collecting corneal tissues. Their clinical work has developed substantially, and the most important aspect of their work is probably the delicate issue of receiving consent. With today's legislation we can combine all three, and what is effectively the simple operation of collecting corneal tissue can now be handled by a larger number of people. For that reason, the legislation seems appropriate at this stage, especially with regard to the technical development of corneal tissue collecting.

When I studied the Bill and spoke to some eminent surgeons at St. Thomas's, I was sufficiently convinced that the process was not so highly technical that it would require the present legislation to remain unamended. It is a simple procedure. It has the advantage of taking place in an immuno-privileged site. That means that one can remove the eye and the relevant tissue and transplant it, without facing the problem of rejection, as is the problem with many other transplants. It also means that much more tissue typing can be undertaken after we have received more tissue. That is important for the development of the procedure. For those reasons, I warmly welcome the developments in the Bill.

One can describe the procedure simply to a layman as a nip in the covering of the eye, after which one hooks on to the muscles surrounding the eye, severs the nerve at the back and removes the eye. As the eye is such a sensitive part, that process may naturally worry people, especially compared with the removal of a finger nail or an operation on some less sensitive part of the body.

Nevertheless, I recognise that the importance of good supervision is essential. The Bill ensures that only those who are properly qualified, and under proper supervision, can remove the tissue. I am pleased that my hon. Friend the Member for Exeter (Mr. Hannam) gave due recognition to that when he drafted the Bill. It would have been easy to think that such a simple procedure could be extended more widely than he suggests.

I echo the congratulations offered to my hon. Friend the Member for Exeter. He was right to say that this has been an important week for health and social service issues. I was privileged to serve in Committee on the Disabled Persons (Services, Consultation and Representation) Bill introduced by the hon. Member for Monklands, West (Mr. Clarke), and passed in the House last week. I congratulate both the hon. Gentleman and my hon. Friend on following up that legislation so readily, as my hon. Friend lucidly explained to the House. I hope that my hon. Friend's Bill will succeed. It will undoubtedly receive the support of the medical profession. I hope that hon. Members on both sides will also support it.

10.38 am

Dr. John G. Blackburn (Dudley, West): I support the Third Reading of this important legislation, and, in so doing, I must immediately pay triple tribute to my hon. Friend the Member for Exeter (Mr. Hannam). First, I congratulate him on his success in the ballot. It is perhaps even more remarkable that, having been drawn 19th, he now finds his Bill before the House. That is against all parliamentary odds.

Secondly, I congratulate my hon. Friend, as many others will, on his warmth, dedication and skill in selecting the subject of the Bill before us.

Thirdly, I congratulate my hon. Friend on the fact that, with the help of hon. Members on both sides of the House, he has skilfully steered the Bill through its Committee and Report stages. It reflects the greatest credit upon him and the constituency that he serves. He has a long, well-documented testimony of care for the disabled, with which I am glad to be associated.

This morning sees the House at its best. When one considers the events of the past week, it is a tribute to the House that, on Friday morning, we are discussing a Bill which is so important to those who suffer from blindness.

I was deeply humbled by the moving speech of my hon. Friend the Member for Kingswood (Mr. Hayward). The House will long remember his account of his illness. We wish him good health and godspeed in his service in the House.

Medical science has advanced greatly since the original Act, especially in the transplant of organs and tissues. There is a renal transplant unit in my constituency, and I am thrilled to be the patron of the friends of that unit.

[Dr. John G. Blackburn]

My introduction to blindness, no doubt like that of many hon. Members, was as a little boy sitting in Bible class and discovering, through the scriptures, how the Lord came down and made the blind see again. Close to where I worked in Liverpool, the first blind workshops in the world were established. From conversations with people in the medical profession, I know that there is a keen awareness of the benefits and blessings that can come from the transplant of tissues, especially from the eyes.

I welcome the Bill and give it my complete support. My concern for such matters was awakened remarkably some years ago when I heard the sad news of the death of Lady Churchill, the widow of Sir Winston Churchill, and was astonished to discover that within hours of her death her wish that her eye tissues be taken and used again was fulfilled. That brought home to me in a simple but dramatic way the blessings that can come from the transfer of tissue to those who suffer from ophthalmic diseases.

I am especially attracted to the need for speed in such transplants, and I wish to make a simple plea. This morning, I took the precaution of checking that my kidney donor card was with my credit cards and other effects. I commend for consideration the suggestion that such a card should include eye tissues——

Mr. Hanley: Mine does.

Dr. Blackburn: Mine does not.

Mr. Hanley: The new card issued by the DHSS contains the words:

"I request that after my death
(a) my kidneys, eyes, heart, liver, pancreas be used for transplation; or
(b) any part of my body be used for the treatment of others.
(delete if not applicable)."

I am grateful to my hon. Friend for giving me the opportunity to point out that multi-donor cards are now available. This might be the right time to apply for a new card or pick up a new card at one's library or citizens advice bureau.

Dr. Blackburn: I am never too proud to accept a rebuke. Perhaps it is a reflection of my age that my card does not contain those words. However, I assure my hon. Friend that my card is not written on parchment.

This has been a wonderful debate and a momentous occasion. In conclusion, I pray that many people will look back on this day and say, "As a result of the House of Commons and the hon. Member for Exeter introducing this Bill, I can now see." I commend the Bill to the House and wish it godspeed.

10.46 am

Mr. Hanley: I have already spoken on the Bill this morning, but I hope that the House will allow me a further statement before it goes to the other place. I have been moved by the contributions of hon. Members, and it is important that we consider in the calm atmosphere of a Friday morning matters that will benefit people. That is what I have always believed to be the objective of Parliament, but I regret that often the reverse seems to be true.

This is a remarkable Bill which has been steered through Parliament by a remarkable Member. During the past three years, I have followed faithfully the legislation introduced and supported by my hon. Friend the Member for Exeter (Mr. Hannam), just as faithfully as he has followed me in the alphabetical list of Members, and almost as closely. Our objectives are similarly inseparable.

The Bill does not introduce a new concept. It merely takes us back to the position that obtained before 1961. In 1961, the Human Tissue Act tightened the restrictions on those who could remove organ tissue. It was vital for the trust that the public should have in those who removed organs and tissues that it was done by those who were properly qualified and that no one could deny the right to a medical practitioner.

Before 1961, the techniques were such that few organs could be removed and used for transplant. Indeed, corneal transplants were the only ones to achieve any notable success. But techniques developed later in the middle of the century and the possibility of kidney, liver and heart transplants meant that the legislation had to be tightened. The fact that corneas lost out because of that tightening of the legislation was wholly justifiable at the time. It is now clear that corneas should be exempted from the general rules that are still desirable for the removal of other organs, although kidneys may soon follow suit.

The object of the Bill is an increase in donation, which could be achieved by more publicity, the issue of donor cards and educational leaflets to schools, associations and colleges, by direct publicity in newspapers and by the public reading the stories of those whose lives have been enriched and recovered through receiving organs from donors. It could also be publicised through the experiences of the next of kin of those who have donated their organs, who can explain the enrichment that results from the realisation that a part of their deceased loved one is giving life or removing pain.

I dislike and have serious qualms about the personality cult which has recently followed some organ transplantations. If the personality cult can increase the flow of organs, so much the better, but I wonder whether it is right to subject the lives of the next of kin of those who have donated and received organs to the glare of often ghoulish publicity. I therefore ask that the sensitivity of the next of kin be remembered above all. We need publicity for the success of the transplantation programme, but ghoulish interest must be resisted at all costs. I hope that newspapers and television programmes, which have done so much good in encouraging transplantation, will remember the sensitivity that the area deserves.

I pay a further tribute to my hon. Friend the Member for Exeter. He was fortunate in his place in the ballot, but the subject that he has chosen has promoted him above the normal expectations of Parliament. That shows not only the wisdom of his choice but just how the House receives the things that my hon. Friend says and the causes he espouses. Because of his character and what he has stood for during his years in the House, the House immediately expects that his Bill will be for people's benefit and will receive general agreement. That feeling has accelerated the passage of the Bill through Parliament.

The Bill deserves a speedy passage. I am a sponsor of no fewer than three Bills that are to be debated today. I know that the promoters of the other Bills will understand me if I say that this is the most important of them all.

I therefore thank my hon. Friend, and I thank the Minister and his officials for their co-operation. This is a marvellous Bill; Parliament should be proud of itself and of my hon. Friend.

10.52 am

Mr. Frank Dobson (Holborn and St. Pancras): I will be brief, in order to facilitate the passage of the next Bill. I congratulate the hon. Member for Exeter (Mr. Hannam), and his sponsors on both sides of the House, on this measure, which is most welcome and appears to command support in every part of the House.

10.53 am

Mr. Whitney: I congratulate my hon. Friend the Member for Exeter (Mr. Hannam) on his success in the Ballot for Private Members' Bills, on choosing a Bill that will be of a great benefit to people who have lost or are in danger of losing their sight, and on piloting the Bill so successfully through the House in its early stages. I would like also to assure the House that the Bill in its present form has full Government support.

The Human Tissue Act 1961, which governs the removal of organs for transplant purposes, requires that organs be removed from cadavers only by registered medical practitioners. In the case of kidneys, hearts, livers and pancreases, that is a sensible and indeed a necessary precaution. But corneal tissue is different from other transplantable organs in two important respects. The first is that the removal of corneal tissue is a much simpler procedure and does not require the skills of an experienced surgeon, and the second is that corneal tissue does not deteriorate so quickly and can safely be removed from a body up to several hours after death.

The requirement that corneal tissue be removed only by registered medical practitioners is a serious constraint on the supply of suitable material that is urgently needed for corneal grafting. The requirement makes heavy demands on the valuable and limited time of ophthalmic surgeons, and in practical terms it means that it is very difficult for them to remove corneal tissue except from donors who happen to die inside hospitals that have ophthalmic surgery departments.

This constraint on the supply of tissue means that in most departments of ophthalmic surgery, corneal grafting is still an emergency procedure undertaken only as and when the right sort of tissue becomes available for a particular patient on the waiting list. This in turn often results in a wasteful use of hosptial beds and theatre time and makes yet further demands on surgeons and theatre nurses, and creates uncertainty for patients. If more corneal tissue were to become available, corneal grafting could become a scheduled procedure and much would be gained, and the purpose of the Corneal Tissue Bill is indeed to ease the constraints so that the increase in supply which we all seek can be achieved.

The number of people who die in circumstances where corneal donation is a practical possibility is far in excess of the number of people who die in circumstances which permit the donation of other organs such as kidneys, hearts, and livers. Corneal tissue suitable for grafting can be taken from people in older age groups whose other organs would not be suitable for transplantation, and the longer permissible period between death and tissue removal means that tissue can be taken from patients who die in hospital wards and even at home; the only patients who are suitable donors of other organs are those who die on respirators and whose functions are artificially maintained after brain death has been diagnosed. The hon. Member for East Kilbride (Dr. Miller), with his medical expertise, has made that point. The simplicity of the procedure of corneal removal also means that health service staff who are not qualified doctors can undertake it provided that they are properly trained. This Bill will permit them to do so.

Yet the removal of corneas from bodies is a procedure which must be undertaken properly and sensitively, so a number of safeguards are required. The safeguards need to be flexible enough to ensure that the procurement of corneal tissue is not unnecessarily constrained, and yet rigid enough to ensure that the procedure is competently performed with due regard to the safety of patients and the sensitivities of relatives. The Corneal Tissue Bill provides four safeguards which we beleive achieve exactly this.

The first safeguard is that the staff who perform the procedure will have to be acting under the instruction of a registered medical practitioner. This will allow a doctor to instruct them to go to a distant hospital or to a patient's home without his having to make the journey himself, but will not allow them to act on their own account. The doctor will be professionally accountable for the instructions that he gives, and he will know that he will have to answer for any instructions that are unprofessional or irresponsible.

The second safeguard is that the doctor will be required to satisfy himself that the people that he instructs are sufficiently qualified and trained to perform the procedure competently. For obvious reasons, there are at the moment no recognised qualifications or training courses for technicians or nurses in this field, and we think that the most appropriate safeguard for ensuring their competence is that responsibility should be laid upon the doctor. The medical profession is prepared to accept this. There will, of course, be opportunity for my Department's chief medical officer to issue guidance on the matter at some later date should he consider it to be necessary and appropriate. I should perhaps add that I was pleased to learn that the United Kingdom Corneal Transplant Service in Bristol is preparing a training course on the procurement of corneal tissue which could be run in the event of the Bill becoming law. I have every confidence in the UKCTS and its training course could make an important contribution in getting any new arrangements off the ground.

The third safeguard is that the people who will be permitted to remove corneal tissue must be employees of a health authority. In supporting this provision which was discussed earlier, the Government are attempting to achieve the same balance between ensuring that the procedures are properly controlled and allowing flexibility to ensure that there are no necessary constraints. As employees of health authorities, staff will be subject to whatever procedures health authorities consider necessary, and I am confident that health authorities will exercise those responsibilities wisely.

Private hospitals will not be prohibited by this provision from performing corneal grafts, and I would expect that in most instances they would enter into arrangements with health authorities or with the UKCTS for the supply of corneal tissue. If they wanted to make their own arrangements for the procurement of corneal tissue, the tissue would either have to be removed by registered medical practitioners as now, or they would need to enter into some agreement with a health authority over the use of health authority staff. I do not see this provision as presenting an unreasonable constraint on private hospitals,

[Mr. Whitney]

and it will of course ensure that the procurement of corneal tissue does not become an entrepreneurial activity undertaken outside health authority control.

The fourth and final safeguard is that certification of death will remain a prerogative of the medical profession. It would to totally wrong for corneal tissue to be removed before death had been certified by a doctor, but the doctor who certifies death will not under this provision necessarily have to be the same doctor as the one who gives the instructions for the tissue to be removed.

So I commend the Corneal Tissue Bill to the House. Corneal grafting is a procedure that can safeguard or restore peoples' sight, but it is a procedure that can only be carried out if there is an adequate supply of corneal tissue. I am told that new techniques are being developed —we have heard about some of them today—which will enable corneal tissue to be successfully stored for considerable periods of time. It is not too fanciful to imagine that before long an ophthalmic surgeon will select the right sort of tissue for each patient from the shelves of a well-stocked eye bank. But this will not be able to happen unless the eye bank is well stocked, and this will require an increase in the supply of corneal tissue, which in turn will require that the present constraints be eased. So patients will benefit greatly from the Bill. The National Health Service as a whole will benefit as demands on staff time are reduced and resources are allocated more efficiently. As I have said, the safeguards that are included in the Bill are sufficient to enable these new procedures to be introduced safely and sensitively.

After a traumatic week, the Bill reveals the House of Commons at its best and is an example of the best use of our procedures. For that we must thank my hon. Friend the Member for Exeter. I congratulate my hon. Friend and assure the House that the Bill has the Government's unqualified support.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Tobacco Products (Sales Restriction) Bill

As amended (in the Standing Committee), considered.

Clause 1

AMENDMENT OF SECTION 7 OF THE CHILDREN AND YOUNG PERSONS ACT 1933

11.3 am

The Parliamentary Under-Secretary of State for Health and Social Security (Mr. Ray Whitney): I beg to move amendment No. 1, in page 1, line 12, after '(2)', insert

'(powers of court in respect of tobacco vending machines used by young persons)'.

Mr. Deputy Speaker (Mr. Paul Dean): With this it will be convenient to discuss Government amendments Nos. 2, 3 and 4.

Mr. Whitney: I am grateful to you, Mr. Deputy Speaker, for selecting the amendments and for suggesting that they be discussed together.

Amendments Nos. 1 and 3 are technical and are intended to tidy up the Bill. It might be helpful to the House if I briefly explain their effect. They describe precisely the relevant part, in section 7(2) of the Children and Young Persons Act 1933 and section 18(2) of the Children and Young Persons (Scotland) Act 1937, in which the word "may" is being substituted by the word "shall" in the Bill as amended in Committee. These provisions concern the powers of the court in respect of tobacco vending machines used by young people. In agreeing to the amendment, the Committee was concerned that the courts should be in no doubt of Parliament's intentions—that when it has been proved that a vending machine selling tobacco is being extensively used by young people, the owner of the machine, or the person on whose premises the machine is kept, should be ordered to take precautions to prevent the machine from being used in that way or, if necessary, that the machine should be removed.

For the sake of consistency and coherence, the amendments that I propose describe the purpose of that clause of the Bill being alluded to, and therefore I hope clarify the value of the amendment. Hon. Members will see that the provisions in subsections (1)*(a)* and *(c)* contain similar words of explanation. In these cases the phrases in brackets describe in the case of subsection (1)*(a)* the nature of the proviso, and in the case of subsection (1)*(c)* the reference is to the definition of "tobacco". The object is to make the Bill more intelligible.

Amendments Nos. 2 and 4 also arise out of the Committee's wish to change the discretionary power which at present resides in the court into a duty. In supporting the repeal of subsections (1) of the 1933 Act and of the 1937 Scottish Act—making it an offence to sell any tobacco products to children apparently under the age of 16—the Committee agreed that an appropriate saving clause be included in the Bill to prevent people, who may have offended before this Act came into effect, from losing the defences which were available to them at the date of the alleged offence. An example would be that if a shopkeeper sold some tobacco product other than cigarettes to a person under 16 reasonably believing it to

be for someone else's use, he would still be able to rely on that defence even though the case came to trial after the Bill had come into force.

The Committee also agreed to amendments which would replace the word "may" by "shall". This in effect would remove the discretion of the courts to take into account the individual circumstances surrounding a case, and would place a mandatory power on the courts to order the owner of a tobacco vending machine, or the person on whose premises the machine is kept, to take specified precaustions to prevent the machine from being used extensively by persons apparently under the age of 16 years, or for the machine to be removed. It would seem appropriate that a similar saving clause should apply also in this instance, thus ensuring that the Bill does not operate retrospectively in relation to offences alleged to have been committed but not tried before the Bill comes into operation.

The amendments provide for the appropriate saving clauses on these two matters to be incorporated into the Bill. Accordingly, I invite the House to support them.

Mr. John Home Robertson (East Lothian): The Minister has been extremely helpful throughout our consideration of the Bill. I am grateful to him for tabling these amendments and for explaining them. I am particularly pleased about amendments Nos. 1 and 3, because they confirm the Government's acceptance of the decision taken in Committee to toughen up the legislation as it applies to tobacco and cigarette vending machines, which are known to be used extensively by youngsters under the age of 16.

In classic Standing Committee style, we wanted to change the word "may" to "shall". This will require courts to take action when they have evidence that such vending machines are being extensively used by youngsters. The courts will have discretion about what they do about that, but something will be done. I am grateful to the Minister for accepting our suggestion and for tidying up the Bill.

I understand the objective of amendments Nos. 2 and 4. The Minister has made it clear that the qualifications will affect only alleged offences committed before the Bill comes into effect. When the Bill is on the statute book there will be no nonsense about whom the tobacco or cigarettes are being sold for, because it will then be a question of whom they are sold to. If the person is under 16, whoever sells that tobacco will be guilty of an offence beyond any shadow of doubt and action will be taken. The House shares that objective—at least I hope so, but one does not know these days. The amendments are consistent with the Bill's objectives.

Mr. Jeremy Hanley (Richmond and Barnes): I am grateful to the hon. Member for East Lothian (Mr. Home Robertson) for asking me to support his Bill. The amendments are excellent. In Standing Committee it became clear that there was a great deal of cynical activity by those who sell tobacco products.

I sometimes feel sorry for the manufacturers, who try to restrict the sale of the products by giving instructions to retailers. I feel sorry, too, for retailers, who have to live with the stigma of selling products which many people regard as not only unnecessary but downright unhealthy. However, I get particularly angry about the placing of cigarette machines in locations designed deliberately to attract a market which we know to be illegal, and with traders who sell cigarettes to the young, knowing it to be illegal. Sometimes, they even facilitate selling cigarettes to the young. A child might not be able to afford a full packet, and the retailer may be prepared to sell them wrapped in sweet wrappings or old newspaper. I am told that 10p a stick is common.

Mr. Eric Forth (Mid-Worcestershire): Is my hon. Friend satisfied with the efficacy or effectiveness of the present laws? More important, is he satisfied with the law being proposed under the Bill, and does he think that it is likely to be any more effective? Is not the main problem the implementation of the law rather than its text? Will the Bill enable us to take any significant steps forward?

Mr. Hanley: My hon. Friend is right to say that one of the greatest problems is enforcement. To discuss this matter in Parliament at regular intervals brings it to the attention of the wider public. When legislation is going through Parliament, it becomes a focus for discussion in the media. I warmly welcome the activities of the "That's Life!" programme. The presenters, in their search for consumer fraud and potential danger for consumers, have often exposed cynical practices. At the moment, the programme is doing something about the selling of tobacco to children.

A letter sent to certain hon. Members yesterday by U.S. Tobacco International, Inc. mentioned two points. The manufacturers claim, first, that they are unaware of people breaking the laws of this land and ignoring the guidelines given by the company to the retailers; secondly, that the manufacturers' lawyers are investigating the claims made in the programme. The legislation is good in one respect, above the fact that it further enhances the law, in that it brings publicity to the breach of the law.

As I said in Committee, when I found no fewer than seven retail outlets openly selling to people clearly under the age of 16, I was glad to have the opportunity to expose that. The opportunity given by today's debate and by the debates in Committee and the publicity associated with them is only to the good of our young.

The amendments are a recognition of the fact that there are breaches of the law. The setting up of betting shops close to unemployment benefit offices is a cynical exercise in trying to separate those who have little from what little they have. The £1·50 for a packet of cigarettes is money that children have a fight to get, or that comes from their parent, by fair means or foul. Therefore, I welcome the amendments, which recognise the practices that retailers have used to try to get round the law. I hope that my hon. Friend feels the strength of opinion in the House and in the country.

Amendment agreed to.

Amendment made: No. 2, in page 2, line 1, leave out subsection (2) and insert—

'(2) Paragraph *(a)* of subsection (1) above does not affect any offence alleged to have been committed before the date on which this Act comes into force and paragraph *(b)* of that subsection does not affect the powers of the court on a complaint made before that date.'.—*[Mr. Whitney.]*

Clause 2

AMENDMENT OF SECTION 18 OF THE CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT 1937

Amendments made: No. 3, in page 2, line 11, after '(2)', insert

'(powers of court in respect of tobacco vending machines used by young persons)'.

No. 4, in line 18, leave out subsection (2) and insert—

'(2) Paragraph (a) of subsection (1) above does not affect any offence alleged to have been committed before the date on which this Act comes into force and paragraph *(b)* of that subsection does not affect the powers of the court on an application made before that date.'.—*[Mr. Whitney.]*

Clause 3

SHORT TITLE, COMMENCEMENT AND EXTENT

Mr. Home Robertson: I beg to move amendment No. 5, in page 2, line 20, leave out 'Tobacco Products (Sales Restriction)' and insert 'Protection of Children (Tobacco)'.

We have discussed this amendment in Committee, and I am grateful for the opportunity to discuss the matter again. At present, the short title of the Bill is Tobacco Products (Sales Restriction) Bill, and on reflection I am not sure that that is entirely appropriate because it would take a broader measure than this to restrict the sale of tobacco, although many of us would like to do that. I look forward to the day when the smoking of tobacco will be seen as the unnatural and dangerous habit that it clearly is.

11.15 am

Dr. M. S. Miller (East Kilbride): I draw my hon. Friend's attention to the latest letter than I have received from US Tobacco International, Inc. which manufactures Skoal Bandits. The company makes the point that it does not manufacture or market any cigarettes. Therefore, the present title is somewhat of a misnomer because it implies that such a company manufactures cigarettes. The Protection of Children (Tobacco) Bill would be a much better name.

Mr. Home Robertson: I am grateful to my hon. Friend. I have received letters from US Tobacco International, Inc. and I intend to refer to it, perhaps on Third Reading if we make good enough progress.

The Bill's objective is not simply to restrict the sales of tobacco, although that would be an excellent objective from the point of view of public health, among other things. The Bill's purpose is specifically and rather narrowly to protect children and young people under the age of 16 from the dangerous effects of all forms of tobacco — both cigarettes and other tobacco products such as Skoal Bandits. We need to protect children against nicotine addiction because of their exposure to such products. It would be useful if the title could be amended in this way to make it clear to the public and everybody concerned that that is what the Bill is about.

Mr. Whitney: When we discussed this matter in Committee, I agreed to consider an amendment along the lines of amendment No. 5. I said in Committee that a change in the short title would normally be warranted only if, as a consequence of other amendments, the original title no longer adequately described to the Bill's purpose. However, taking account of the points made in Committee and of assurances from the hon. Member for East Lothian (Mr. Home Robertson) that this amendment is not intended to extend the scope of the Bill beyond that which we have considered, I was happy to say that we would not object to the renaming of the Bill. Therefore, I support the amendment.

Amendment agreed to.

Order for Third Reading read.

11.18 am

Mr. John Home Robertson (East Lothian): I beg to move, That the Bill be now read the Third time.

I am perhaps as fortunate as the hon. Member for Exeter (Mr. Hannam). I enjoyed listening to his speech on the Third Reading of his Corneal Tissues Bill, with which we have just dealt. The hon. Member was 19th in the ballot for private Member's Bills and his Bill is the second to complete its progress through the House. I was drawn 12th in the ballot and, with a bit of luck, I hope that my Bill may be third on its way along the corridor to the other place. The hon. Member for Exeter referred to the business of getting private Member's Bills through the House as being like a game of snakes and ladders. I am delighted that the Government and Members of all parties have taken such a constructive view of my Bill, and that good progress has been made thus far.

The Bill has two objectives. The first is to deal with the obvious failure of current legislation to control the sale of tobacco products, especially cigarettes, to youngsters under the age of 16. As the Minister has said in parliamentary answers and in debates, up to £90 million a year is being spent on cigarettes by youngsters under the age of 16 in this country, of which up to £10 million is being spent in Scotland, the part of the United Kingdom about which I am naturally most concerned. That is clearly an outrageous state of affairs.

The Children and Young Persons Act 1933 for England and Wales and the Children and Young Persons (Scotland) Act 1937 are supposed to make such sales illegal, but the scale of the trade makes it abundantly clear that that legislation is, in effect, a dead letter. It may have been too complicated to achieve prosecutions so that the police and other public agencies have been unwilling to try to obtain prosecutions. As a result, the trade has grown steadily and a new generation of youngsters is becoming hooked on a very dangerous habit. The first objective of the Bill is to clarify that legislation and to make it easier to obtain prosecution where appropriate.

I hope that when the Bill reaches the statute book there will be a crackdown on this trade. I hope, too, that the Minister will be able to tell us today that his colleagues at the Home Office and the Scottish Office intend to give directions to the law enforcement and public prosecution authorities to ensure that something is done about this. It is essential that there should be an effective deterrent to traders who blatantly and openly sell large quantities of cigarettes and other tobacco products to young people who are exposed to great danger as a consequence.

The second basic objective of the Bill is to broaden the scope of the legislation on tobacco products to include items such as Skoal Bandits, a product resembling a miniature tea bag and containing finely ground, flavoured tobacco intended to be sucked in the mouth. Such products have been extensively available in the United States for some time and are now, sadly, being manufactured in the

constituency of my hon. Friend the Member for East Kilbride (Dr. Miller) and marketed in this country and in Europe.

Some countries, notably the Republic of Ireland, have banned the sale of such products altogether. The Bill does not propose such a ban, but I believe that it is to be commended in view of the insidious nature of the product. Extending the definition of tobacco products to include such items will at least make it clear that it is illegal to sell them to youngsters under the age of 16.

The hon. Member for Richmond and Barnes (Mr. Hanley) and my hon. Friend the Member for East Kilbride have referred to the letter from Mr. J. R. Walter, director of marketing for Europe of US Tobacco International, Inc., who has evidently been reading the reports of proceedings on the Bill in Committee. Mr. Walter suggests that his company would not dream of selling its products to youngsters under the age of 16, taking an almost "holier than thou" attitude to the matter. He says:

"To the best of our knowledge Skoal Bandits are not currently offered through vending machines. The company has no plans to produce a vending machine pack."

If potato crisps can be sold through vending machines, it should not be unduly difficult to sell items of this kind in the same way. Whether or not it is nominally company policy, it is clear that retailers are likely to use that manner of marketing as well as across-the-counter sales.

Mr. Michael Brown (Brigg and Cleethorpes): Is the hon. Gentleman calling into question a published letter to all Members from the director of marketing? The letter states clearly:

"The company has no plans to produce a vending machine pack."

Is the hon. Gentleman saying that he does not believe that?

Mr. Home Robertson: It is no doubt perfectly true as far as it goes, but it is easy enough to put a normal pack of Skoal Bandits into a vending machine which could be used by anyone entering the building or street where it is located. It may not nominally be company policy to sell the product through vending machines, but the company cannot prevent that. There is no point in merely paying lip service to the principle. Whether the company likes it or not, vending machine sales are likely to happen.

The letter is very carefully worded. It continues:

"Our product flavours are not aimed at children."

I have two packets here. One is peppermint flavoured and the other is berry flavoured and very sweet, to judge by the smell. The flavours may not be specifically aimed at children, but sweets tend to be attractive to children. Whether or not the hon. Member for Brigg and Cleethorpes (Mr. Brown) or the company acknowledges it, it is inevitable that such products will be attractive to children.

Mr. Michael Brown: I am sorry to be so persistent, but I think that the hon. Gentleman is rather more concerned than he needs to be. My investigations show that those are normal descriptions for snuff products. The description "peppermint flavour" is a normal description used by any tobacco company manufacturing snuff products. A person buying a packet of snuff would be asked which flavour was required. The company has merely taken the names of flavours used for snuff products.

Mr. Home Robertson: Methinks the hon. Gentleman protests a little too much. I understand that the Doorkeeper has some snuff. Perhaps the hon. Gentleman would like to ask him for some cherry flavour. He is trying very hard, but I do not think that he is convincing many people.

Mr. Walters continues:

"US Tobacco does not encourage or condone the distribution of free samples of Skoal Bandits to young children."

Again, the words are very carefully chosen. Whether or not the company encourages or condones it, there is evidence of free distribution of samples to young children, as the BBC programme showed. Whether or not it is company policy, it has been going on in other countries and it is likely to happen here.

On promotional policy, Mr. Walters states:

"The Company has not offered T-shirts in small sizes."

It is not impossible for small people to get into large T-shirts. At the public swimming pool in the area in which I live with my family I have seen quite young children in T-shirts bearing the Skoal Bandit logo.

The letter refers to toy cars. It says:

"The Company does not utilize or authorise the production of any toy cars with our product name on them."

One only had to watch "That's Life!" the other night and one would have been able to see a toy car with the Skoal Bandits logo emblazoned on it. *[Interruption.]* Hon. Members need not worry, I have nearly finished with the letter.

The letter refers to Government grants. It says:

"The Company has not received £1 million from the Scottish Office. As a new company establishing employment in the area, we do of course qualify for the normal grants available."

I should be fascinated to know how much the company has got. I tabled a question to the Scottish Office last December, to which the Under-Secretary of State replied:

"There have been three offers of regional selective assistance over the past 10 years to companies in Scotland classified to the tobacco industry in the standard industrial classification. Details of grants offered in each year cannot be given as to do so would disclose information relating to individual companies."—[*Official Report*, 16 December 1985; Vol. 89, c. 62.]

Many people would be fascinated to know how much money has been handed out in the form of public incentives to that company and other companies. It is public money and people have a right to know what is going on.

Mr. Forth *rose——*

Mr. Deputy Speaker: Order. The hon. Gentleman is beginning to stray a little from his own Bill. I am sure that he will direct his remarks to the Third Reading.

Mr. Home Robertson: I am trying to deal with some of the points raised by this company in respect of my Bill.

It would also be pertinent to mention the advertisement and promotion of the product. The Minister was kind enough to send all of the members of the Committee a copy of the new voluntary code of conduct, the voluntary agreement between the Government and tobacco companies on the advertising of tobacco and tobacco products. Unfortunately, as I understand it, that code does not apply to Skoal Bandits. A separate deal of some kind applies to them. The comments I have been making raise some concern about the conduct of this company in respect of promoting Skoal Bandits. There is cause for concern about that.

My concern was borne out this time last week when I was speaking to the pupils of a primary school. Kingsmeadow primary school, in Haddington, in my constituency. I was giving the standard talk to

[Mr. Home Robertson]

schoolchildren about what Members of Parliament do. I was trying to say what splendid people we all are and what a useful job we do. I cited as an example my job of steering this private Member's Bill through the House. I mentioned that the Bill would have some bearing on the product called Skoal Bandits. When I said that, many little faces brightened up with recognition and they said, "Oh yes, we have heard of that product." They were primary schoolchildren, not 16-year-olds.

We have seen that the company producing Skoal Bandits is sponsoring motor-cycle races and we have seen the logo on various advertising material. The children already knew about the product, knew the name and found it attractive. That is getting a little close to home and I am worried about it. The first thing is to get the product name known by youngsters and others and it is only a matter of time before some of them get a little pocket money, see the product in a shop and buy it. At that stage we have the next youngster taking a potentially addictive product.

The product is certainly addictive if it is taken repeatedly over a relatively short period. It is extremely dangerous and can cause serious disfigurement and lethal diseases, including cancer of the mouth. That is obviously a matter of concern and I hope that the Government will, if necessary, reconsider legislative control of the promotion of this type of product.

Obviously, the British Medical Association and others will keep a close eye on the effectiveness of the voluntary agreement. We hope that they will succeed, but I am afraid that the track record of earlier voluntary agreements has not been terribly satisfactory. Obviously, we hope that this agreement will work a little better.

It is appropriate to thank everyone who has been involved in drafting and working on the Bill, in the House, in Committee and elsewhere. I am grateful to the Minister for his assistance and for the Government's active support for the principles in the Bill. I must stress that this is not one of those Bills produced by the Government and hopped around the Back Benches. It was the result of private enterprise on my part. I am grateful to the Minister for his active support of the principle when I raised the suggestion with him. I am particularly grateful for the original suggestion from the East Lothian local health council, which deals with such affairs in my own constituency. That organisation was concerned about the possible threat to youngsters in my area exposed to the type of advertising I have been talking about. It suggested that this legislation would be useful; that started the ball rolling.

I am grateful to the British Medical Association, to Action on Smoking and Health and to many hon. Members on both sides of the House for their assistance during the consideration of the Bill. I am also grateful for that curious commodity, good fortune, which seldom comes the way of an Opposition Back Bencher, or even an Opposition Front Bencher, these days.

As I said earlier, the Bill started life as No. 12 in the ballot. Here we are at No. 3, with the prospect of the Bill going to the House of Lords and hopefully landing on the statute book before long. As I said earlier, I hope that this legislation will lead to genuine action and a real crackdown on this pernicious trade and that we will see a diminution in the amount of tobaco products of all descriptions being sold to young people in this country.

11.36 am

Mr. Roger Sims (Chislehurst): The Bill comes before us, as the hon. Member for East Lothian (Mr. Home Robertson) mentioned, shortly after we have seen the new voluntary agreement on advertising and promotions. Whatever one's feelings may be about its shortcomings, one certainly welcomes the emphasis that it places on discouraging young people from taking up smoking.

The Bill also comes before us shortly before we expect to see a voluntary agreement on sports sponsorship. It is encouraging to see that, at last, the broadcasters are recognising the influence that the broadcasting of sponsored sport has on young people. They are also beginning to recognise their responsibility when the sponsoring is carried out by tobacco companies. I hope that as a result of the new agreement, when we see it, and the recognition by the broadcasting authorities, we shall see some changes. For example, snooker is enjoyed for many hours by many people, but it has virtually become a continuous advertisement for cigarettes. It is bound to influence young people.

As the hon. Member for East Lothian said, the Bill extends the definition of tobacco products and strengthens and clarifies the law on the sale of such products to the under-16s. Once the Bill becomes law, as we hope, it will be very important that it is complied with and enforced. The essence of our system of government is that the majority will comply with the law, and that it is necessary to enforce it in only a small number of cases. That is so over the whole range of conduct, whether we are talking about speeding or—dare I mention—Sunday trading. Whatever the area, unless the majority comply voluntarily with the law, we have anarchy or we shall have to move towards some sort of police state.

In this context, therefore, a heavy responsibility lies upon the tobacco industry and retailers. It is to the credit of the industry that a feature of the new voluntary agreement is that it will devote £1 million to a campaign in the retail trade to prevent the sale of tobacco products to those under the age of 16. One realises the difficulties that face retailers, just as they face publicans, particularly nowadays, in telling whether a young person is over or under 16, especially girls.

It is a sobering thought that 41 per cent. of children are smoking by the age of 16. The hon. Member for East Lothian mentioned the enormous sums of money spent on tobacco products by those youngsters. In a survey, 86 per cent. of those under 16 said that they had bought their cigarettes from machines or shops. There are far too many stories, such as the ones we have heard from the hon. Member for Richmond and Barnes (Mr. Hanley), about retailers being willing to break packs and sell single cigarettes, for us to be able to dismiss them. Although, of course, I am not making a general condemnation of tobacco products retailers, that suggests that a relatively small number are deliberately, knowingly and continually breaking the law. They must cease that practice. I hope that the campaign to which I referred will be vigorously pursued by the industry.

Difficult though it is bound to be for the police and local authorities to enforce the law, the fact that in one year there were but 45 prosecutions for selling cigarettes to those under 16 does not suggest that there is a dynamic enforcement campaign by the powers that be. One realises that the local authorities and the police have a wide range

of responsibilities. All of us have experience and knowledge of many of the responsibilities and problems that face the police. Of course, we must keep the matter in perspective. However, an occasional blitz on tobacco retailers, supported by exemplary sentences by magistrates, would have some effect. I hope that in his winding-up speech my hon. Friend the Under-Secretary will say that there will be a special push on that front. Perhaps it is as well, too, to remind retailers and the courts that tobacconists need a licence to sell tobacco products, and it is possible for that licence to be withdrawn.

I congratulate the hon. Member for East Lothian on the skilful way in which he has steered the Bill through Committee and the House, and, indeed, behind the scenes. I wish it well.

11.43 am

Dr. M. S. Miller: The hon. Member for Chislehurst (Mr. Sims) made a thoughtful contribution to the debate.

It gives me no pleasure to be attempting to turn away jobs from my constituency, as it may appear. I appreciate that we have fairly high unemployment and jobs are extremely important, but other matters must be considered. The health of the community cannot be jeopardised by certain occupations. One must accept responsibility in that respect.

The Bill is relatively modest. If some hon. Members are concerned about what they consider to be people's freedom to kill themselves as they please, I can understand their being heated about that. The Bill does not ban the production of tobacco products. It does not ban the production of the substance about which we are most concerned. Perhaps we should take a leaf out of the book of the Irish Republic and ban it, but that is not what the Bill does.

Surely those who are concerned about freedom should also be concerned about the encouragement or discouragement that is given to habits that are extremely dangerous to health. All that the Bill is trying to do is discourage people from taking up habits that are dangerous to them. There is no doubt that this is a dangerous habit. According to the figures that have been produced in the United States, in the past 10 years or so the number of people using substances similar to this has risen to about 7 million. Those people are mostly children. If one takes into account the differences in population in this country, that means that 2 million young people are at risk from the use of these substances.

Those substances are extremely dangerous. Skoal Bandit dipping snuff contains nicotine, which is a powerful agent for raising blood pressure. It also contains carcinogens, which are cancer-causing substances. The nicotine product is absorbed from the mouth and enters the bloodstream very quickly. If enough is taken, it produces a sustained rise in blood pressure. If that occurs at an early age, there is cause for great concern for the future health of the individual. The person will probably continue to have high blood pressure in adult life, with subsequent danger to the heart, and cardiac conditions will ensue. Carcinogenous substances are causative factors in various types of cancers of the mouth and jaw and other areas such as the back of the nose and the pharynx.

We would be remiss in our duty as legislators if, however much we are concerned about the right of people to take dangerous substances, we did not take two aspects into consideration. First, we must consider the extent to which we should make it clear to people that these substances are dangerous and discourage them from pursuing and adopting habits that are dangerous to their health. Secondly, we should consider the fact that the substance which the Bill pinpoints is attractive to a group of people who are not of an age to be able to determine such matters. If we are not in loco parentis, perhaps we should help parents to protect their children's health.

I have no compunction in sponsoring a Bill such as this, because I consider it my duty not only as a medical practitioner but as a legislator to take such steps that I think will assist parents without interfering too much with their rights, in their attempt to ensure that the children they have borne will grow up as healthy adults and not subject themselves to useless pastimes and dangerous habits that will do a great deal to undo—to use a tortuous phrase—the good that has been done by a century of progress in improving health.

11.50 am

Mr. Michael Brown (Brigg and Cleethorpes); I congratulate the hon. Member for East Lothian (Mr. Home Robertson) on his skill in presenting this measure. I have no wish to prevent it from reaching the statute book. I welcome the measure, and although it is known in the House and outside that I take a liberal attitude towards the freedom of the individual even to harm him or herself—

Mr. Home Robertson: The Liberals are not here.

Mr. Brown: That is typical, of course.

Although I am known to have a liberal attitude to the freedom of the individual, I acknowledge the point made by the hon. Member for East Lothian. When talking about minors and especially about people under the age of 16, we have a duty to recognise that that freedom must be restricted. I accept the point made by the hon. Gentleman —that somebody who does not smoke nicotine products is likely to be healthier and less likely to endanger his health than someone who consumes tobacco products. In the absence of being in loco parentis, we have a duty as legislators. The House has taken the view in the past through legislation about children and young persons that it has to protect children from forming habits such as smoking, and if the law is weak and is not to fall into disrepute, it should be strengthened. The Bill seeks to do precisely that.

All hon. Members have received a letter from US Tobacco International, Inc., and the whole of that letter should be placed on record so that there is no doubt about the company's attitude towards the Bill. I have no interest to declare. I have no financial interests with any tobacco company, but I met people in US Tobacco before the Second Reading of the Bill. I had lunch with them, but the only thing I received from the company was a box of 25 cigars. One cigar was offered to me at lunch and, the box having been broken, I was given the rest. That is the extent of my financial and personal interest in any tobacco company.

Mr. Frank Dobson (Holborn and St. Pancras): Can the hon. Gentleman tell us who made that tobacco product if the company that gave it to him did not?

Mr. Brown: The company that manufactured the cigars given to me is US Tobacco. It manufactures cigars and Skoal Bandits in Britain. It does not manufacture cigarettes in Britain, nor do I think it manufactures

[Mr. Brown]

cigarettes in the United States. The letter, which should be placed on the record, will assist the hon. Member for East Lothian and the House to recognise that US Tobacco approaches this Bill and its responsibilities seriously.

I assume the letter that I have is the same as the one sent to other hon. Members. It reads:

"Dear Mr. Brown,

Following our conversation"—

that was a conversation that I had with people in the company between Second Reading and today—

"I am writing to give you some factual information upon a number of inaccuracies and apparent misunderstandings concerning my Company and our product Skoal Bandits, which were voiced in the official report upon the committee stage of the Tobacco Products (Sales Restrictions) Bill.

As the manufacturers of Skoal Bandits we support this Bill, as it not only removes any potential misunderstandings or loopholes from the law, but should also serve to reinforce our long standing Company policy on age."

Nothing could be more categorical than that statement.

The letter goes on:

"All bona fide Skoal Bandit retailers are aware of our policy of only directing our product at adults. Adults in this case being defined as aged eighteen or over. With regard to comments contained within the published minutes of the committee meeting, the following are factual points responding to specific statements made.

Vending machine sales"—

these have been spoken about this morning—

"To the best of our knowledge Skoal Bandits are not currently offered through vending machines. The Company has no plans to produce a vending machine pack."

That was also touched on by an hon. Member.

"Our product flavours are not aimed at children. Nomenclature and flavouring has followed the traditional snuff products"—

I made that point in an intervention—

"where, as evidenced in retail trade publication price lists, similar product names are available"

As I said earlier, those product names are used for the sale of snuff products.

The letter goes on:

"Falling cigarette sales—Skoal Bandits are not designed to meet falling cigarette sales. Our Company does not manufacture or market any cigarettes."

Mr. Home Robertson: In the course of my speech I omitted to refer to falling cigarette sales. U.S. Tobacco says:

"Skoal Bandits are not designed to meet falling cigarette sales."

I have a slip of paper which I understand is enclosed in every packet of Skoal Bandits. It says:

"A new way to enjoy tobacco. New Skoal Bandits is tobacco with a big difference; quite simply, you can now get real tobacco pleasure without lighting up—Skoal Bandits is an individual portion of fine quality mint flavoured tobacco in a handy little pre-moistened pouch. So you can now enjoy the taste and satisfaction of real tobacco anywhere, anytime—even when or where smoking isn't convenient or allowed."

If that is not suggesting that this product can replace the use of cigarettes I do not know what is.

Mr. Brown: I do not dissent from what the hon. Gentleman says. US Tobacco is making the point that, even if, with falling cigarette sales, some companies are trying to increase revenue by the manufacture of other products, it is not doing that. This company does not manufacture, and has not manufactured, cigarettes. Yes, it is seeking to capture the gap in the market caused by a decline in the consumption of cigarettes.

Perhaps the company is providing a signal service towards solving the problem of how to stop the habit-forming cigarette syndrome. In the past, many people have tried to devise a means of consuming tobacco or tobacco substitute products so that the danger of cigarette smoking is reduced. I accept that there is a health risk from the consumption of Skoal Bandits. I do not deny that, but—I have no medical evidence to support this and I may stand corrected by the hon. Member for East Kilbride (Dr. Miller)—although there is a health risk, there is less risk from consuming Skoal Bandits than if one were regularly to smoke cigarettes.

Dr. Miller: I should like to draw the hon. Gentleman's attention to the point in the letter about falling cigarette sales. It says:

"Our company does not manufacture or market any cigarettes."

That is a non sequitur. No one is saying that that company manufactures cigarettes and is marketing Skoal Bandits to counter its falling sales. Cigarette sales are falling and companies which want to get into the act of selling tobacco will use other means of doing so. The disclaimer which the company makes does not make sense when related to the first sentence in the letter, because nobody is saying that the company has been making cigarettes and its sales have fallen. The company has set up an Aunt Sally and tried to knock it down. I hope the hon. Gentleman will not try to ensure that this Bill does not go through.

Mr. Brown: No.

Dr. Miller: The company itself says that it wants the Bill. I would not be telling the truth if I were to say that this method of using tobacco is as dangerous as cigarette smoking, because it is not. Cigarette smoking is the most dangerous form of using tobacco. I accept that this product is not as dangerous as cigarettes, but it is still dangerous and could lead to cigarette smoking. In the main, it is young children who are taking it.

Mr. Brown: I have no intention of frustrating the Bill's progress. If I had wanted to do that, I would have used the skills which some suggest I have in Committee or on Second Reading. I merely want to correct some of the misunderstandings that were expressed in Committee. It could be argued that some regular cigarette smokers have changed to Skoal Bandits and that they have contributed to a net gain in the nation's health. Skoal Bandits might have contributed to the fall in cigarette consumption.

Mr. Forth: Does my hon. Friend agree that this form of tobacco consumption might be beneficial in terms of the problem of secondary smoking?

Mr. Brown: My hon. Friend is absolutely right. Some hon. Members who support the Bill more enthusiastically than I do would be the first to argue that there are many public places where non-smokers have to endure secondary smoking. The consumption of Skoal Bandits is much less dangerous to them and, to that extent, they are socially beneficial to non-smokers. There has been much debate about the adverse effects of smoking on non-smokers.

Mr. Hanley: I am aware that my hon. Friend does not want to destroy the Bill, but will he explain why the Republic of Ireland has recently banned all sales of Skoal Bandits?

Mr. Brown: The Republic of Ireland's social policy —on abortion, for example—and its economic policy provide good examples of what not to do.

Mr. Home Robertson: There seems to be one issue on which the people of the North and South of Ireland are united. I received a letter from health organisations in Northern Ireland yesterday expressing deep disappointment at the Northern Ireland Office's failure to co-operate with the Republic of Ireland to extend the ban to the entire island.

Mr. Deputy Speaker: Order. We are getting into another debate. We must stick to the Bill, which concerns tobacco products being sold to people under 16. I am sure that the hon. Gentleman will return to the subject of the Bill.

Mr. Brown: The next paragraph of the letter deals with precisely that. It says:

"Free distribution of samples — US Tobacco does not encourage or condone the distribution of free samples of Skoal Bandits to young children. Any employee found to be knowingly sampling anyone under the age of eighteen will be dismissed. Our lawyers are currently investigating the allegations and claims made in the BBC programme 'That's Life'."

That programme said that Skoal Bandits were sold to a 10-year-old boy in Keighley, Yorkshire, by a woman, the implication being that she was an employee of US Tobacco.

Mr. Home Robertson: There was no such implication.

Mr. Brown: The implication was in an interview. US Tobacco has investigated the incident and found that the person concerned was not an employee. If she had been, she would have been dismissed. The company welcomes the Bill because it will protect the company as well. The letter continues:

"The Company has not offered T-shirts in small sizes. During a recent promotion, which was linked soley to purchase of product, respondents were only able to secure T-shirts in medium or larger sizes.

The Company does not utilize nor authorise the production of any toy cars with our product name on them. We maintain vigilance on these issues and in the past our lawyers have contacted companys producing and selling such toys, instructing them to desist. In the light of the recent allegations on 'Thats Life!' our lawyers are again investigating.

The Company has not received £1 million from the Scottish Office. As a new company establishing employment in the area we do of course qualify for the normal grants available. In replying to a question in the House of Commons, Peter Morrison MP, Minister of State, Department of Trade and Industry stated in February that the assistance provided to tobacco companies in England, Scotland and Wales under the Industrial Development Act 1982 (as amended) in the year to December 31, 1985 was £349,000."

That is the total for all assistance under regional development grants——

Mr. Deputy Speaker: Order. I called to order the promoter when he started to develop that argument, and I must do the same with the hon. Gentleman. He must return to the content of the Bill.

Mr. Brown: I apologise, but I am anxious to put the record straight, as selective quotation of the letter might have given the impression that the company does not favour the Bill. It was alleged in Committee that the Government gave the company £1 million to set up a manufacturing plant. That is simply not true.

Mr. Dobson: What is the truth?

Mr. Brown: The truth is that a total of £349,000 has been given through regional assistance to all tobacco companies in the United Kingdom, with the exception of Northern Ireland.

Mr. Dobson: Can the hon. Gentleman tell us whether the figure quoted by the Minister of State, Department of Trade and Industry, includes grant given by the Scottish Development Agency?

Mr. Brown: I could find that out. The company says that the parliamentary answer said that

"the assistance provided to tobacco companies in England"——

Mr. Deputy Speaker: Order. The hon. Gentleman must pay attention to my ruling. He is now going over the Committee stage, which is wholly irregular on Third Reading. I must ask the hon. Gentleman to refer to the Bill. If he does not, I shall have to ask him to resume his seat.

Mr. Brown: I apologise, Mr. Deputy Speaker. You will realise that it is difficult to do that when the company is responding to criticisms that were made in Committee. I acknowledge your injunction, Sir, and I will have to rely on the last paragraph of the letter, which refers to the "That's Life!" programme. I hope that all hon. Members who have a copy of that letter read the last paragraph carefully.

US Tobacco, which manufactures Skoal Bandits, welcomes this Bill, as I do, because it clarifies the matter. I acknowledge, as does the company, that this House is responsible for ensuring that the law is obeyed in relation to selling cigarette products and tobacco-related products to children under 16 years of age. Skoal Bandits are omitted from the description of "tobacco products". I accept that Skoal Bandits are tobacco products and should therefore be included in the schedule to the Children and Young Persons Act. US Tobacco is not in the business of selling its product to children under the age of 16; indeed, it does not wish to market its product to persons under the age of 18. If anything, the company is more vigilant than would be the case under the Bill.

I submit that this company has an honourable record in the context of tobacco companies. It is not irresponsible and has a fine reputation in the United States. It provides a number of jobs in this country. The record of the hon. Member for East Kilbride in relation to tobacco and its dangers is proud and honourable. It is courageous for the hon. Member to take his principled stand on this matter, when he has within his constituency the factory that is manufacturing Skoal Bandits. I respect the fact that the hon. Gentleman has not changed his view, even though it must be said that US Tobacco is regarded by the Government with favour to the extent that it has received a grant from the Scottish Development Agency.

Mr. Deputy Speaker: Order. We are not discussing a tobacco company or regional grants. I must warn the hon. Gentleman that he must take notice of what I say; otherwise I shall have to order him to resume his seat.

Mr. Brown: I apologise once again, Mr. Deputy Speaker. The point I am trying to make is that this company seeks to carry out its obligations and responsibilities honourably with regard to children under the age of 16. That the Government regard it in that light is borne out by the fact that the company manufactures that product in this country. Thus, I suggest that the House

[Mr. Brown]

should take at face value the letter that the company wrote to all hon. Members who served on the Standing Committee.

I have made it plain that I do not want to prevent this Bill from reaching the statute book. I congratulate the hon. Member for East Lothian on introducing it. I am sorry, Mr. Deputy Speaker, that I have strayed in my remarks; it was certainly not deliberate on my part. I normally strive to the utmost to remain in order, so I apologise for trespassing a little on your good will.

12.15 pm

Mr. Colin Moynihan (Lewisham, East): Having just recovered from your announcement, Mr. Deputy Speaker, following the third reading of the Corneal Tissue Bill, that the Ayes had it, and having then gone on to read the Standing Committee report of this Bill, in which my hon. Friend the Member for Brigg and Cleethorpes (Mr. Brown) referred to the incident of caning in his youth, I thought it high time to concentrate on the important details of the Bill.

There are three main points to make. I hope that the hon. Member for East Lothian (Mr. Home Robertson), in introducing the Bill, was concerned with much more than Skoal Bandits. Many other similar products are not necessarily marketed in the same way but are coming on to the market and have tobacco as part of their make-up. They are dangerous to young people and encourage them to take up smoking.

On this point I disagree with my hon. Friend the Member for Brigg and Cleethorpes when he says he believes that the use of these products might actually reduce the habit-forming syndrome, as he calls it. I do not believe that that is true; I believe that products such as Skoal Bandits may start young people on the road to smoking. If a product is given a sweet or peppermint tobacco flavour and young people acquire a taste for that product, the step from there to the habit of smoking is smaller than going straight to smoking cigarettes. I am worried that the availability of such products will be a dangerous step towards the habit-forming syndrome and will increase the incidence of smoking among young people.

Mr. Michael Brown: When my hon. Friend passes through the doors of this House he is subjected to temptation because there is a smell of snuff, a pinch of which I had before I came into the House. Is he suggesting that, because the snuff is flavoured in a rather delightful way, every hon. Member who is a non-smoker of tobacco, and cigarettes in particular, but who takes a pinch of snuff is increasing the risk of then smoking cigarettes?

Mr. Moynihan: I know that, in his half-hour speech, my hon. Friend seemed to forget that the substance of the Bill is about young people under the age of 16 and the influence that Skoal Bandits and similar sweets could have on them in creating the habit of smoking cigarettes. We should be directing all our attention today to those people and not concentrating on people who later in life may decide to take snuff or to smoke. Although that is important, it is not central to the Bill.

What is relevant to the Bill is that, unless we extend the description of tobacco products, young people will have a greater incentive to start smoking cigarettes by first starting on sweet and flavoured snuff. That is why I strongly support the Bill, because it extends the description of tobacco products to cover not only Skoal Bandits but a whole host of goods which are beginning to come on to the market and which will have a dangerous effect.

Referring again to the intervention, I do not believe that we should under-estimate the extent of this problem. I understand that 30 per cent. of fifth formers are regularly smoking and that £90 million per annum is spent on tobacco products by those under 16. Thus, we have an enormous problem. While I strongly welcome the decrease in the incidence of smoking, what is particularly worrying is that at present there is an increase in the incidence of young people smoking. That is extremely important, and one reason why I warmly welcome the Bill.

Mr. Hanley: Does my hon. Friend not believe that perhaps the reason for increased smoking among the young is increased advertising at sporting events, although they are supposed to inspire the young to health?

Mr. Moynihan: I do not want to be drawn now into discussing a point that is not essential to the Third reading, but I do not believe that that is true. An effective voluntary agreement is the solution to that problem, not a total ban. Much as I hate smoking—I do not smoke myself and dislike the secondary effects—I believe a voluntary and effective agreement—persuasion, not compulsion—is the solution and the hallmark of representative Government on this issue.

Mr. Michael Brown: Will my hon. Friend give way?

Mr. Moynihan: I will not give way again, because several other hon. Members wish to speak and other hon. Members who have sponsored Bills want to bring them forward. I hope they will have time to do so.

I should like to draw attention to another main point which is relevant to the Bill. It is a key debating point because it covers prosecutions and how we can effect the implementation of the Bill. I am worried because in 1984 only 42 prosecutions for selling cigarettes to young people went ahead. There is no doubt that such sales are widespread. We must tackle the problem, but it is difficult to do more than merely persuade the retailers through debates such as this that they have a major social and legal responsibility to young people. The time has come for a well-publicised campaign by local authorities and the police. One cannot expect the campaign to run year in, year out, but I believe that a campaign similar to the television licence campaign would be effective. The problem is under-estimated both inside and outside the House, and it is vital that it should be tackled.

I would not adopt the idea of identity cards, which was suggested in Standing Committee as one way of tackling the problem of young people buying cigarettes, and would not expect a massive increase in the policing of retail outlets, but a well-publicised campaign would reduce the considerable danger of escalation. Unless the Bill is passed, there will be more products such as Skoal Bandits. I hope that the House recognises that so much money is spent on cigarettes by those under 16 and that the dangers of cancer of the mouth and tongue from these alternative products are so serious that we should pass the legislation as rapidly as possible. The House should give the hon. Member for East Lothian all possible support.

12.21 pm

Mr. Harry Greenway (Ealing, North): I apologise to the hon. Member for East Lothian (Mr. Home Robertson) and to the House for missing the Report stage. I came to the House as quickly as I could and was glad to be here for Third Reading.

The Bill is right in principle, but I am not sure that it will achieve the ambitions of the Bill's sponsor and those who closely supported him. Sometimes it is difficult to identify 16-year-olds. Well-grown nine-year-olds can take in people by looking a young 16. Young people can make themselves look older than they are.

Recently, I toured the cancer and heart wards at the Central Middlesex hospital with an eminent surgeon from near my constituency. We looked at people suffering heart disease. The surgeon was convinced that the heart disease and cancer in the patients we saw had been caused by smoking. He felt that some people started smoking before they were 16. I saw some horrific and sad cases. I am not in a position, nor do I seek, to quarrel with the medical profession. I realise from observation the dangers of smoking. I believe that widespread advertising to show people the dangers of smoking may be so agressive that it is self-defeating.

I smoked quite a lot between the ages of nine and 16 but did not smoke much after 16. I have not smoked cigarettes, cigars or pipe tobacco for many years. In January, my 80-year-old uncle died. He has told me that he started to smoke when he was a toddler. The post mortem showed that, although he had smoked all his life and had had a ghastly graveyard cough for 60 or 70 years, he was as clean as a whistle. There was no sign of cancer in the mouth, the lungs or anywhere else. It may be a little dangerous to generalise——

Mr. Dobson: Stupid.

Mr. Greenway: —like that twerp on the Opposition Front Bench who makes fatuous remarks from a sedentary position on a serious and proven point.

Mr. Dobson: Prove it, then.

Mr. Greenway: It is proven. I have seen it with my own eyes. I am describing a member of my own family. He was one of a large number of individuals who lived and died in the way I described. He did not suffer the scourge of cancer. It has been suggested that someone who lived and smoked as he did would have died from cancer.

Mr. Dobson: The hon. Gentleman should understand that the Royal College of Physicians does not believe that it is inevitable that a person will die of cancer-related diseases if he smokes. It says only that smoking kills 100,000 people a year. Anecdotes about 90-year-olds who smoke 100 cigarettes a day will not counter that fact.

Mr. Greenway: I do not just suggest that the Royal College makes that claim. The hon. Gentleman has no basis for saying that. If the hon. Gentleman had listened to me, he would not have made such an erroneous remark. I hope that he will listen carefully because I am speaking sincerely and am not seeking to defeat the Bill. It is right to express reservations. We are not here to rubber-stamp the measures of other hon. Members, however sincere they are and however strongly they feel. Generalisations on smoking and on non-smoking abound. It is right to allay some of the fears.

I respect the need to protect young people from smoking. I spent 23 years in the teaching profession and often punished pupils as severely as I could to try to prevent them from smoking. However, hounding people too severely can push them in the opposite direction. Seven hundred of my constituents work at Gallagher's in Northolt. They are thoroughly honourable and produce fine cigarettes and tobacco. I talk with them often about the arguments against smoking. They feel that the claims against smoking are sometimes excessive and often unproven. The onus rests with those making the generalisations, particularly about those under 16, to prove their point. I ask the Bill's promoters to bear that in mind.

Voluntary agreements which are thought to have the power to influence those under 16 can work both ways. If agreement is voluntary, it is voluntary. Some people will voluntarily respect it, and others will voluntarily oppose or ignore it. We must accept that. If people make a voluntary agreement, hoping to achieve a complete prohibition, in this case, of smoking, but fail to do so, they should remember that the agreement is voluntary and that they cannot enforce it. One must remember the meaning of "voluntary", and either seek complete prohibition honestly or remember the voluntary principle. When a matter is voluntary, sometimes one achieves one's hope, but sometimes one does not. Almost always, one compromises.

One must warn, advise and persuade people against smoking, but one must not take away their right to choose to do so, especially when other people are not affected, and particularly if they have been warned. Providing they know the dangers to their health, they must be allowed the right to choose. That is an important democratic principle. After all, many young and old people have far worse addictions than smoking, such as drugs. Many people, even those under 16, depend on Valium or cocaine, and others are addicted to excessive alcohol and spirits. It is important to remember that, when we rightly rail against the evils of smoking.

Mr. Michael Brown: One of the substances which people under 16 are particularly fond of consuming and which is extremely bad for their health—I sorry that my hon. Friend the Member for Lewisham, East (Mr. Moynihan) is not present—is sugar. It is one of the most terrifying health risks to children under 16. Those who support the Bill should be equally worried about the consumption of excess sugar by those under 16.

Mr. Deputy Speaker: Order. The Bill deals with tobacco products. I have been tolerant with the hon. Member, but he is beginning to widen the debate about the merits of tobacco products. We are on Third Reading, and speeches must be related strictly to the provisions in the Bill. I remind the House, yet again, that we are dealing only with those under the age of 16.

Mr. Greenway: There is no question in my mind that we are dealing with those under 16, and I shall be careful to respond to your direction, Mr. Deputy Speaker, if I feel that I am straying.

Shakespeare said that forbidden fruits taste the sweetest. One of the difficulties of forbidding smoking is that it makes it attractive to the young. The main reason why young children smoke is because they know that adults and teachers dislike it intensely. We have little alternative but to forbid it, but it produces the major

[Mr. Greenway]

disciplinary difficulty in schools of overcoming children's attraction to smoking because adults object to it, for all the good reasons. Children smoke in lavatories and behind buildings. *[Interruption.]*

The hon. Member for Holborn and St. Pancras (Mr. Dobson) laughs, but I know that from my long experience. If he had more experience of wider matters, he would make more pungent, cogent speeches than he does. It is a serious matter, and if he is amused at my point, I can tell him of a school in which pupils aged over 16 were thought to have a big influence on those under 16.

The hon. Gentleman may know the school. The example of older children on younger children is real. If those over 16 are seen to smoke it encourages younger children to do so. In this particular school a new and able head decided that he would hit hard at those under 16 who smoked, and throw the book at them. He decided to allow those aged over 16 to smoke in a sixth form room, separated for the purpose, and away from another sixth form room where there was strictly no smoking.

The removal of the excitement felt by over-16s about defying school rules on smoking caused the practice to die. They no longer wanted to smoke. The object of the exercise was achieved much more effectively than by imposing excessive penalties on smokers, which is the approach that the House is in danger of inroducing with the Bill. I do not suggest that if we permit under-16s to smoke the habit will fade away, but excessive prohibition and compulsion make it exciting and we shall not achieve what we wish.

The moral is obvious. Our duty to conduct ourselves properly, to remain in good health and to make the best possible contribution to society is best achieved through freedon to choose. That is always more effective than trying to get people to do the right thing by endless and often mindless compulsion.

12.36 pm

Mr. Rob Hayward (Kingswood): I support the Bill. I apologise to the hon. Member for East Lothian (Mr. Home Robertson) for having been absent during the earlier stages of the Bill, but it was my only opportunity to register for the London marathon.

As a Member of Parliament for a Bristol constituency, my support for the Bill may not have been automatically expected, but there is no doubt that the tobacco industry nationwide opposes sales to young people. The extension of legislation to any tobacco product is advantageous, because I and many people believe that the best way to stop people smoking is by education. If we encourage children to smoke at an early age by providing what one might describe as ersatz products, we automatically introduce children to cigarettes.

With many hon. Members, I have received representations on the subject of Skoal Bandits. One of my constituents, a Mrs. Smith of 3 Butler House, has written to me expressing grave concern that they encourage young people into the habit of smoking, and I share that view.

My only reservation about the Bill—if the matter has already been explained I apologise for raising it again—is that clause 3(2) says that the Bill does not extend to Northern Ireland.

Mr. Home Robertson: The point was mentioned briefly. My first draft of the Bill included an amendment to the Health and Personal Social Services (Northern Ireland) Order, but the Under-Secretary of State for Northern Ireland who is responsible for health advised me that that was not the most appropriate way to deal with the matter in Northern Ireland. I have been assured that the Government will introduce a parallel measure for Northern Ireland through the appropriate mechanism.

Mr. Hayward: I thank the hon. Gentleman for that clarification. With those few comments, I express further support for the Bill and hope that it receives a fair passage through both Houses.

12.39 pm

Mr. Frank Dobson (Holborn and St. Pancras): Most hon. Members recognise that we should step up the effort to stop the under-age use of tobacco products, which are undoubtedly being promoted deliberately by the tobacco companies, in some cases with the connivance of the BBC through the excessive showing of tobacco company-sponsored events, for which the companies should be charged. I welcome the additional restrictions that are proposed in the Bill introduced by my hon. Friend the Member for East Lothian (Mr. Home Robertson).

No one believes that an approach based solely on restrictions is likely to succeed. It is becoming clearer and clearer that the publicity campaigns held to date to induce people to stop smoking have succeeded with some groups but have signally failed with others. We need much more emphasis on publicity campaigns that will have an effect on the groups that have taken least notice to date, including young people. It has always been against the law to sell tobacco products to those aged under 16, and it is a welcome proposition that we should increase the efficacy of that law. We hope that the Government will exhort prosecuting authorities throughout the country to take the matter seriously.

The other purpose of the Bill is to bring Skoal Bandits within the ambit of the law. I believe that these products are wholly infamous. In our discussion on the Bill on corneal tissues there were references to bringing entrepreneurs into health. In this case, entrepreneurs are bieng brought into ill health. On the very day when the company launched its product in Britain, the chief medical officer of the Department of Health and Social Security and his equivalent in Scotland advised every doctor that the use of the thing was dangerous and likely to induce cancer that could disfigure and cause death. It is a barmy society that is prepared to countenance giving Government grants to build a factory to produce a product which the chief medical officer then has to advise doctors is likely to kill some of their patients. That is plain loopy. We should resist that approach. It is regrettable that US Tobacco has been permitted to set up its plant in this country at all.

Several hon. Members have referred to the contents of the letter from J. R. Walter, Director of Marketing Europe. All I can say is that the letter to hon. Members from US Tobacco is cant and humbug from start to finish.

Mr. Forth: What basis has the hon. Gentleman for saying that?

Mr. Dobson: The hon. Gentleman need only compare what is happening with what is contained in the letter. I do not propose to burden the House by going through it

in detail again. Other hon. Members have already done so, some of them have been ruled out of order, and I wish to remain within the rules of order.

We have also heard preposterous arguments that it may be less dangerous to use Skoal Bandits than to smoke cigarettes, and therefore Skoal Bandits are all right. Someone who has habitually played Russian roulette with two live rounds in the chamber might as well propose to use only one live round instead. It would be sensible to oppose playing Russian roulette at all, and we should oppose tobacco products altogether.

The Bill is a welcome measure extending present and new controls to cover Skoal Bandits. The advertising used by US Tobacco shows at what market the product is aimed. In the very box that the stinking — literally stinking—things are sold in, we read:

"Like your first beer Skoal Bandits can be a taste that might take a few days to acquire and get the most out of. You'll need time to work out how often to take Skoal Bandits, and how long to leave it in. Time to adjust to this new way to tobacco satisfaction. It's up to you, but whatever you do, stick with it."

The real stuff!

That advertising is in line with the promotional efforts of the tobacco companies, which are determined, as always, to recruit new, young users of tobacco products. The industry is unique in that it kills 100,000 consumers every year, and it is therefore obliged to encourage new recruits. I welcome the measure and its limited restrictions.

12.46 pm

Mr. Whitney: I have no wish to prolong the Third Reading, but I want to make a few comments.

First, I congratulate the hon. Member for East Lothian (Mr. Home Robertson) on his success in the ballot and on reaching this stage with his important Bill. I acknowledge his generosity in thanking us for the help that we have given him. We in the Department have been pleased to help him in his endeavours.

The Bill has secured a large measure of agreement, although with some slight tepidity. We share the desire to protect youngsters from the evil consequences of tobacco in all its forms and to dissuade adults from supplying it to them. The Government are fully committed to that objective. We want to reduce the appalling incidence of preventable disease and premature death associated with tobacco, and the Bill is an important step toward strengthening the law on the illegal sale of tobacco products to youngsters under the age of 16.

The extent of smoking among young people was referred to by several hon. Members and is of major concern to the Government. My hon. Friend the Member for Chislehurst (Mr. Sims) has some doubts about the efficacy of the Government's activities in relation to the voluntary agreement, but the voluntary agreement's record has been good in significantly reducing smoking among adults. Other countries have adopted other measures, such as statutory prohibition, which have proved less efficacious than our voluntary scheme. We have even greater hopes of the new voluntary agreement.

We share a concern about the disturbing tendency among the young to smoke. That is one of the reasons why we are spending about £2 million a year, through the Health Education Council, on health education programmes against smoking. Many of the programmes are aimed at children. The Government have funded a £1 million pilot media campaign in two television regions to discourage teenage smoking. The campaign has a weight equivalent to spending about £6 million nationally. It is the first time that an anti-smoking promotion of this weight has been used on television.

The new voluntary agreement on tobacco advertising includes several provisions specifically designed to protect young people, and as part of it a further £1 million is being spent by the industry in a campaign telling retailers that it is illegal to sell cigarettes to young people. I hope that that will reassure my hon. Friend the Member for Lewisham, East (Mr. Moynihan). It is a happy coincidence of circumstances that we have the new agreement, and, subject to whatever might happen along the corridor, that we will have the Bill on the statute book.

We have also had to concern ourselves, at some risk to parliamentary convention, with the new threat posed by oral tobacco, now on sale in many parts of Britain, and the associated risk of mouth cancer. The main brand being promoted is Skoal Bandits. The Government deplore their introduction to the UK, and, as we have heard, their promotion, especially the potential attractions of the product for children, has been one of the main concerns expressed by the House. We are worried not only because of the established link with mouth cancers, but because of the threat of dependence on nicotine.

The Government have listened carefully to calls for stronger action against this product. Since the Committee stage, officials from my Department have been in contact with the manufacturers of Skoal Bandits, U.S. Tobacco International, Inc. I am pleased to inform the House that the company has accepted that certain health warnings ought to appear on the packs and on the advertising material and that the rules governing promotion and sale of the product should be considerably strengthened. The details are yet to be negotiated, but I thought that hon. Members would wish to be aware of the new position. The precise nature of the warnings will require consideration, but our aim will be to make clear that these products may cause oral cancer and that they should not be considered a safe alternative to cigarette smoking. I hope that the House will welcome these moves as wholly consistent with the Bill's objectives, and with the speeches of most hon. Members today.

Mr. Michael Brown: Has not the company's approach been most co-operative and shown that it does not engage in humbug? Will my hon. Friend confirm that his Department has had a good relationship with the company?

Mr. Whitney: I am happy to confirm that the statement that I have been able to make is on the basis of the exchanges that we have had with the company. I welcome that outcome, as I hope does the rest of the House. We now look forward to concluding those changes and working out the details of the negotiations on the voluntary agreement.

It is necessary to update the seperate Acts for England and Scotland that deal with the sale of tobacco. These date back to 1933 and 1937—long before medical evidence of the dangers of smoking had emerged. Nor were they drafted with oral tobacco products in mind. Therefore, it was necessary to update the Act, and this has happily been achieved in the work that we have done on the Bill.

The Government may seek to make a modest change to the Bill when it is considered in the other place. This

[Mr. Whitney]

concerns the possible inclusion of a statutory presumption in the Scottish Act to make it clear that the products covered by the Act, and so labelled, contain tobacco. This change may be necessary because of the differences between the criminal procedures in Scotland and England, and it would make it easier to obtain convictions under Scottish law. I hope that the hon. Member for East Lothian in particular will recognise that point.

Mr. Home Robertson: I am grateful for that clarification, and anything that will make it easier to deter this pernicious trade is welcome. Is it the Government's intention to institute an effective crack down against this massive trade, and is advice to be given to the prosecution authorities and the police, when and if the Bill reaches the statute book, that they should institute prosecutions where they find that such trade is continuing?

Mr. Whitney: I hope that the Government's attitude is extremely clear from the measures that I have already outlined with regard to young people and smoking. I have no doubt at all that once a new measure is on the statute book my hon. Friends in the Departments concerned will take every necessary step to ensure that the new law is applied appropriately.

I believe that we have reached the point at which I should again congratulate the hon. Member for East Lothian and his colleagues on the way in which the passage of the Bill has been achieved so far. I have been very happy to collaborate with the hon. Gentleman, because to a large extent we share the wish to make progress in this area. The hon. Gentleman may wish to take us still further, but on the Bill we are entirely at one and I have no hesitation in commending it to the House.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Horticultural Produce Bill

As amended (in the Standing Committee), considered.
Bill reported, without amendment.
Order for Third Reading read.

12.57 pm

Sir John Wells (Maidstone): I beg to move, That the Bill be now read the Third time.

As the House knows, the Second Reading took place without debate and rather more suddenly than we had expected. I should therefore express my thanks to my hon. Friend for Hampshire, East (Mr. Mates) for helping me out of a little difficulty in that regard. As there was no Second Reading debate, it might be convenient if I make a few brief remarks now, although I do not wish to go over all the ground that was covered fairly fully in Committee on Wednesday as time is short and other hon. Members wish to bring forward other measures.

As the House knows, ever since I became a Member of Parliament I have taken a keen interest in the well-being of British horticulture and I have always been eager to support any initiative to improve its position and quality. In the past 10 years or so there has been a gradual but noticeable improvement in the marketing standards of home grown produce generally. On Tuesday of this week the Apple and Pear Development Council laid on an excellent presentation in Westminster Hall which was visited by about 100 Members from all parties. Members in all parts of the House are therefore aware of the improving quality of British produce.

It is essential, however, that we look forward to further improvement. The more forward-looking growers are well aware that if they are to compete with high quality, well presented imports they must offer good products effectively marketed. Value for money can be offered by improving quality as well as by keeping down prices.

One of the factors in bringing about the improvement has been the European Community common quality standards for fresh fruit and vegetables, which have brought new confidence to the market place by setting recognised standards to which all growers and traders must adhere. Broadly, the aim is to keep products of unsatisfactory quality off the market.

In Committee on Wednesday my hon. Friend the Member for Falmouth and Camborne (Mr. Mudd), who is well known for his assiduous interest on behalf of the wholesale fruit and vegetable trade, spoke of certain anxieties expressed about the Bill by the National Federation of the Wholesale Fruit and Vegetable Trade. I believe that my hon. Friend the Under-Secretary of State, and to a lesser extent myself, did what we could to allay those fears.

One important point must be repeated on the Floor of the House. My hon. Friend the Member for Falmouth and Camborne said that the wholesale trade would like closer inspection and controls at farm shops and pick-your-own stalls. I do not believe that that is strictly appropriate. At the wholesale end of the market, the ultimate customer cannot inspect every item of goods. At the farm shop, however, the buyer can see every apple, cauliflower and lettuce. In this protectionist age, I am still a great believer in caveat emptor. In a farm shop the emptor has every chance to look out. Therefore, the fears expressed by the national federation of the wholesale trade were probably misplaced.

The farm shop movement is majoring in freshness, if the House will allow such a word. I believe that the freshness element that is being put forward by farm shops is excellent. There are one or two grotty stalls, but no customer with any sense will go to a grotty stall, or if he goes once he will not go again. Nobody buys large quantities at a farm stall. Therefore, if somebody is caught with indifferent produce, he is wise enough to avoid it a second time.

The wholesale trade has another legitimate anxiety. It fears that the great bulk of the weight of inspection must be done in the wholesale markets, because we are, sadly, short of inspectors. There are not many of these distinguished and assiduous people, who are some of the finest public servants that we have. They work difficult hours on cold early mornings and do an extremely fine job. However, there are not many of them and they must work where there is the greatest bulk of produce. Inevitably, that is in the wholesale market.

In Committee I stressed the fact that most traders freely give all the details requested. However, there are a minority who do not give the details and who cause trouble. It is with a view to bringing that minority into a position where the good name of the trade and the quality of British produce will be maintained and improved that we have brought this modest little measure before the House. I hope that hon. Members will give it a Third Reading.

1.2 pm

Mr. Eric Forth (Mid-Worcestershire): I acknowledge and welcome the motivation of my hon. Friend the Member for Maidstone (Sir J. Wells) in bringing this measure to the House. I am sure that we all applaud, as we must always, the search for the means to ensure quality and reliability of produce, especially home produce, when it is being bought by our own people. I fully acknowledge the correctness of those motivations, but I have one or two small reservations about the terms of the measure before us.

One reservation was expressed by my hon. Friend the Member for Maidstone in Committee, when he said:

"it is not intended that the powers should be used extensively or result in a large number of prosecutions."—[*Official Report, Standing Committee C*, 16 April 1986; c. 2.]

That is an admirable statement of intent or aspiration, but how it is possible, at this stage, for us to judge the number of prosecutions that may take place as a result of this measure is difficult for me to see. We all hope that very few people will be liable to prosecution, but one cannot tell, at this stage, to what extent prosecutions will take place. Therefore, that causes me some concern.

I am even more concerned because in my constituency there have been occasions when prominent horticulturists who have repeatedly been prosecuted for offences such as overloading vehicles have felt that they were being discriminated against and unduly harshly treated. Therefore, I regard what is proposed with some trepidation. If that is the sort of case that is dealt with in a different area of the law, there might be a danger here.

Why does one need to introduce a full panoply of bureaucracy and regulations in an area such as this? One has only to look, for example, at a body such as the Worshipful Company of Fruiterers, which has been established for some 700 years and has huge experience in this area, and ask oneself why we need such a Bill. We could instead look to a voluntary, charitable body with experience in an area such as this which would be well capable or, I would suggest, more capable of policing and reinforcing standards of produce and so on. It is always a source of some regret to me that we are forced to go down the road of statutory regulation rather than look to voluntary bodies, as we do with the goldsmiths or fishmongers, and many other bodies of long-standing excellence, which are allowed by us to impose standards and rules.

Mr. Mark Hughes (City of Durham): The hon. Gentleman uses the goldsmiths as an example of a self-regulatory body, but hallmarking of gold and silver by Government-appointed assayists is the longest standing quality control on behalf of the consumer in the world.

Mr. Forth: The hon. Gentleman makes a valid point. The point that I am trying to make is that in our search for the best means to maintain standards, my preference is always the voluntary self-regulating approach, as far as possible, rather than going too far down the road of statutory obligations and public officials doing the work. My limited reservations about the measure revolve round that area.

I should like to ask a few questions about the detailed provisions in the Bill. They revolve around clause 3, which refers to normal practice, which I always find slightly worrying. It states:

"The Ministers may by order made by statutory instrument make such amendments to this Act as they think fit for the purpose of changing the circumstances in which an authorised officer is required to give written consent to the movement of produce."

Thus, there is scope for changes to be made by statutory instrument. The clause goes on to say:

"Before making such an order, the Ministers shall consult such organisations as appear to them to represent interests likely to be affected by the order."

That is all well and good, but one wonders, in such circumstances, what might be in the ministerial mind when searching for representative bodies to consult.

Sir John Wells: It is my understanding that when the Bill was first thought up, before it came to me, all sectors of the trade were fully consulted. It has been given a fair wind by all sectors of the trade. The only modest reservations were the ones that I mentioned. I thought that it was important to take the House into my confidence about the small reservations, which were fully aired in Committee.

Mr. Forth: I am grateful to my hon. Friend. I am glad that he has taken the opportunity to let the House know what the Committee knew. I hope he will concede that there is always an area of lingering doubt in such matters when, as we must rightly do, we leave it to the discretion of Ministers to determine when they make alterations by statutory instrument to adjust to changing circumstances, and, more important, when it is left to them to decide who will be consulted. We all must have had experience from time to time of bodies which feel aggrieved because they have not been consulted in a particular case. However, the fact that my hon. Friend the Member for Maidstone has carried with him all the major elements of the trade gives the House confidence when considering the measure.

I wanted to air those limited reservations about the Bill, because one has to accept that it is vital to the horticulture industry that we are ever more vigilant over the

[Mr. Forth]

maintenance of quality and standards. The work done by the Apple and Pear Development Council is a good example. That must be done so that we can make the best case for our consumers to consume our own products. In the past we have not always been of the best. However, any measure such as this, which helps in any way to achieve that end, must be welcomed by the House. I welcome it for that reason.

1.9 pm

The Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food (Mrs. Peggy Fenner): I congratulate my hon. Friend the Member for Maidstone (Sir J. Wells) on his success in the ballot and on his wisdom in promoting the Bill. The Government fully support the aims of the Bill and believe that if enacted it will be of considerable assistance to our inspectors in seeking to improve the quality of horticultural produce on the market by the effective enforcement of the quality standards for fruit and vegetables. Therefore, I hope very much that the Bill will be given its Third Reading today and that it will be agreed in another place in due course and reach the statute book.

Improved quality and improved marketing are essential to the success of the British horticulture industry in today's competitive environment, so any measure that will help the application of the quality standards must be in the longer-term interest of the industry. Likewise, any improvement in quality will help to ensure the availability of first-class produce, which is what today's consumers are coming more and more to expect, and rightly so.

In practical terms, the Bill will give horticultural marketing inspectors, and the equivalent officers in Scotland, the power to put a stop order on defective produce to prevent it being moved. The intention is to stop a minority of traders moving defective produce around to avoid being caught.

My hon. Friend the Member for Mid-Worcestershire (Mr. Forth) mentioned the trade's reservations, which my hon. Friend the Member for Falmouth and Camborne (Mr. Mudd) expressed. I trust that we have reassured our hon. Friend and the trade. I listened carefully to the suggestion that we would be supporting an additional bureaucracy. We have an obligation under Community regulations, and arising from our responsibility to consumers, to enforce standards at all stages of distribution. It is clearly in our interests to do that as efficiently as possible. There is an obstacle to efficient enforcement—we cannot put a stop notice on to prevent the small minority of traders from moving produce about to avoid being caught.

My hon. Friend the Member for Mid-Worcestershire expressed anxiety about clause 3(1), which empowers us to make changes. This is a legitimate worry. We are contemplating only minor alterations. It would be a great nuisance if it was necessary to have primary legislation to achieve the same effect.

I congratulate my hon. Friend the Member for Maidstone and commend the Bill to the House.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Gaming (Amendment) Bill *[Lords]*

Considered in Committee; reported, without amendment.

Order for Third Reading read.

1.14 pm

Mr. Mark Carlisle (Warrington, South): I beg to move, That the Bill be now read the Third time.

I am grateful for the expeditious manner in which the early stages of the Bill have been taken. It did not have a Second Reading in this House. As it was introduced in another place, perhaps I should explain its purpose. Its only purpose is to amend section 16 of the Gaming Act 1968 so as to enable a person who has bought chips by means of a cheque in a casino, during or immediately after the time during which he has been gambling in that casino, to redeem that cheque.

The Bill has a most respectable parentage, in that it carries out the recommendation made by the Royal Commission on Gambling and implements two of the proposals of that Commission. No one can say it has been brought forward with undue speed, because the Royal Commission reported as long ago as July 1978, and as long ago as 1979 the then Home Secretary said that the Government accepted the proposals for change and would be prepared to implement them when there was an opportunity for legislation. That opportunity has now arrived.

The Bill was introduced in another place by the noble Lord, Lord Harris, an ex-Minister of State, Home Office, and it had the important support of Lord Allen of Abbeydale, who, as Sir Philip Allen, was a permanent secretary in the Home Office at the time the original legislation was taken through. More importantly, for the last few years he has been the chairman of the Gaming Board for Great Britain.

Gaming in Britain is strictly controlled. The Gaming Act 1968 exercises strict control over the operation of gambling casinos, and one of the important provisions of that Act deals with the granting or the prohibition of credit. The effect of the 1968 Act means that any cheque that is given in exchange for chips or cash to enable a person to take part in gaming has to be delivered to a bank for payment or collection within two banking days.

Under the law as it stands at present, a cheque once given by a person cannot be redeemed by him when he cashes up at the end of the night, should he be successful and have chips that he wishes to return for cash. It means that the casino, having accepted that person's cheque in payment for the chips, is required to give back to him either cash or the casino's own cheque for the total value of the chips that he returns. A casino cannot give back to him his own cheque for redemption as part payment.

The only person who can possibly benefit from that situation is a dishonest person who gave a cheque, was then successful in the casino and received either the casino's cheque or cash in exchange for the chips that he returned, and the casino then found that the person had dishonoured his cheque when it was taken to the bank to be cashed.

In preparing its report, the Royal Commission on gaming visited some 40 casinos. I should like to quote one sentence from its report:

"From our visits to casinos we have found that this aspect of the gaming laws"——

that is, the inability to redeem a cheque——

"causes more irritation than any other, both for the casino proprietors"——

obviously, for the reasons that I have explained——

"and for their customers who equally often wish to redeem the cheque that they have earlier given."

This is a sensible amendment. As I say, it has been brought forward with the knowledge and approval of the Gaming Board for Great Britain. The only other matter that I should add is that it is accepted that this change in the law will require that the right to redeem a cheque should be accompanied by regulations specifying the detailed records of transactions that casinos will be required to keep for inspection by the Gaming Boards for Great Britain. Therefore, the Bill ensures that it cannot come into being until a date appointed by the Secretary of State so that one can be sure that the amending regulations are in a suitable position before the Bill becomes law.

1.21 pm

Mr. Jeremy Hanley (Richmond and Barnes): I thoroughly approve of this measure and congratulate my right hon. and learned Friend the Member for Warrington, South (Mr. Carlisle) on the skill with which he has brought it to this stage. His arguments have been heard by no one until now, but that is a measure of the success and wisdom of this legislation. I agree with the Bill, but I believe that one point is missing; it may be an extension, but it would strengthen further the power of the casino to enhance the way in which credit asked for temporarily by a customer with the deposit of a cheque could be enforced. Nowhere in the Bill does it provide that a customer, when the casino tenders back to him a redeemed cheque, has to receive it; it merely says that the casino may give back a cheque. It allows, through this change of the law, for the customer to receive his own, as it were, IOU, and to tear it up after a successful night's gambling. Nowhere does it say that the customer has to receive back his cheque.

I believe that in this Bill we should take the opportunity not only to allow a casino the right to give a cheque back or to give its own cheque if it wishes to do so, but also to make it an obligation on the person presenting the cheque in the first place—the person who has given credit to that cheque and held it out to value—to receive back that cheque if the casino so requires. At the moment, it does not seem that the law forbids a customer to refuse his cheque, although in those circumstances the casino would be put upon inquiry and no doubt it would be within its rights to hold on to the cheque prior to encashment. Perhaps the Minister will explain why there has not been included in the Bill the insistence that the customer should take back his own cheque if the casino so requires.

1.23 pm

The Minister of State, Home Office (Mr. Giles Shaw): First, I thank my right hon. and learned Friend the Member for Warrington, South (Mr. Carlisle) for introducing the Bill—a modest measure, as he pointed out, in relation to a fairly complex background of legislation formed by the 1968 Gaming Act. The Bill has been recommended by, and has withstood the scrutiny of, another place and amendments moved by the noble Lord, Lord Kilbracken. In addition, I assure the House that the Gaming Board, which is the watchdog set up by Parliament to regulate this industry, is satisfied and considers that the measure is good. As has already been made clear, regulations will be made, on the advice of the Gaming Board, by the Home Secretary in relation to the content of the provisions required.

My hon. Friend the Member for Richmond and Barnes (Mr. Hanley) raised a point on which I will have to take advice. However, there are two aspects to it. The first is the extent to which "may" and "shall" in legal terms are exchangeable. I realise that my hon. Friend knows about that. Secondly, there is the question whether there is indeed a material weakness, as he seems to point out, in the new emphasis placed on the conditions under which redemption takes place. It would certainly be the intent of the legislation that the casino would deal with the initial cheque in the redemption process; that is the whole point of it. However, I see my hon. Friend's point. I will look into the matter and write to him clarifying the point that he has raised, which I trust will satisfy him. I hope that the House will give this modest Bill a Third Reading.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Road Traffic Regulation (Parking) Bill

Considered in Committee; reported, without Amendment.

1.25 pm

Mr. Kevin McNamara (Kingston upon Hull, North): I beg to move, That the Bill be now read the Third time.

I once had the privilege of introducing a Bill under similar procedures concerning milk allocation to children at school which went through all its stages in the House without one word being uttered. The value and virtue of that legislation were so self-evident that there was no need to speak to it. Had I done so, the Bill might not have been accepted.

On this occasion, however, it might be helpful if I give the background to the Bill and explain its main purposes, because the House has been courteous in expediting progress. I thank the Department of Transport for its assistance. Those are the only kind words I am likely to say about that Department during the Government's lifetime. Therefore, they should form the first major part of my speech. I thank the Under-Secretary of State for Transport and his officials.

The Bill is relatively modest but important. It has two aims: first, to get rid of some of the confusion about permit parking in local authority areas; and, secondly, to deal with traffic parking devices, meters, and so on.

First, there is confusion about whether it is legal in areas of permit parking for a local authority to charge or not to charge—to have a variable scheme. Clause 1 specifically and directly gives local authorities that flexibility. This is an important measure, especially in seaside and other areas which are heavily congested for brief periods of the day, where the local authority seeks power to protect residents and to facilitate the parking of those visiting the area. The Bill gives the local authority power to charge, or not to charge, residents, non-residents, permit holders and non-permit holders. That flexibility will enable local authorities to gauge their traffic needs and controls.

The second aim is perhaps more interesting and important because it deals with metering devices used in arranging for parking. It concerns three aspects—in-car parking discs, parking meters and parking meters without a clock. The present legislation is rather confused. The Bill seeks merely to clear up the principles. Basically, it means that there can be in-car parking devices for rent or charge which are costed, and that will be legal. That will be important in areas of outstanding natural beauty where it would be an advantage to control and charge for parking, but where people do not want parking meters to clutter an otherwise good view, cathedral close or other part of our heritage. Therefore, the Bill will make it legal to have in-car parking devices. A number of companies, in conjunction with local authorities, are already experimenting with them.

Some present difficulties with parking meters are the number that are often out of order, emptying coins from them, and taking them in and out of action according to traffic demands and police or security needs. The Bill will enable us to have the equivalent of a British Telecom card for use in parking meters which will register the time. A customer will insert a card and buy his time, as he does with a BT card. It will be automatic, electronic, safe, durable, and unlikely to break down. Eventually, "smart cards" will be able to be used which will allow a person's account to be debited directly, rather than under the arrangements with a BT card.

It is a simple, direct system, and it is important because many of our parking meters have almost outlived their useful life. There is a large market for British firms in this area, especially in the United States. However, at present, when British firms seek to export these instruments, and they are asked, "Are they being used in the United Kingdom?", they must reply, "We cannot do so because we are not certain whether they are legal." The legislation will make it legal, so it is important for the British economy, as well as for safety, for getting the collection of money off the road, for security, for saving local authorities' repair costs, and for doing away with the necessity of having a clock device present to be seen by traffic wardens.

The final provision deals with fraud in relation to this device. This is a minor piece of legislation. I doubt whether there will be enormous celebrations in the streets when it becomes law. However, it will ensure a degree of efficiency and tidy up the law. That must benefit those who administer the law as well as those who suffer from or have to bear it. It provides an opportunity to improve the economic prospects of some of our companies, to guarantee jobs and to introduce new technology into parking meters.

For those reasons, I commend the Bill to the House. I thank the Government and the House for their courtesy during its passage.

1.32 pm

The Parliamentary Under-Secretary of State for Transport (Mr. Peter Bottomley): This is one of the welcome occasions when the Transport and General Workers' Union is shown that it is represented on both sides of the House on a significant transport issue, although it may not necessarily be as substantial as the one to be introduced next week. The hon. Member for Kingston upon Hull, North (Mr. McNamara)—perhaps I should refer to him as my honourable Brother, so long as it does not get him into trouble with reselection——

Mr. Deputy Speaker (Mr. Harold Walker): Order. I hope that no members of the Amalgamated Union of Engineering Workers will start referring to me as Brother Chairman.

Mr. Bottomley: I hope that I was speaking indirectly, Mr. Deputy Speaker. I do not wish to get my marching orders from you.

The hon. Gentleman described the purposes of the Bill.

Mr. McNamara: I am grateful to the Minister, who is my brother in the trade union, for dealing with me kindly and courteously, but I wish to point out that this measure may increase employment prospects. According to my brothers in the Hull municipal corporation, the measure that the Minister will support on Tuesday will create at least 300 redundancies throughout the country, because it will decimate public transport.

Mr. Bottomley: If, in a few years' time, we have an opportunity to consider the effects of the changes, I hope that my honourable Brother will return and say that he was wrong and I was right.

The Government welcome the Bill, which provides useful clarification of the law on parking. Although the

Bill may seem rather technical and concerned with matters of detail, it will be valuable both in the greater freedom it gives to local authorities to select an approach to on-street parking which best suits local needs, and in the greater certainty it will give to manufacturers in the development of new equipment and methods.

Technology is improving all the time in many areas, and parking technology is no exception to the trend. Traditional parking apparatus, especially the coin-operated clockwork parking meters, has given good service for many years—some of us might argue, too good a service, given the amount of money that we have poured into them. Nothing stays the same for ever and new approaches are possible using magnetic cards and microchip technology. New systems are being developed which could revolutionise parking in the future.

The existing legislation was prepared long before such new approaches were considered. Not surprisingly, the present law does not fit those new approaches at all well. The Bill would amend the legislation to bring it into line with what is possible and remove legal doubts which have arisen over, for example, the use of coinless equipment.

I do not wish to give the impression that all the new approaches necessarily involve high technology. Better ways of using space on our streets can be achieved in some circumstances without the need for complex electronics. The Bill's provisions for shared parking schemes, under which permit holders and visitors can use the same road space—although not at the same time, remembering the slightly better road safety figures that we announced yesterday—are good examples of this. The Bill should remove some of the legal doubts which at present prevent many such schemes. From my constituency experience, I know that such provisions would be useful near railway stations, where commuter traffic could be kept off all-day parking and we could allow residents to park where they have their homes and pay their rates as well as allow visitors to shops and to residents to park for a reasonable period.

The Bill should also help with approaches to parking, such as the prepaid card displayed in the vehicle. That and similar systems may not meet the requirements of the existing legislation, but doubts should be removed by the Bill.

The Bill provides the freedom to try a range of new approaches. It should give more flexibility to meet the needs of residents and visitors. It should enable the production of more reliable and cheaper-to-operate equipment. It will permit cashless systems which could avoid many of our current problems.

The Government are happy to support the Bill, and I am happy to pay tribute to the hon. Gentleman for introducing it. I hope that it will come into law soon.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

Companies Bill

Order for Second Reading read.

1.37 pm

Sir Brandon Rhys Williams (Kensington): I beg to move, That the Bill be now read a Second time.

The Bill has been introduced once again by me and by hon. Members on both sides of the House. I wish to say a few words about it and about my intentions in the succession of Bills on company law which I have introduced since 1969.

My first Bill was a complex measure, and I learned from the Committee stage which it successfully completed that if a Back-Bench Member is to make a significant contribution to company law reform it is important to recommend simple, workable and inexpensive measures. But I am convinced that it is possible to introduces minor changes in company law which are likely to have a powerful effect in improving efficiency, and that is the intention of this year's edition of my Companies Bill, which hon. Members will recognise is broadly similar to the measures which I have recommended to the House in every Session since 1970.

I have said many times that the limited liability company is one of the great creations of British genius. Like cricket, it is a British invention which has been copied in many parts of the world. It is a wonderful way of bringing together human resources and material assets in a most fruitful relationship for the creation of wealth. Like cricket, it has been copied in many countries; and as with cricket, we find that some other countries now perform better than we do in the operation of limited liability companies.

Can one improve efficiency by passing laws? That is an important issue for hon. Members to consider, because it is difficult from outside a business to see how changes in the law might make the senior management or the board of directors operate more efficiently.

There is another question of a similar kind: do we need yet more company law? I am somewhat critical of the way in which the Department of Trade and Industry has approached reform of company law in recent years. It is giving too much attention to the prevention of fraud and gross malpractice — and in so doing producing huge slabs of legislation — but is not considering ways in which the existing framework of company law—which is broadly of 19th century origin—could be brought more up to date, so that the various parties performing their regular functions in publicly quoted companies could have a clearer idea of their rights and responsibilities within a statutory framework that helps them to operate in the most effective way.

In recent years there have been changes in the environment in which companies operate which have brought greater pressure on managements to operate effectively. Some of the changes are highly commendable, and I welcome them. For instance, there is the much improved professional analysis by stockbrokers and the staff of the big investment institutions. This has undoubtedly brought pressure to bear on managements to improve performance. There is also far more extensive press coverage of companies affairs. Opening up companies' doings by coverage in the press tends to be conducive to greater efficiency.

[Sir Brandon Rhys Williams]

The activities of takeover bidders are less welcome. They undoubtedly frighten boards into behaving more effectively, but they have as their aim the destruction of the company rather than its cure. The current takeover frenzy tends to make managements concentrate on producing sparkling results in the short term rather than consider the interests of shareholders over long spans of time. We are also seeing much more competitive marketing, which means that all firms seeking to enter British, Community or world markets have to behave in a more competitive way if they are to survive.

However, all those pressures can pass by companies such as those with which I am concerned in the Bill. I am thinking of companies which are beginning to show signs of decay or of declining vigour and initiative, but are not yet as obviously in trouble, as they may be in a few years time when shareholders and outsiders begin to realise that something is badly wrong. I am thinking of companies which are not as energetic and resourceful as they could well be, given the human and material assets at their disposal. In this area, minor changes in company law could be extremely beneficial without being burdensome, grossly innovatory or revolutionary.

The Bill therefore considers the position of supervisory elements within the company which are favourable to the company's success and which, quite properly, have access to confidential material. I am speaking, of course, of the non-executive directors and the auditors. Almost all public companies have some non-executive directors, and companies in this country have had to appoint auditors for a century or more. I hope that we can find ways of improving company law in minor but effective ways so that the status of the non-executive directors and the auditors is improved, and they automatically have more authority in the conduct of the company affairs, and better knowledge of the business.

It is not always clear to an outsider or to a shareholder who the non-executive directors are — or, indeed, if there are any who are strictly non-executive. It is very often company practice to appoint to the board someone who can occasionally be relied on for specialised advice, or someone who is well known to the board and to whom members of the board like to refer from time to time. Such people are not really non-executive directors. They are not aware that their role is to act for the shareholders in a truly supervisory way.

Often, board members who appear to be non-executive hold themselves available to offer specialised advice when called upon to do so, but otherwise they do not interfere in the management or supervision of the company. They might be a useful element, but they do not strictly meet the requirements that I see for the role of the non-executive director.

Companies sometimes appoint as non-executive directors people who are not particularly significant; and even if they are well known or influential, they may be unable to exercise authority for various reasons. It is worth analysing why even quite powerful figures are frustrated when they want to do something to improve the efficiency of the executive management. If they do not like what is happening in a business and resign noisily, they may damage the firm without bringing about the changes which they think necessary. They can resign quietly without a fuss, but that will probably not be noticed and their gesture will be ineffective. They could argue within the board from a minority position.

In public companies in Britain non-executive directors are usually in the minority, unlike the practice in North America; but the non-executive directors may not be effective even when they raise legitimate doubts about company policy. Or they may argue on the basis of inadequate data, in which case they will be outgunned by the heads of departments—the executives on the board who might have axes to grind over particular aspects of expenditure or management policy.

Even when there are effective non-executive directors on boards, they are not always able to give the shareholders the service that is sometimes needed. The Bill therefore requires public companies to state which directors are non-executive directors, and this is narrowly defined—that is, non-executive in the true sense. We are talking about supervisory directors who are aware of their responsibilties to act on behalf of the shareholders in the boardroom.

The Bill also suggests a minor reform of procedure governing the election or re-election of directors which would give the shareholders more discretion over the choice of candidates to fill board vacancies. Too often, when a vacancy occurs through natural rotation, resignation or death, only one candidate is put forward and he is automatically elected to fill the space. That does not always produce the best candidates for effective management.

I do not think that the suggestion that I have incorporated in the Bill — which I expect could be improved — would be used often. However, it might occasionally be relied upon, particularly by institutional investors, to bring pressure to bear on boards to improve the quality of candidates. If dud candidates were put up for vacancies on a board, the shareholders could organise themselves more easily than under existing company law to put up rival candidates, and so to promote meaningful elections to improve the quality of the board.

Mr. Jeremy Hanley (Richmond and Barnes): In a public limited company, each director has to stand for election on a separate ticket. It is one of the privileges of a private company that more than one director can be elected on one nomination, so that the shareholders have to take directors A, B and C all together, without having to reject one. However, in a plc, each director stands on a separate motion, so some protection is afforded to shareholders in a public company.

Sir Brandon Rhys Williams: I am grateful for my hon. Friend's advice, which I realise comes from an extremely deep knowledge of company law and procedure. What I am suggesting in the Bill, which I admit could be improved, is that members of a company, who will probably be institutional shareholders, should have the right to insist that the company circulates in advance of the annual general meeting, or any meeting at which the election of directors is due, the particulars and the name of a candidate. That candidate should not necessarily be the man preferred by the board for the vacancy, but one whom the interested shareholders would wish to notify other shareholders was available for the office together with a limited amount of data as to his qualifications.

As with professional societies and many bodies which have a scattered membership which they reach through the

post, this would mean that people outside the general run of company supervision would have a chance to look at the candidates and make their own selection. I doubt whether this would happen often, but the intention is that it might happen, and the fact that the names of rival candidates could be circulated in advance, together with appropriate information about their qualifications, would scare boards which were thinking of putting up unsuitable candidates — men who are too old, who have no effective qualifications to contribute to the management of firms.

The Bill also requires all public companies to prepare their data and estimates concerning the firm, and its likely future and ability to carry on as a growing concern, in a businesslike manner; and to provide the information to all the board members, including the non-executive directors. What I am suggesting is common sense and normal prudence for every company, but unhappily one finds that when companies get into serious trouble, it is largely attributable to the fact that they have been neglecting to follow the general pattern of competent businesses in collecting data about their performance, market shares and the role and attitudes of their competitors, and in making long-term forecasts of their capital position and their ability to meet their obligations as they fall due.

When the auditors detect that companies are not handling their internal management of the collection of data, comparisons, forecasts and future planning in a businesslike manner, they are frustrated because they do not have any statutory responsibility to warn the shareholders that there are doubts about the way in which the board is managing its business. I emphasise that I am not discussing firms which are acting fraudulently or criminally, but firms which are lapsing into sluggish or old-fashioned business methods, and which sooner or later will damage the investors, the customers and the work force, because the company is not making the best use of its human resources and material assets.

How do we decide whether a company is handling its internal data collection and forecasting in a businesslike way? It is futile to pass a law that all companies must manage their forecasts in a businesslike way. However, this is a responsibility that has to be shouldered by some supervisory element within the firm. The non-executive directors are not necessarily the right people, but the auditors are.

We must require the auditors to accept this responsibility. Auditors have a natural reluctance to do this work even in the minimal way that I am suggesting in the Bill. All that I am asking is that auditors should have the responsibility to warn the shareholders if, in their view, the firm is not handling data collection and forecasting in a competent manner. The Bill does not insist that the auditors should guide the firm, but simply gives them the minimal responsibility to warn shareholders if they can see that the firm is not performing this function in a business-like way.

On the continent a hundred years ago the development of business practice resulted in the appointment of supervisory boards, so that in Germany, particularly, but also in other countries, one finds that top management is split into an executive team, which consists of the regular heads of department, and a supervisory team, which knows that its role is to look at the effectiveness of the management as a whole on behalf of the shareholders.

In this country we did not adopt the idea of a supervisory board which has the duty to look at all aspects of the running of a business, but moved instead towards the appointment of a new profession—the profession of accountancy — which would have the particular responsibility of carrying out a compulsory audit on behalf of the shareholders. I rather regret that we did not follow the German practice, which has produced a very competent business background and one which in many ways has advantages by comparison with the British system.

However, as what we have is a highly competent professional body of supervisors whose business it is to act for shareholders in looking at the way their companies are acting, I believe that we should ask those professionals somewhat to extend their responsibilities. Under the Bill they would simply have to warn the shareholders if they thought that a firm was not dealing with the collection of data and the making of forecasts as competently as it should.

Why, in particular, are auditors afraid of being asked to carry out even that limited function? It is because they are nervous of stepping outside their established statutory routines because they might incur a painful or even crippling liability if shareholders turned on them for falling down on their functions and obtained compensation for losses attributable to the auditors' negligence. We must understand the pressure that that fear puts on people in the auditing profession; but the growing complexity of business makes it essential that the supervisory element appointed by shareholders should now move a little further in the direction of management accounting.

This year, therefore, I have made what I hope is a small improvement in the Bill by introducing a new clause 6. It consists of just a few lines and is, I believe, self-explanatory. It states:

"The liability of any individual person appointed to act as an auditor under the provisions of the Companies Act 1985 or of any employee employed by an auditor so appointed to carry out work on an audit who shall be held liable in negligence, default or breach of duty in respect of his performance of that audit, shall be limited to a maximum of £50,000."

That is a substantial sum and I hope that it will be sufficient to deter people from acting in a light headed way, but it is a figure which should also be within the capacity of most firms to insure without taking on too heavy a burden. As this is such a topical matter in the auditing profession, I hope that my suggestion—which may well be capable of improvement—will be regarded as a good subject for hon. Members to consider, perhaps in Committee on the Bill.

The Bill would apply the changes that I have described to all public companies, but among the most important recommendations in the Bill is one which I suggest should apply only to very large companies. I have incorporated a definition of a very large company, although again it is something that might well be improved. The intention is to catch the 100 or 200 biggest British companies and to follow the North American practice of appointing audit committees.

On the New York stock exchange a number of years ago it was made a requirement, as part of the listing agreement, that to qualify to be quoted on the exchange a company must have appointed an audit committee. I spent some time with, and learnt a great deal from talking to, officials of the New York stock exchange about the way in which the audit committee was to be appointed, how it should operate and the general public reaction to the appointment of audit committees.

[Sir Brandon Rhys Williams]

I do not think that we should require companies in this country automatically to follow the example of the New York stock exchange, because the etiquette and the procedures are not yet sufficiently widely understood. However, I should like to find a way of giving companies a gentle annual prod in the direction of appointing an audit committee. I have found a formula which I have therefore incorporated in the Bill. I simply suggest that there should be an item on the agenda of the annual general meeting that the company must consider the appointment or re-appointment of an audit committee.

In order to make my recommendations more specific, I have taken a considerable amount of trouble to produce a schedule consisting of model regulations for the management of an audit committee. It could be a sort of addendum to table A for companies which wish to operate an audit committee. It would not be obligatory for them to follow the routine that I have suggested in the Bill, but I think that it is a businesslike start. If they want to operate an audit committee in a slightly different way, it would be entirely up to them to do so.

As the idea of audit committees for public companies is still rather unfamiliar in this country, I hope it will be found to be a useful feature of the Bill that it carries a schedule in which model regulations are set out. People who are familiar with what is normal practice in New York will recognise that I have copied many of the features from there.

If an audit committee is appointed, I conceive that it would make the non-executive directors more effective, because it would give them regular professional support from people who are independent of the executive management of the business. It would also put the auditors in a stronger position in their contacts with the board, because they would have a statutory procedure for keeping in regular contact with the non-executive directors.

I do not wish to dilate on this subject any more, although I think that it is a subject of general interest. I should like to conclude by saying why I think that the Bill is especially topical and necessary now.

I believe that it would have been good for British business if something on the lines of my Bill had been adopted 18 or more years ago when I first set out to advertise these reforms. Now, however, we are seeing the Government, quite rightly, promoting the concept of wider share ownership. This means bringing into the ownership of shares of public companies a large number of people who want to know how their companies operate. They would like to participate and ought to be given a satisfactory and worthwhile role.

I believe that the changes that I have suggested in the Bill would involve small shareholders more closely in the way in which their companies operate and give them an opportunity to express their views from time to time over such matters as the selection of the directors. It would also give the institutions ways of acting effectively on behalf of all shareholders equally, not just of other institutional investors or their own interests, without risking the accusation of insider trading.

We have the difficulty that so many of our large and influential shareholders are afraid to act except in the role of absentee landlords. If they see that something is not right with a company they do not seek to intervene, because they do not know how they can properly do so. Instead, they simply try to dispose of their holdings as quietly as possible before other investors detect the way in which the management may be allowing the business to slide downhill.

It is the lack of shareholder pressure effectively applied to management that is one of the principal causes of inefficiency in British businesses. The institutions have a responsibility to support changes in the law which would enable them to act in a proper way, and not in a way which would lay them open to charges of insider trading.

I also feel that the Bill is particularly topical because of the Government's campaign of privatisation—another development which I entirely support. We need to improve the qualtiy and effectiveness of the responsible supervisory element within businesses which may not be subject to competitive pressures and which may be too large to be assessed correctly by outsiders.

The business of supervising the executive management of a large undertaking from within in a benevolent way is something which the House should encourage. There are restraints on the way in which the supervisory elements operate within businesses at present because, unfortunately, we are allowing our company law to become increasingly obsolete.

I hope, therefore, that the Bill will proceed to Committee. On two previous occasions it has completed its Committee stage. I believe this is a useful way in which hon. Members who are interested in studying questions concerning the efficiency of business can occupy their time. I am not asking for very much time, because it is only a short Bill, but I should like it to make progress. Indeed, I should like it to complete all its stages. However, even if it only reaches a Standing Committee and does not go through all the remaining stages at this point in the Session, I am sure that it would at least attract informed attention and support in appropriate quarters outside the House. The Bill is not controversial on party lines; it has all-party support. It is not burdensome on management. I believe that it will be beneficial to all concerned with the success of British companies.

2.5 pm

Mr. Jeremy Hanley (Richmond and Barnes): I welcome the opportunity to support my hon. Friend the Member for Kensington (Sir B. Rhys Williams). I hope that I may say without embarrassment to him that I have been an ardent fan of his and his regular annual Bill for the past 17 years. The reason is better explained if I declare an interest. I am a Fellow of the Institute of Chartered Accountants in England and Wales, a Fellow of the Association of Certified Accountants, and a Fellow of the Institute of Chartered Secretaries and Administrators.

When I qualified as a chartered accountant in 1969, my first job was as a lecturer in accountancy. One of my tasks was lecturing in company law. Every year one has to teach one's students existing law and some of the subjects that might be introduced over the coming year or two. Each year, as the law has changed, the forecast for the future has not. It has always been for audit committees, and it has always been with great respect that we have looked at the legislation proposed by my hon. Friend to the House.

My hon. Friend sometimes reminds me of Lord Denning, inasmuch as a student of Lord Denning once wrote to him, "Dear Lord Denning, Please, no more law reform. I am having trouble learning what there is." All I can say is that, with audit committees many students

qualified long ago knowing the terms of my hon. Friend's Bill in its various guises. The first time that I came to the House to see a Standing Committee was to view my hon. Friend—not a Prime Minister, but my hon. Friend—discuss a Bill very much like this one in the Committee on the Companies Bill in 1978.

I support the Bill and wish that the Government would give it a Committee stage. I go further and say that I believe that the need for an audit committee in major companies has been proven time and again. In 1977 the Confederation of British Industry set up a working party and came out broadly in favour of the principles of the Bill. The CBI said:

"the operation of audit committees within certain companies might be an effective method of ensuring the independent review of those companies' financial activities, of improving the existing internal and external audit procedures, and of letting it be seen that these requirements were being met".

The CBI's working party was opposed to statutory compulsion, but it welcomed an experiment. Soon after, the Institute of Directors similarly recommended an experiment.

Every profession is proud of its house journal. The house journal of the accountancy profession is the magazine *Accountancy*. No doubt the 1,000th edition of any magazine is a milestone. The fact that the editorial of the 1,000th edition cried out for audit committees shows the importance of the subject to the informed accountancy world. It was even mentioned in the White Paper entitled "The Conduct of Directors". In fact, it has been mentioned so many times that I cannot believe that it has not become law by now. In the United States audit committees have become compulsory in New York. Therefore, I should spend a few minutes saying why I believe that audit committees should be introduced.

Audit committees can made a substantial contribution to helping directors fulfil their responsibilities. They can help directors to understand, perhaps from a different point of view, the way in which financial matters should be assimilated and then given to shareholders. They strengthen the role of non-executive directors. In the Bill, my hon. Friend expands upon the role and position of non-executive directors, and there is nothing more anomalous in existing company law than the fact that it makes no distinction between executive and non-executive directors. A difference should be drawn.

The third advantage of an audit committee is that it strengthens the objectivity and credibility of financial reporting. The board would be more answerable to each of the various specialists within the board and a specialist within the board would have to answer to an independent committee of his peers rather than merely to the clique that so often exists in some companies.

Fourthly, an audit committee would strengthen the independence of the audit function, and not merely the external audit function, but the internal one as well. An audit committee could choose the external auditor rather than that auditor being hired through some old boy network. I am not saying that that occurs much, but it is common for a chief executive, when moving from company to company, to take with him the firm of auditors with which he has built up an understanding and relationship. I am not saying that that reduces independence, because honourable people will act honourably, but it will help independence to be seen to be done if the auditor can be chosen by a fully independent audit committee. That would lead to greater control over the chief executive.

The fifth advantage is that an audit committee would improve the quality of the audit and accounting functions, in that an independent committee of the board is more likely to be able to see what is wrong with the internal functions of a company. A sort of paternalistic pride goes with setting up an accounting organisation within a company, and it is sometimes difficult to be detached enough to see that it is ineffective. If one works full time in a company, it is often difficult to have the experience to see what is actually happening outside. The ground shifts and systems change, and the future for that company may well be in progress which cannot be seen internally.

The last advantage of many that I could mention is that it improves communication between directors, auditors and the management of a company. It helps everybody to understand his role. The consultative committee of the accountancy bodies said that any audit committee should contain at least some of the following matters. It should contain a majority of the committee's members, including its chairman, and the majority should be non-executive directors. The chairman of the committee should also be non-executive. It said:

"the establishment of a committee should not reduce the collective responsibility of the whole board for financial . . . matters".

Indeed, it said that the committee should be totally non-executive.

The first of the only other two points that it makes and which I should like to mention is that the committee should be required to review at regular intervals the internal control system of the business. That is something that many executive directors find they have a little time or desire to do. The other recommendation is that the committee should meet the external auditors at least once a year, and that whenever the external auditors consider that a matter should be brought to the attention of the board of directors, it should be discussed.

The discussions between external auditors and directors should not merely take place in the office of the chief executive or the chief accountant, but should be open within the ambit of the audit committee. The remaining desirable features are helpfully set out in the appendix to the Bill about which my hon. Friend has spoken. I assure my hon. Friend that, because the appendix is not covered by copyright, it will be seen by thousands of future students and I hope that I have his permission to plagiarise mercilessly. It will certainly save me some trouble in the future.

Another point about audit committees is that in the United States, where they have been compulsory on the New York stock exchange since 1978, they have proved to be a success. I know a number of non-executive directors who serve on audit committees, and they felt that those committees have brought real accountability to the companies.

Audit committees have not been established under law because there are some disadvantages. It is argued that they split the board, that they would be seen to be cheating on themselves, that they would be seen to be ferreting for information to try to catch the chief executive out. I disagree. Splits already occur in boards. The point about an audit committee is that it can be properly and fully informed about matters on which non-executive directors

[Mr. Jeremy Hanley]

are often not informed. Non-executive directors bring experience from outside. Such committees would help them to gain greater information about the internal workings of the company which they are trying to assist.

Another disadvantage, it is said, is that audit committees tend to pre-empt two-tier boards. I know that the Opposition support the idea of two-tier boards, whereas we do not. That argument is irrelevant, however, as the committee would be a sub-committee of a main board and therefore able to exist by itself. Another disadvantage, it is suggested, is that audit committees would encroach on management responsibilities. On the contrary, they would be supervisory of, and helpful and an independent source of advice to, management. I believe that management would be proud to work in an environment in which its skills could be recognised and rewarded properly.

It is argued that audit committees would be powerless if they could not enforce the recommendations or the report to their shareholders because they would not have executive power. I can think of nothing more powerful than an audit committee, by statute, insisting that its report be given to shareholders. That is an important element to build into the Bill in Committee.

One of the Government's major criticisms is that audit committees are not practicable in the United Kingdom because there are not enough non-executive directors to serve on them. I submit that we have not tried to find out. In an environment in which 35 per cent. of *The Times* top 1,000 companies have fewer than three non-executive directors and 25 per cent. have none, it is difficult to discover who would be able to put himself or herself forward.

One of the Government's criticisms of audit committees is that they smack of quangos. They suggest that the big companies, which my hon. Friend suggests should have audit committees, are exactly those which do not need them and that therefore to have an audit committee would be to have a quango forced on a company which is trying to be efficient. That argument is not valid, and I suspect that the public would not think it valid either.

Audit committees would cost a little more, but savings would flow from better management of internal systems. I believe that they would be extremely effective. The experiment in America, on which we can draw, has proved their need and worth. The Government ought to introduce an experiment in the larger companies, although I should like all public companies to submit themselves to audit committees.

That might be a dream, but I should like to conclude by drawing on my hon. Friend's analogy. He said that limited liability companies and cricket have a lot in common. Following the recent performance of the England team in the West Indies, I suggest that he is wrong. It is not limited liability, but limited ability, that worries us. It is not enterprise and expansion, but liquidation, about which we must be concerned. I strongly hope that the English team is not wound up. I believe that it needs an independent committee to which it can refer, and I should like my hon. Friend to serve on it.

The Bill is worthy, and has been for 17 years. I hope that the Government will give it a fair hearing.

2.18 pm

Mr. Bryan Gould (Dagenham): I pay tribute to the hon. Member for Kensington (Sir B. Rhys Williams), who has mounted a long and persistent campaign to draw the House's attention to an important matter. He and the hon. Member for Richmond and Barnes (Mr. Hanley) have shown that they believe that there has never been a more propitious moment for that 17-year-long campaign to reach fruition.

There is an undoubted and growing anxiety about how corporate affairs are monitored. That anxiety manifests itself in many ways, such as anxiety about how corporate bodies are supervised, and proposed Government action on the role of auditors. Concern was expressed in our deliberations last session on the Insolvency Act about the way in which the privilege of limited liability can be abused. There is currently concern, through the work of the House on the Financial Services Bill, about the protection of investors, particularly in corporate matters. I am glad to say that all that is backed up by indications from the Government of increased practical action to enforce the existing rule for the filing of annual returns and so on.

There will surely be a general endorsement of and welcome for the principles that underlie this Bill. One of the features that distinguishes to our disadvantage our system of doing things from that of rather more successful economies is that we have less disclosure and availability of information about the affairs of companies than is the case in, for example, the United States. We need that greater availability and a more efficient means of controlling, monitoring and supervising the financial administration of companies both in the interests of the investors and also of the efficient administration of companies and the business sector as a whole.

The preoccupation of the hon. Member for Kensington could accord very well with that increasingly held perception that limited liability—although I am happy to endorse the encomium by the hon. Member for Richmond and Barnes (Mr. Hanley)—is a privilege that carries with it commensurate responsibilities. We are quite entitled to look at the way in which those responsibilities are discharged.

The Bill is a modest provision. The hon. Gentleman has wisely stopped short of including any mandatory measures. All it does is invite companies to set up audit committees if they so wish and to rely on a statutory provision notwithstanding anything in their own articles. That is probably the right way to proceed. We can all accept that audit committees, despite arguments against them, would be a valuable step towards making information more readily available.

I have one slight cavil about clause 6. The hon. Member for Kensington has rightly identified a problem of pressing current concern. Accountants and auditors are increasingly worried both about the scope of litigation that they face in this and other jurisdictions and about the increasing difficulty of ensuring adequate insurance cover against awards and damages. Thus, the hon. Gentleman is right to direct attention to the problem, but I am concerned whether he has found the right solution.

I am not sure whether I know the right answer, although I have seen a range of possible answers, including limited liability. I believe that in clause 6 the hon. Gentleman may have gone for a solution that is a little odd. If we get to

Committee, we can assess whether there might be different ways of limiting liability or in other ways meeting the real concerns of the accountancy profession.

The hon. Gentleman is right to say that there is great concern about the level of fraud in corporate and other financial affairs and undertakings. However, an equally important matter to which we should devote attention is to ensure that the law in this field is properly drafted so as to secure the effective administration of our corporate undertakings. This Bill can contribute usefully in that direction.

2.24 pm

The Parliamentary Under-Secretary of State for Trade and Industry (Mr. Michael Howard): It is an agreeable although somewhat challenging task to have the duty of replying to my hon. Friend, the Member for Kensington (Sir B. Rhys Williams) who once again has brought before the House a Bill to amend company law.

My hon. Friend's campaign on this matter has indeed been long, and I am sure that he has broken many records for such a campaign. I wish to join other hon. Members in paying tribute to him for his persistence and determination in waging that campaign. He has been reinforced on this occasion by the advocacy of my hon. Friend the Member for Richmond and Barnes (Mr. Hanley) who takes a close and constructive interest in these matters and who made a number of intelligent points, as did the hon. Member for Dagenham (Mr. Gould) in his brief but characteristically eloquent contribution to the deliberations of the House.

Since my hon. Friend the Member for Kensington began his long campaign—some 17 years ago—there has certainly been no lack of companies legislation, both in response to changing circumstances at home and to implement our European Community commitments. Without any attempt at producing a comprehensive list, I can site the Companies (Floating Charges and Receivers) (Scotland) Act 1972, section 9 of the European Communities Act 1972, the Companies Act 1976 the Insolvency Act 1976, the Companies Act 1980, the Companies Act 1981 and the Companies (Beneficial Interests) Act 1983, all of which—and more—have now been consolidated.

In addition, as my hon. Friend the Member for Richmond and Barnes knows particularly well, we have the very important Insolvency Act 1985. The Financial Services Bill has received its Second Reading and has been considered in Committee. There will be secondary legislation later this year to implement the third and sixth company law directives. Thus, there has been and will be no shortage of companies and related legislation. There are times when I echo the views of those who argue that there is sometimes a little too much. Indeed, my hon. Friend recognised the existence of this disenchantment in a speech on an earlier, somewhat similar, occasion in 1982.

It might therefore be convenient if I describe briefly the Government's general approach to proposals for change in company law. It is based on the following considerations. First, proposals for changes must be based on more than theoretical arguments. There must be a demonstrable need for change with a marked balance of advantage over disadvantage. We are most concerned to avoid placing new burdens on industry and commerce, unless there is a strong case for additional protection for creditors and shareholders.

Secondly, because of the risk of promoting legislation which is technically defective, wherever possible such legislation should be preceded by thorough and extensive consultation with interested parties, including the professions. Thirdly, although inevitably there are occasions when the national interest requires the views of particular interested parties to be given less weight than they would wish, it is important as far as possible to attract the support of interested parties for proposed changes.

I fully understand that the intention behind my hon. Friend's proposals is to improve the efficiency of British business by arresting what he believes to be a long-term decline in the effectiveness of shareholders and the efficiency of directors and managers. The question is whether the proposed changes are necessarily the most effective method of achieving that objective.

I shall look in detail at the Bill's proposals. They fall under five separate heads. First, the directors' report of every public company shall state which of the directors is a non-executive director.

Secondly, every public company shall circulate a list of candidates for election as director 21 days before the meeting at which the election will take place. If a candidate so requests, the company must circulate a statement of not more than 200 words describing his qualification for election. The list of candidates shall specify those who are seeking nomination as non-executive directors.

Thirdly, the agenda for every annual general meeting of a major public company shall include, as a separate item, the consideration of the appointment or reappointment of an audit committee of the board. The Bill goes on to set out in some detail how such a committee would be constituted and provides a set of model regulations for such a committee.

Fourthly, the directors of every public company are required to produce, at least once in each financial year, such data and estimates about the company's business and estimates of its future business as will allow a reasonable assessment to be made of the company's ability to carry on business as a going concern and to pay its debts as they fall due. Such data and estimates must be provided to the company directors, the company secretary and the auditors, who, if in their opinion the requirements have not been complied with, must say so in their report.

Last, but by no means least, the Bill limits the liability of any individual appointed as auditor, or of an employee of an auditor, to a maximum of £50,000 for negligence, default or a breach of duty.

Four of the proposals concern activities of the board. Three would be mandatory — those relating to the identification of non-executive directors, the circulation of details of candidates and the preparation of data and estimates. The fourth, that relating to audit committees, would be voluntary. I shall come to the final proposal, that relating to the liability of auditors, in due course.

I have to say that, in the Government's view, the first four proposals would not, either taken singly or together, have the effect that my hon. Friend hopes to achieve. There are advantages in the appointment of non-executive directors to public limited companies, particularly those which are quoted on the stock exchange, who are able to make——

It being half-past Two o'clock, the debate stood adjourned.

Debate to be resumed upon Friday 25 April.

Private Members' Bills

TOBACCO PRODUCTS (ADVERTISING) BILL

Order for Second Reading read.

Hon. Members: Object.

Mr. Deputy Speaker (Mr. Harold Walker): Second Reading what day? No day named.

EMPLOYMENT (AGE LIMITS) BILL

Order for Second Reading read.

Hon. Members: Object.

Mr. Deputy Speaker: Second Reading what day?

Mr. John McWilliam (Blaydon): With the permission of the Member in charge of the Bill, Sir, Friday 4 July.

HEARING AID COUNCIL ACT 1968 (AMENDMENT) BILL

Order for Second Reading read.

Hon. Members: Object.

Mr. Deputy Speaker: Second Reading what day? No day named.

REDUNDANT CHURCHES AND OTHER RELIGIOUS BUILDINGS (AMENDMENT) BILL

Order for Second Reading read.

Mr. Deputy Speaker: Not moved.

INDECENT DISPLAYS (NEWSPAPERS) BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 25 April.

FORESTRY BILL

Order for Second Reading read.

Hon. Members: Object.

Second Reading deferred till Friday 2 May.

TOBACCO PRODUCTS (TELEVISION BROADCASTS) BILL

Order for Second Reading read.

Hon. Members: Object.

Mr. McWilliam: With the permission of the Member in charge of the Bill, Sir, Friday 4 July.

TOBACCO PRODUCTS (SPORTS SPONSORSHIP) BILL

Order read for resuming adjourned debate on Second Reading [21 February].

Hon. Members: Object.

Second Reading deferred till Friday 25 April.

RENEWABLE ENERGY SOURCES (PROMOTIONS) BILL

Order for Second Reading read.

Mr. Deputy Speaker: Not moved.

STATUTE LAW REPEALS BILL *[LORDS]*

Ordered,

That, in respect of the Statute Law Repeals Bill *[Lords]*, notices of Amendments, new Clauses and new Schedules to be moved in Committee may be accepted by the Clerks at the Table before the Bill has been read a second time.—*[Mr. Neubert.]*

Partnership Status (Newham)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Neubert.]*

2.32 pm

Mr. Ron Leighton (Newham, North-East): The east London borough of Newham has suffered cruelly from seven years of Thatcher government. All its problems have been aggravated and exacerbated. It faces a crisis of decline and decay, and this speech is a cry of pain. My purpose is to state the facts, and to ask the Government to face their responsibilities to help and assist the borough, not to damage it further.

Much of Newham was built in the middle of the last century. Much of its economic life derived from the port of London and the industry and commerce that went with it. Now the port is no more, the old industries have left, much of the housing stock is decaying, and unemployment is rife. We share many of those problems with other inner-city areas, which are time bombs ticking away, threatening to explode. The better off move out, leaving behind those with fewer skills. The major employers leave, and monetarism blights the few remaining companies which are struggling to survive.

In that vicious circle, as jobs go, incomes fall, housing becomes dilapidated, the area becomes down at heel and tatty, and graffiti, vandalism and crime grow. It is in such areas that those out of work become the long-term unemployed, the least skilled are likely to live, the old are most likely to be made redundant, and the young have greatest difficulty in finding work. Moreover, the ethnic minorities are over-represented in all those groups. The frustration from that additional layer of racial disadvantage makes a combustible mixture.

We are becoming an increasingly divided nation; divided between the comfortable Britain of the well housed, with jobs, who live in the suburbs, and the Britain of the poor in our discarded, crumbling inner cities. There, the young are an outcast generation, shut out of society. There are also signs that we are creating a new black under-class—a phenomenon which has no parallel in British working-class history.

Nowhere has the impact of Government economic policy been more harshly felt than in the inner cities. To make matters worse, there has been a massive switch of Government resources away from the inner cities. Nine years ago the Labour Government designated 14 of the 364 local government districts in England as areas of exceptional deprivation and need, for which additional resources had to be found. They were grouped into partnership areas. Three instruments of policy were used to help them: the rate support grant, based on an assessment of needs, the housing investment programme, and the refurbished urban programme.

What has happened since? In real terms, the urban programme in those areas has been increased from about £150 million in 1975 to about £200 million in 1984—in constant prices, an increase of £50 million. However, the rate support grant has been reduced in constant prices by no less than £720 million. In the same period in those 14 areas, the housing investment programme has been reduced in constant prices by £270 million. Those 14 areas of great deprivation have been savaged in six years to the tune of £900 million a year.

It is no wonder that there is an inner-city crisis, social tension, disturbances, petty theft, house-breaking and drug abuse. If there is not to be a breakdown of society in Britain, the Government must take emergency action to tackle the inner-city crisis. Several Government Departments must co-operate in a major development of urban policy. It is no good expecting the invisible hand of the market to solve the problems or addressing them in the rhetoric of the competitive race or saying that these areas should stand on their own two feet. It cannot be left to the private sector, because there is no private profit in clearing away dereliction. Those areas do not have sufficient own resources. It is a national responsibility. There can be no substitute for the public sector taking the lead in halting the downward spiral and creating the environment and conditions for the private sector to follow.

Let me deal with the borough of Newham, which has been treated so unfairly by the Government. The people of Newham face a range of social, economic and environmental problems which are greater than almost anywhere in the country. What are the facts? Some 20,000 people—20 per cent., or one in five, of the work force—are unemployed. Since the Government came into office, 150 Newham residents have joined the dole queue every month. Sixty-five per cent. of council tenants qualify for housing benefit. Well over 30,000 are on the bread line, drawing means-tested supplementary benefit. Many thousands of children live in those families.

Housing is a major headache. The cheaply built working-class housing of Victorian times badly needs renewal. Post-war rebuilding has added problems of high-density, high-rise estates. Newham has 112 tower blocks, including the tragic Ronan Point, and more people living above the 10th floor than in any other area of the country. There are 11,000 households without baths or inside toilets. More than half the privately rented homes do not have those facilities. There are nearly 6,500 overcrowded households and more than 5,000 single-parent households. The waiting list for council housing is 7,300—59 per cent. up on 1983. Can the Minister understand the number of housing cases with which I must deal in my advice surgeries?

Despite those needs, which mean that Newham rates second only to Lambeth in housing need, the council receives a housing investment programme allocation from the Government smaller than that of almost all the inner London boroughs.

A Department of Education and Science study showed that, of 104 education areas in England, Newham has the highest percentage of children from low socio-economic roots, the highest percentage of children living in poor housing, the fourth highest percentage of non-white children and the fourth highest percentage of children from large families. About 35 per cent. of schoolchildren come from ethnic minorities. This large cultural diversity needs a wide range of special curricula.

As a result of difficult backgrounds, motivation and aspiration are low. Only 3 per cent. of children go on to university and another 5 per cent. to other forms of higher education — the second lowest in the country. By contrast, in Richmond upon Thames, 18 per cent. of children achieve university entrance. Many of Newham's schools are Victorian or Edwardian buildings lacking play space or sports fields.

The people of Newham come from many races and cultures. Well over a quarter belong to one of the New

[Mr. Ron Leighton]

Commonwealth ethnic groups. Only Brent and Hackney have a larger black ethnic population, and they both receive special urban programme resources, while Newham does not. For Newham's ethnic minority groups, the problems of inner-city deprivation are compounded by racial disadvantage and discrimination. Newham's ethnic minority communities have special requirements which need additional resources. The size and diversity of Newham's ethnic population means that we have a range of needs, aspirations and outlooks, so that the task of fulfilling them is more complex and extensive than in other areas.

Newham has more than its fair share of social problems and of people in need of special care and attention. The frail, the elderly, single parents, families in tower blocks, the ill and the handicapped all make heavy demands on the borough's social services. Mortality and morbidity rates are above average. Many young people are disillusioned about the prospects of life on the dole and have slipped into a sub-culture of truancy, vandalism and crime. Too many get into trouble with the police.

That is Newham's plight. It needs special urban programme support in the form of partnership status. On the positive side, Newham's communities are resilient. They showed that during the blitz. There is a wealth of talent and of ideas for overcoming the difficulties. In this spirit, public, private and voluntary agencies have joined together to produce an action plan in anticipation of partnership status and the additional funds that it would produce.

The plan embraces six main proposals. First, we need to tackle unemployment and local employment problems, supporting existing jobs and firms and encouraging new jobs and investment. Secondly, we need to improve the physical environment. There is much to be done in improving drab local surroundings. Thirdly, we need to overcome Newham's acute housing stress. That would directly improve people's quality of life and in particular reduce the stresses reflected in the indicators of poor health and social and educational disadvantage. This would encourage skilled and qualified workers to stay in, or move to, the borough.

Fourthly, we need to tackle racial disadvantage and promote good race relations. Newham is a prime example of a multiracial society. We want to build on our vibrant multicultural community, in which everyone participates fully in the life of the borough. Our ethnic minorities need full access to the range of local services and help in establishing their own facilities to meet the social, educational and cultural needs of their communities.

Fifthly, we need to cope with social stress and people in need. Newham has a disproportionate number of people suffering from the stresses of low income, unemployment, old age and disability and in need of health and support. The strategy is to develop complementary statutory and voluntary services to help people to lead full lives. We want to develop care in the community rather than in institutions. In addition, the borough wants to develop intermediate treatment projects as an alternative to custodial care for juveniles in trouble.

Sixthly — last but not least — we need to widen educational opportunity and to help people to realise their full potential.

I have outlined the borough's problems and how local people want to tackle them. The plan and the approach to that Government have the full support of Newham council, Newham health authority, Newham chamber of commerce, the Newham voluntary agencies council and the Newham race relations association. It is also, of course, supported by my hon. Friends the Members for Newham, South (Mr. Spearing) and for Newham, North-West (Mr. Banks), whom I am pleased to see in the Chamber. I am making a plea for central Government to stretch out their hand in partnership and to work in co-operation with Newham to solve the borough's problems. So far, the Government have discriminated against the borough. The Government's statistics show that other areas, less deprived, get more. Nor does the allocation of traditional urban aid offer a solution. Newham receives less and less from the source every year.

Only partnership status will give an assured source of special financial resources. It is a mystery to me why it has not been granted already, and why Newham is discriminated against. When we visited the Under-Secretary of State recently, the hon. Lady said that she was mystified as to why adjacent and very similar boroughs were sometimes treated so differently. I will hazard a guess about the reason. Such decisions are often worked out by computers in the Department. I suspect that someone has fed into the computer the information that part of Newham falls within the area of the London Docklands development corporation, which is given extra resources to promote development in dockland. The computer has concluded that Newham is already being aided and therefore does not qualify for partnership status. Incidentally, Tower Hamlets has partnership status, although it is also a dockland borough.

If this is so — it is the only explanation that I can think of—the Minister should tell the computer that it is a delusion and a misreading. Other facts should be fed into the computer. Although one third of the borough's space is in docklands, 94 per cent. of its people live outside. The non-docklands part of the borough has a population greater than the whole of Hackney or Tower Hamlets and has a range of inner-city problems of the same magnitude, but it does not receive the resources that these adjacent areas receive.

The majority of the ethnic minorities live in the north and east of the borough. Action to meet their needs will have to be concentrated there. The computer should be told as soon as possible that the establishment of the LDDC by the Government has made it more difficult to tackle the borough's problems. For example, the LDDC's concentration on building homes for sale has depleted the land stock that had been reserved for council housing. That makes it more difficult to reduce housing shortages and retards the process of decanting young families from tower blocks. The needs of the north of the borough where my constituents live are different from those in the docklands. Partnership resources are urgently needed to meet those needs.

I hope that the Minister will not try to fob me off by talking about the traditional urban programme. The seven partnership authorities receive an additional £10 million to £25 million each, and even the 23 programme authorities receive an additional £3 million to £6 million each, but Newham receives only £1·5 million under the urban programme. Newham is more deprived than six of the

seven partnership authorities and more deprived than all the programme authorities. What explanation do the Government have for that unfair treatment of Newham?

It is no use the Minister talking about urban development grants. Newham has received only one large grant, for Gunson Sortex. Such grants do not tackle social problems and are limited by the private sector's interest. Few firms are coming forward with plans.

The Minister should not talk about other designated districts or ODD funds. Newham receives only £400,000 here. There are six applications for derelict land grants in, and we are awaiting the results.

Traditional urban aid is the only source of special Government funding available to Newham for community and social projects, but this is actually being reduced. In 1985-86 the figure was unchanged, at about £400,000, but the 1986-87 grant has been cut by almost half, to £254,000. Why is Newham being treated so badly?

The one-off nature of the funding contrasts sharply with the rolling programmes which are a feature of partnership authorities. Newham has only mainstream funding. Exchequer support for council revenue expenditure has been cut from 61 per cent. in 1979-80 to 46 per cent. in 1986-87. This has resulted in losses of tens of millions of pounds to the council.

In recent years the council has been able to use internal funds to meet part of its annual expenditure. It has done that to keep rates lower than they would otherwise have been. This is sometimes called creative accounting. However, in 1986-87 it is not able to do that. Although revenue balances will be used to alleviate the final rate demand, a strong element of shortfall has to be passed on to the ratepayer. Rates are being increased by 13 per cent. this year because of Government rate support grant cuts. Newham's rates have gone up this year because, by special measures, the council kept rates down in previous years.

The Minister has been to Newham. He knows about its severe problems. He must also know that Government action in mainstream capital and revenue finance to the borough and the absence of partnership status shows a complete disregard for the problems. The Government have made false promises to the people of Newham If the urban crisis in Newham is to be tackled vigorously, new programmes, projects and facilities will be required. Newham's case for partnership, which the Government are sitting on, identifies a practical strategy and a plan of action for addressing these issues.

Do we have to wait for a new Government before there is action? I look forward to hearing whether that is so. I call on the Government to work with us to help the borough to implement the new programmes, to tackle the special and severe problems of Newham by giving partnership resources and creating conditions which can offer a more purposeful and rewarding way of life to my constituency.

2.50 pm

The Parliamentary Under-Secretary of State for the Environment (Sir George Young): I congratulate the hon. Member for Newham, North-East (Mr. Leighton) on his presentation of the case for Newham. If promotion to partnership status were based just on the energy, persistence and eloquence of Newham councillors and Members, Newham would have been promoted some time ago; however, the Government have to take other factors into account.

As the hon. Member said, the case has been put to me on several occasions and, more recently, on 10 March, to my hon. Friend the Under-Secretary. I have been to Newham several times and have had a guided tour with the both the hon. Member for Newham, North-East and the hon. Member for Newham, North-West (Mr. Banks). I have met leaders of the council on several occasions, and through my contact with the London Docklands development corporation, I have an insight into some of the difficulties that the hon. Gentleman mentioned. I would not dissent from some of his analysis, although he will not expect me to endorse his criticisms of the Government.

We accept the need for Newham to be given help to take advantage of opportunities for urban regeneration and to tackle the social, housing, economic and educational difficulties in the borough. Sadly, these problems are not peculiar to Newham. They are shared with many inner-London and a few other outer-London boroughs, but I accept that they are present in acute form in Newham; that underlines the need for priority to be given to the borough in distributing any additional resources.

While recognising the strength of Newham's case for partnership status, we consider it important that existing partnership and programme authorities should receive support that is sufficiently substantial and long term to underwrite a full programme of projects, so that a real impact can be made on the ground and an assessment made of the relative merits of different types of projects.

Limited urban programme resources have meant that we have had to restrict the number of partnership and programme authorities to avoid spreading resources too thinly. Total urban programme resources are constrained and there is little likelihood in the immediate future of further partnership or programme authorities being created. I know that this will come as a disappointment to the hon. Gentleman, and to Newham, but I can assure him that this is something that we keep under review, and that Newham's case will be given priority if and when changes are made. This does not mean that we are currently ignoring Newham's problems or refusing to help the borough. Help is being offered to Newham in a number of ways.

The hon. Member ended by referring to rate support grant and the rates, but he was on fairly thin ice there. Under the 1986-87 settlement, we were willing to increase Newham's rate support grant by £21·8 million—that is, 34·7 per cent. — over 1985-86, for spending at the assumed level of a 3·4 per cent. increase on 1985-86 levels. We estimated that Newham's expenditure would increase by 14·5 per cent. largely due to abolition of the GLC. The proposed settlement would have allowed for a rate reduction of some 14 per cent. Unfortunately, Newham has chosen to increase spending by as much as 26 per cent., and it has therefore inflicted on its ratepayers the largest rates increase — 12 per cent. — in London. The hon. Gentleman must accept that that represents an opportunity lost to ease the burden on local residents and business and to encourage enterprise. I mention this only because the hon. Gentleman spoke in a somewhat provocative way in that regard.

We are determined to help Newham to tackle its urban problems in a number of specific ways. It is an "other designated district" in urban programme language and is making good use of its powers under the Inner Urban Areas Act, with the aid of grant from the Department.

[Sir George Young]

In 1985-86 we approved 79 projects, attracting grant of nearly £360,000. Of those approvals, more than a third were rent grants for start-up businesses taking space in the Stratford workshops—the old Plessey works, which had been converted to provide 93 small managed workshop units. I recently approved a project to provide additional workshop space at the Shalom employment action centre, with grant support of £47,000. That centre is aimed at the long-term unemployed. The majority of users are from Asian or Afro-Caribbean backgrounds and special provision is also being made for the young unemployed.

In relation to the traditional urban programme, £694,000 was allocated in 1985-86, compared with £264,000 the previous year. There were exceptional reasons, due to underspend elsewhere, and I cannot hold out any prospect of such a large increase this year. Nevertheless, that was a substantial sum to help industrial and commercial projects in Newham. Quite a few of the projects were aimed directly at ethnic minority groups. At the top of the list, approvals for children's holiday projects worth nearly £32,000 were given and the Department is making more than £500,000 available to help Newham to support voluntary bodies previously backed by the GLC.

Mr. Tony Banks (Newham, North-West): We are grateful for the various packages offered by the Government, but does the Minister accept that, as Newham is the second most deprived local authority area in England, the resources received from the Department are inadequate to deal with our problems?

Sir George Young: The reality of government, as compared with the aspiration of opposition, is that one has to make difficult decisions. The London borough of Haringey, for example, can make a case almost as eloquent as that made today for Newham, but if we promote boroughs such as Haringey and Newham we must inevitably demote others. If one accepts that the purpose of the partnership programme is to make a sustained attack on the problems of a borough, it cannot simply be switched off from one year to the next. We are committed to an element of continuity in the programme and it is difficult to promote boroughs such as Newham and Haringey unless additional resources are made available for the programme as a whole.

Mr. Banks: That is up to you.

Sir George Young: With regard to derelict land——

Mr. Leighton *rose*——

Sir George Young: The hon. Gentleman slightly over-reached his time, and I wish to say something about derelict land.

The impression that I got when I visited the borough was one of considerable dereliction. The Department is writing to Newham today to convey approval of two projects for derelict land of some £36,000, with the possibility of further approvals to come. The two approved projects involve the reclamation of land and buildings off High street, Newham at the Bow bridge site—I do not know which hon. Gentleman has the fortune to have that site in his constituency—and off the North Woolwich road at Knights road, in an industrial improvement area.

The first project concerns the clearance of land and the second involves the clearance of obsolete industrial buildings and the removal of rubble. We have also been discussing with the borough and with the gas board the possibility of supporting, through derelict land grant, a major survey of the Beckton gasworks site. We are now awaiting proposals from the gas board, which we shall consider as positively as we can.

It is true that, so far, only one approval has been given for urban development grant — the Gunson Sortex project — but the Department is in touch with the borough about two possible further projects and I am pleased to see that good progress has been made in working up those cases.

As the hon. Member for Newham, North-East knows, we set up an urban housing renewal until last year, with £50 million available, to tackle local authority housing problems. On top of that, resources were available for community refurbishment schemes to improve municipal estates. I am glad that, at the council's request, my Department's urban housing renewal unit was able to visit Newham on 6 February to offer advice on how to tackle some of the worst rundown housing estates.

As a result of that visit, the borough has now submitted proposals for four schemes involving the Rathbone estate, Clements Avenue estate, James Sinclair Point and Dennison Point. The proposals are now being considered, and my Department will be in touch with Newham shortly about some of the details.

The hon. Member touched on the London Docklands development corporation. It is not a computer which makes the decisions, it is the Minister. I am not sure whether that is good news or bad news for hon. Members. We know that the LDDC area represents a relatively small area of Newham. None the less, it has brought considerable investment and activity to the borough. For example, 1,339 homes had been built on LDDC land in Newham up to September 1985. That represents nearly two thirds of total house building on LDDC land.

Mr. Leighton: Prices.

Sir George Young: The hon. Gentleman shouts, "Prices." However, nearly half the houses have been sold for less than £40,000, which, for London, is relatively cheap. We have widened housing choice to residents of the borough. If the hon. Gentleman looks at those who have bought houses from the LDDC, he will find that a substantial number, about one third, are either tenants of existing local authority houses or those on the waiting list.

I hope that the wide range of projects and initiatives I have mentioned in the short time available will reassure the hon. Gentleman and Newham that the Government are concerned to help the borough with the process of urban regeneration. I am impressed by the width of support for the borough's efforts to stimulate the local economy and improve the environment and the efforts of all sections of the business community and the voluntary sector. Within the resources available, we will continue to give what help and support we can in working up good schemes for further specific grant support.

Mr. Leighton: Does the Minister not agree that the moral of what he has said is that the Government are not appraised of the seriousness of the inner-city crisis and are not putting in sufficient resources? Last year we spent half a billion pounds in the Falklands. Would it not be better to put half a billion pounds into our inner cities before they explode?

Sir George Young: When the Govenment took office in 1979, £90 million was spent on the urban programme. The figure for the current year is £317 million. It has gone up very substantially. Therefore, it is not true that we have switched our priorities away from the inner cities. We are spending more and more on them. We have introduced the derelict land grant scheme and the urban development grant and we have a new grant in the Housing and Planning Bill, currently going through the House.

Therefore, I reject the criticism that we are insensitive to the problems of inner cities. However, it is not just a question of public expenditure; it needs the commitment of the private sector and the voluntary sector. We are determined to harness the energy of those sectors in tackling the problems in Newham and elsewhere.

Question put and agreed to.

Adjourned at two minutes past Three o'clock.

Written Answers to Questions

Tuesday 8 April 1986

TRANSPORT

Route Miles

Mr. Stott asked the Secretary of State for Transport how many route miles have been registered with the traffic commissioners in accordance with the requirements of the Transport Act 1985 in the Greater Manchester passenger transport executive area.

Mr. Snape asked the Secretary of State for Transport how many route miles have been registered with the traffic commissioners in accordance with the requirements of the Transport Act 1985 in the West Midlands passenger transport executive area.

Mr. Barron asked the Secretary of State for Transport how many route miles have been registered with the traffic commissioners in accordance with the requirements of the Transport Act 1985 in the South Yorkshire passenger transport executive area.

Mr. Dixon asked the Secretary of State for Transport how many route miles have been registered with the traffic commissioners in accordance with the requirements of the Transport Act 1985 in the Tyne and Wear passenger transport executive area.

Mr. Wareing asked the Secretary of State for Transport how many route miles have been registered with the traffic commissioners in accordance with the requirements of the Transport Act 1985 in the Merseyside passenger transport executive area.

Mr. Pike asked the Secretary of State for Transport how many route miles have been registered by the National Bus Company with the traffic commissioners in accordance with the requirements of the Transport Act 1985.

Mr. Madden asked the Secretary of State for Transport how many route miles have been registered with the traffic commissioners in accordance with the requirements of the Transport Act 1985 in the West Yorkshire passenger transport executive area.

Mr. David Mitchell: Information on the routes of all services registered during January and February 1986 has now been published by each of the traffic commissioners, and the relevant issues of notices and proceedings will be placed in the House of Commons Library. However, operators were not required to provide information about route miles.

Channel Tunnel

Mr. Alfred Morris asked the Secretary of State for Transport if, further to his meeting with representatives of the North of England Regional Consortium, he has referred to British Rail for investigation the suggestions made to him in relation to improvements in the rail network in the regions leading to the proposed Channel fixed link, to the introduction of a single-fare zone for freight and to the provision of immigration and customs facilities in each of the three regions in the north of England; and when he expects to receive the views of British Rail for further discussion with the consortium.

Mr. Ridley: My hon. Friend the Minister of State, Department of Transport, wrote to British Rail on 14 March about the suggestions made to him by the North of England Regional Consortium at its recent meeting. He hopes to receive British Rail's views on those suggestions shortly.

Mr. Grylls asked the Secretary of State for Transport if the scope of discussion of the consultative committee between the Government and local authorities, referred to in paragraph 48 of the White Paper on the Channel fixed link, Cmnd. 9735, will include the option of a road tunnel.

Mr. David Mitchell: No. As defined by article 1 of the Channel fixed link treaty, the link is to be a "twin bored tunnel rail link, with associated service tunnel". The terms of reference of the joint consultative committee are:

"To consider all matters of concern to Kent in relation to the Channel Tunnel project with a view to minimising adverse impacts and turning to best advantage its potential to make a positive contribution for the benefit of the County".

Gipsies

Mr. Conway asked the Secretary of State for Transport if he will list the locations of land, owned by his Department, occupied by gipsies and the number of acres per site.

Mr. Peter Bottomley: I shall reply to my hon. Friend as soon as possible.

Mr. Conway asked the Secretary of State for Transport why it is his policy not to clear land owned by his Department of gipsies unless an authorised site is established in the area to which they can be moved.

Mr. Peter Bottomley: We follow a general policy of toleration where eviction would merely transfer the problem elsewhere in the absence of an authorised site. For non-highway land, we do evict if we require the use of the land. For trunk roads, we remove encampments where they are likely to endanger road users or themselves. Where such encampments are isolated and are not a nuisance, we tolerate them until other arrangements are made. If there are complaints of nuisance, we discuss alternatives with the local authority.

Liner Shipping Freight Rates

Sir David Price asked the Secretary of State for Transport what steps he took to make his Department's report on the inquiry into liner shipping freight rates available to hon. Members; and how many copies he placed in the Library.

Mr. Ridley: I answered a parliamentary question from my right hon. Friend the Member for Worthing (Mr. Higgins) on 24 March. A total of seven copies were placed in the Libraries of both Houses, in accordance with the normal procedures. I should, of course, be happy to send a copy to any Member who expresses a particular interest, and I am arranging for one to be sent to my hon. Friend.

Marine Pilotage

Sir David Price asked the Secretary of State for Transport why his response to the main recommendations of the report of the House of Commons Transport Committee on marine pilotage has not been printed as a Command Paper; and what steps he took to ensure that an adequate number of copies were deposited in the Library.

Mr. Ridley: I did not consider the response to be a matter of sufficiently general interest to warrant printing in the form of a Command Paper. The number of deposit copies placed in the Library was in accordance with standard practice. Additional copies were placed in the Vote Office as soon as it was known that there was a demand among hon. Members for personal copies.

Solent Estuary Port Authority

Mr. Colvin asked the Secretary of State for Transport what consideration his Department has given to the establishment of a Solent estuary port authority; and what have been his conclusions.

Mr. Ridley: None. I see no need for any change in the existing situation.

Seaports (Security)

Mr. McCrindle asked the Secretary of State for Transport what action he proposes to take to provide for the security of passengers at seaports; what discussions he has had with cruise liner owners and operators on this subject; what measures they will be encouraged to take to protect passengers; and if he will make a statement.

Mr. Ridley: Advice to British shipowners and operators on the protection of shipping from terrorist attacks was first issued in 1979. It is reviewed at intervals, most recently following the Achille Lauro incident. Owners and operators, with whom responsibility for ship security rests, are able to draw on it when formulating their overall contingency plans and plans for individual vessels. It would not be in the best interest of shipowners or passengers to give details.

At its meeting in January this year the maritime safety committee of the International Maritime Organisation considered anti-terrorist measures applicable to shipping, and will shortly be consulting member Governments on its proposals. Her Majesty's Government will be examining those proposals in consultation with ship and port owners and operators.

M25 (Noise Reduction Works)

Mr. Onslow asked the Secretary of State for Transport when he expects the noise reduction works on the M25 at Byfleet and West Byfleet to be completed.

Mr. Ridley: I expect the additional noise fencing in the Byfleet area to be completed by the end of June this year.

Okehampton Bypass

Mr. Steen asked the Secretary of State for Transport if, in the light of the facts that, in the circumstances as they were thought to be at the conclusion of proceedings in the Joint Committee on the Okehampton bypass special procedure orders, the Committee did not have the power to award costs, and that further exchange land as sought by the petitioners was identified by his Department only subsequent to the conclusion of the Committee's proceedings, he will assess whether the petitioners were unreasonably or vexatiously subjected to expense in defending their rights before the Joint Committee; and if he will make a statement.

Mr. Peter Bottomley: It is not considered that petitioners were unreasonably or vexatiously subjected to expense in defending their rights before the Joint Committee. There is no change to the views which my right hon. Friend and I have previously expressed in replies to my hon. Friend on 17 February, at column 92, and on 5, 10 and 20 March, at columns 167, 365, 249.

Test Centres

Mr. Waller asked the Secretary of State for Transport what recent delays have occurred in supplying forms to MoT test centres; and if he will make a statement.

Mr. Peter Bottomley: I apologise for the delays.

The average time taken to handle requests for test certificates increased from two to six working days. Extra staff have now been put on the work. The service will soon be back to normal.

Authorised examiners who have run out of test certificates can obtain supplies from the district offices of the Department's vehicle inspectorate.

Libyan Nationals

Mr. Peter Bruinvels asked the Secretary of State for Transport how many Libyan nationals are currently training at (1) Heathrow airport and (2) the Oxford air training school, Kidlington, Oxford.

Mr. Michael Spicer: My right hon. Friend the Home Secretary is responsible for the admission of foreign nationals to this country and any controls on their activities while here. My responsibility is for the aviation security programme, which does not apply to airfields such as Kidlington. I cannot therefore supply details of the number of Libyan nationals being trained by the Oxford air training school; but there are currently 157 Libyan nationals undergoing training courses which involve them spending some time at Heathrow.

PRIME MINISTER

Engagements

Mr. Wareing asked the Prime Minister if she will list her official engagements for Tuesday 8 April.

Mr. Leigh asked the Prime Minister if she will list her official engagements for Tuesday 8 April.

Mr. Greenway asked the Prime Minister if she will list her official engagements for Tuesday 8 April.

Mr. Ron Davies asked the Prime Minister if she will list her official engagements for Tuesday 8 April.

The Prime Minister: This morning I had meetings with ministerial colleagues and others, including one with the President of Kiribati. In addition to my duties in this House I shall be having further meetings later today. This evening I shall be presiding at a dinner for the President of the Republic of Korea.

South Korea

Mr. Conway asked the Prime Minister what representations she has received from the British Korean Veterans Association asking her to visit the graves of Kings Shropshire Light Infantrymen buried in the Pusan military cemetery, South Korea.

The Prime Minister: To date I have received none.

Mr. Ron Brown asked the Prime Minister what recent representations Her Majesty's Government have received about the suppression of trade union and civil rights in South Korea; and if she will make a statement about the visit to Britain by the President of South Korea, Chun Du Hwan.

The Prime Minister: Representations have recently been received from Amnesty International about human rights issues in the Republic of Korea.

The visit by President Chun Du Hwan is the first by a Head of State of the Republic of Korea and provides a welcome opportunity to exchange views on a wide range of topics.

Honours System

Mr. Dalyell asked the Prime Minister (1) if she will advise Her Majesty the Queen to appoint a Royal Commission on the honours system;

(2) if she will review the operation of the Honours (Prevention of Abuses) Act 1925.

The Prime Minister: No.

Mr. Gerry Gable

Mr. Dubs asked the Prime Minister if she will refer to the Security Commission the circumstances surrounding the alleged plan to intimidate, kidnap or murder Mr. Gerry Gable of *Searchlight* magazine.

The Prime Minister: No.

10 Downing Street

Mr. Meacher asked the Prime Minister what has been the cost of running No. 10 Downing street each year since 1979, both in current and constant prices; what has been the percentage increase annually in real terms; and what has been the annual cost since 1979 in foreign visits, entertainment, and allowances for accommodation.

The Prime Minister: I shall reply to the hon. Gentleman as soon as possible.

Deposit of Books (Policy)

Mr. Michael Brown asked the Prime Minister whether she will consider transferring lead responsibility for policy concerning the legal deposit of books and other printed publications with certain libraries from the Department of Trade and Industry to the Office of Arts and Libraries.

The Prime Minister: I have decided to transfer responsibility for legal deposit policy from the Department of Trade and Industry to the Office of Arts and Libraries. The office has general co-ordinating responsibility for library matters and it is anomalous that, for historical reasons which are no longer valid, policy for legal deposit comes within the copyright responsibilities of the Department of Trade and Industry.

A provision for this purpose is included in the Transfer of Functions (Arts, Libraries and National Heritage) Order 1986, laid before the House today, to take effect from 29 April 1986.

HOME DEPARTMENT

Seal Population

Mr. Onslow asked the Secretary of State for the Home Department what is the latest available estimate of the probable total population of grey and common seals in British waters in five and 10 years' time, respectively.

Mr. Mellor: Estimates of the future size of the grey and common seal populations are not available but at present there is no reason to anticipate any major changes over the next five to 10 years. Results of the most recent aerial surveys in 1985 are still being analysed, and when these are published it may be possible to make some predictions about the number of seals.

Remanded Persons

Mr. Flavell asked the Secretary of State for the Home Department how many persons currently remanded in custody have spent *(a)* more than 90 days on remand and *(b)* more than 120 days on remand.

Mr. Mellor: Information in the form requested could be provided only at disproportionate cost. It is estimated that on 31 January 1986, in prison department establishments in England and Wales there were about 2,600 untried and more than 400 convicted unsentenced prisoners whose date of initial remand into custody was more than 90 days earlier. Of these, about 1,800 untried and more than 300 convicted unsentenced prisoners had been initially remanded into custody more than 120 days earlier. These periods include any time spent on bail after the initial remand in custody and exclude any time spent on bail before the initial remand in custody.

Mr. Favell asked the Secretary of State for the Home Department during the last year for which figures are available how many persons subsequently aquitted or not proceeded against spent *(a)* more than 90 days on remand and *(b)* more than 120 days on remand, in each case giving the total cost of keeping such persons in custody for periods in excess of that number of days.

Mr. Mellor: Information in the form requested could be provided only at disproportionate cost. However, of the untried prisoners first remanded in custody in prison department establishments in England and Wales in 1984 and known to have been subsequently found not guilty or not proceeded against, about 940 had been first remanded in custody over 90 days earlier and, of these, about 740 over 120 days earlier. Because these periods include any time which was spent on bail following the initial remand in custody, the cost information requested could be provided only at disproportionate cost. However, the average weekly net operating cost of keeping an inmate in the year ended 31 March 1985, as shown in the "Report on the Work of the Prison Department 1984/85" (Cmnd. 9699), was £241 in male local prisons and adult remand centres and £363 in female establishments.

Criminal Proceedings (Time Limits)

Mr. Favell asked the Secretary of State for the Home Department whether he has any plans to make regulations under section 22 of the Prosecution of Offences Act 1985; and if he will make a statement.

Mr. Mellor: Our field trials to prepare for statutory time limits in criminal proceedings will run to the end of June. When we have evaluated the results, we shall consider making regulations to apply limits in the four trial areas only, in order to conduct a more realistic test before extending them throughout England and Wales. We shall want to see the results of the first stage before deciding when to move on to the second.

Care Proceedings (Police Co-operation)

Mr. Conway asked the Secretary of State for the Home Department what representations he has received about the level of co-operation received from the police by court-appointed guardians ad litem in care proceedings in protecting the interests of their charges.

Mr. Giles Shaw: We have received no representations about this subject.

Community Radio

Mr. Wallace asked the Secretary of State for the Home Department if he will announce the award of certain experimental community radio licences when a decision on them is reached, in advance of an announcement of those about which no decision has been reached at that time.

Mr. Giles Shaw: We are still considering the recommendations of the Advisory Panel on Community Radio; and I cannot anticipate any announcement about the award of experimental licences.

Ex-offenders (Employment)

Mr. Alex Carlile asked the Secretary of State for the Home Department if he has any proposals for the amendment of the Rehabilitation of Offenders Act 1974 to include employment as a security guard in the list of employments exempted from the provisions of the Act; and if he will make a statement.

Mr. Mellor: My right hon. Friend has received representations for the amendment of the Act; particular attention has been focused on ensuring that its provisions allow the fullest protection to be afforded to the most vulnerable groups in society, such as children. A number of wide issues are raised and he has no plans at present for changes, but the position as a whole is being kept under review.

Nasreddin Hajjaj

Mr. John Fraser asked the Secretary of State for the Home Department when he will reach a decision about the case of Nasreddin Hajjaj on Home Office reference No. H259456.

Mr. Waddington: I hope that a decision will be reached fairly soon.

Jury Service

Mr. Conway asked the Secretary of State for the Home Department (1) if he will seek powers to discharge women beyond the age of 60 years and men beyond the age of 65 years from jury service;

(2) if he will seek powers to discharge mothers with children below school age from jury service.

Mr. Mellor: Section 9 of the Juries Act 1974 already permits the summoning officer to excuse any person from jury service if there is good reason; or the court itself may do so. We have no plans for further legislation in this direction.

At present persons above the age of 65 are ineligible for jury service. Following representations that this is too restrictive, the White Paper "Criminal Justice: Plans for Legislation" (Cmnd. 9658) invites comment on whether those between 65 and 70 should be eligible, but not obliged, to serve.

Hong Kong

Mr. Parry asked the Secretary of State for the Home Department (1) if any decision has been made concerning endorsement of passports whose holders have the status of British National (Overseas) for visits from Hong Kong to the United Kingdom;

(2) when he expects to reach a final decision on the future citizenship of ex-British service men in Hong Kong;

(3) if a decision has yet been reached on the future citizenship status of the 10,000 non-ethnic Chinese in Hong Kong; and if he will make a statement.

Mr. Waddington: We have not yet reached decisions on these matters, but we hope to take and announce the decisions shortly.

Prison Medical Treatment

Mrs. Renée Short asked the Secretary of State for the Home Department on how many occasions in each of the last 10 years prisoners have taken legal action against prison medical officers in relation to medical treatment given in prison; what was the outcome in each case; and in how many instances the treatment concerned was administered by a hospital officer.

Mr. Mellor: Such information is not readily available and could be obtained only at disproportionate cost.

Libyans (Entry Arrangements)

Mr. Peter Bruinvels asked the Secretary of State for the Home Department if he will review entry arrangements for all Libyan nationals.

Mr. Waddington: We have no present proposals for change in the arrangements, but the operation of the controls on Libyan nationals announced by my right hon. and learned Friend the then Home Secretary on 1 May 1984 at columns *197-98* is already kept under constant review.

Mr. Peter Bruinvels asked the Secretary of State for the Home Department on what basis Libyan nationals under training at Heathrow and at the Oxford Air Training School were allowed entry clearance; and how long their visas are for.

Mr. Waddington: They will have been admitted as students in accordance with the immigration rules and having regard to the immigration restrictions on Libyan nationals announced by my right hon. and learned Friend the then Home Secretary on 1 May 1984 at columns *197-98*. In accordance with that statement, Libyan students are not normally given permission to stay for more than one term at a time.

Member's Correspondence

Mr. Maclennan asked the Secretary of State for the Home Department when he will reply to the letter sent to him by the hon. Member for Caithness and Sutherland on 19 December 1985.

Mr. Mellor: The hon. Member asked my right hon. Friend to consider some fairly complex proposals for legislation. We are doing so, and hope to be in a position to write to him shortly.

Prisoners (Statistics)

Mr. Kilroy-Silk asked the Secretary of State for the Home Department how many prisoners were serving sentences of over 10 years on 30 June 1984.

Mr. Mellor [*pursuant to his reply*, 27 March 1986, c. *544*]: It is estimated that about 2,300 persons in prison department establishments in England and Wales on 30 June 1984 were serving sentences of over 10 years.

ATTORNEY-GENERAL

"Conversation Piece"

Mr. J. Enoch Powell asked the Attorney-General if he will refer to the Director of Public Prosecutions those concerned in the programme "Conversation Piece" broadcast by Radio 4 at 18.35 hours on 15 March, in view of the overt approval expressed for the support by Noraid of illegal activities.

The Attorney-General: I am considering the matter raised by the right hon. Member and will write to him as soon as practicable.

Honours List

Mr. Dalyell asked the Attorney-General if the Director of Public Prosecutions has initiated an investigation with a view to prosecution under section 1(i) of the Honours (Prevention of Abuses) Act 1925 into allegations made by Mr. Alan Bristow in respect of the Westland shareholders' meetings.

The Attorney-General: Yes.

Legal Aid

Mr. Shersby asked the Attorney-General what are the criteria for eligibility for legal aid in respect of matrimonial cases in terms of the citizenship held by either of the parties concerned; whether such aid is confined to British citizens of small or moderate means; and whether it is available when one partner to a marriage is of another nationality.

The Attorney-General: Civil legal aid in England and Wales is available to anyone, regardless of nationality, who wishes to take or defend proceedings before the courts in England and Wales, subject to the applicant qualifying on the usual means and merits grounds.

Mr. Shersby asked the Attorney-General what is the current annual gross expenditure on legal aid in respect of matrimonial cases for the most recent 12-month period for which figures are available; and what are the comparable figures in real terms for the same period five and 10 years ago, respectively.

The Attorney-General: Gross expenditure on civil legal aid in matrimonial cases for the financial year 1984-85, which is the latest period for which figures are available, was £69·3 million. In 1980-81 it was £30·2 million. Since 1980, domestic proceedings in the magistrates court have been dealt with under assistance by way of representation (ABWOR) rather than legal aid. Expenditure on that was £11·2 million in 1984-85 and £2·6 million in 1980-81. In 1975-76, gross expenditure on all matrimonial proceedings, including those now covered by ABWOR, was £16·4 million. This figure is, however, not fully comparable with those for 1980-81 and 1984-85 because it includes expenditure on decree proceedings in undefended divorce from which legal aid was withdrawn in 1977.

If the movement in the RPI since 1975 is used to deflate the above figures they become:

	£ million
1975-76	16·4
1980-81	*15·4
1984-85	†26·3

* Legal aid plus £1·3 million (ABWOR).
† Legal aid plus £4·3 million (ABWOR).

The figures given do not include the cost of advice and assistance on matrimonial matters given under the green form scheme.

WALES

Disabled Persons (Services, Consultation and Representation) Bill

Mr. Alfred Morris asked the Secretary of State for Wales what consideration he has given to the reaction of the Wales Council for the Disabled to the Government's consultation document on the Disabled Persons (Services, Consultation and Representation) Bill; if there is any action he will be taking; and if he will make a statement on the council's reaction.

Mr. Mark Robinson: All comments received in response to the Government's consultation paper have been carefully considered. Account was taken of all the points made during the consultation exercise before my right hon. Friend the Minister for Health tabled the Government's amendments to the Bill prior to the Easter recess.

EMPLOYMENT

Technical and Vocational Education Initiative

50. **Mr. O'Brien** asked the Paymaster General whether he will make a statement on further development of the technical and vocational education initiative.

Mr. Trippier: I refer the hon. Member to my reply on 26 November at columns *537-8*. Since then negotiations on the 28 proposals are, in most cases, leading towards starting in 1986, although in a number of cases a 1987 start has been considered more appropriate.

Mr. James McCormack (Compensation)

Mr. Ron Brown asked the Paymaster General, pursuant to his reply of 18 March *Official Report*, column 145, if he will give details of the compensation agreed in the case of James McCormack.

Mr. Trippier: The Manpower Services Commission, under its industrial injuries scheme, has made payments totalling some £5,700 to either James McCormack or his parents by way of injury and disablement benefits and special hardship allowance.

As the Commission was not a party to any claim for damages made against James's training provider, it does not have details of any compensation awarded.

Labour Statistics

Sir David Price asked the Paymaster General what was the demographic inbalance for the years 1979, 1980, 1981 and 1982, respectively, between those seeking to enter the labour market and those retiring from it.

Mr. Lang: The table gives estimates of the numbers of entries to, and exits from, the Great Britain population of working age.

Thousands

	*Entries**	*Exits†*	*Net increase*
‡1979	905	669	236
1980	930	772	158
1981	934	771	163
1982	914	754	160

* Those reaching minimum school leaving age in the 12 months to the end of June.

† Mainly those reaching state retirement age, but also including deaths of persons of working age and the net effects of migration.

‡ Figures relate to the year ending in June of the year shown.

Youth Training (Accidents)

Mr. Sheerman asked the Paymaster General if he will publish in the *Official Report* a consolidated list of the numbers of accidents to trainees on the YTS and the Youth Opportunities Programme for each quarter from the start of the youth opportunities programme to the latest available date *(a)* showing separately accidents which caused fatal, major and minor injuries, *(b)* giving details of the changes in the definitions used and *(c)* showing for each quarter the average number of trainees in training.

Mr. Trippier: Information is not available in the precise form requested. Tabled are details of youth opportunities programme accident and in-training figures from 1 April 1980 to 31 March 1983 by year and youth opportunities programme and YTS accident and in-training figures by quarter from 1 April 1983 to 31 December 1985, the latest available date. Quarterly figures for youth opportunities programme accidents prior to 1 April 1983 could be obtained only at disproportionate cost.

Major injuries are defined according to the severity criteria laid down in the Notification of Accidents and Dangerous Occurrences Regulations 1980 (NADOR).

Youth Opportunities Programme 1 April 1980 to 31 March 1983

Period‡	*Average number in training*	*Accidents*		
		Fatalities	*†Major*	**Minor*
1 April 1980 to 31 March 1981	127,500	4	176	1,539
1 April 1981 to 31 March 1982	188,300	‖6	271	2,974
1 April 1982 to 31 March 1983	241,700	¶7	188	3,688

(i) The exact number of in-training figures for the youth opportunities programme for the period 1 April 1980 to 31 March 1983 are not available. The figures quoted are rounded to the nearest hundred.

Youth Opportunities Programme 1 April 1983 to 31 March 1984

Period	*Average number in training*	*Accidents*		
		Fatalities	*†Major*	**Minor*
1 April 1983 to 30 June 1983	183,838	1	42	440
1 July 1983 to 30 September 1983	98,979	•1	29	250
1 October 1983 to 31 December 1983	33,698	Nil	10	109
1 January 1984 to 31 March 1984	8,644	Nil	2	20

Youth Training Scheme 1 April 1983 to 31 December 1985

Period	Average number in training	Accidents		
		Fatalities	Major†	Minor*
1 April 1983 to 30 June 1983	20,169	■1	1	10
1 July 1983 to 30 September 1983	122,344	1	8	73
1 October 1983 to 31 December 1983	253,202	1	44	315
1 January 1984 to 31 March 1984	250,118	1	47	445
1 April 1984 to 30 June 1984	235,578	Nil	38	395
1 July 1984 to 30 September 1984	280,165	*3	50	370
1 October 1984 to 31 December 1984	285,648	Nil	55	515
1 January 1985 to 31 March 1985	265,436	2	41	468
1 April 1985 to 30 June 1985	π238,889	Nil	34	398
1 July 1985 to 30 September 1985	π272,214	#2	59	442
1 October 1985 to 31 December 1985	π285,846	Nil	67	577

* MSC accident figures for the youth opportunities programe and youth training scheme have been compiled on a similar basis to those prepared by the Health and Safety Executive on employed persons. However, the commission's figures will include a number of minor accidents during scheme time and accidents to trainees in educational establishments which may not have been reportable to the Health and Safety Executive had the individuals been employed.

† Major injuries are classified according to severity criteria laid down in the Notification of Accidents and Dangerous Occurrences Regulations 1980 (NADOR).

‡ Statistical information on the number of accidents to trainees on the youth opportunities programme prior to 1 April 1980 is not available.

‖ This figure includes two road traffic fatalities.

¶ This figure includes two road traffic accidents and two lunch-time recreational accidents.

● This figure includes one lunch-time recreational accident.

■ This figure includes one road traffic accident.

★ This figure includes two road traffic accidents.

This figure includes one road traffic accident.

π These figures are provisional and will be subject to change as further information becomes available.

Mr. Sheerman asked the Paymaster General how many trainees on the youth opportunities programme or the YTS were injured and received compensation under the scheme analogous to the industrial injuries scheme for each quarter since the start of the youth opportunities programme; and what was the average amount of that compensation.

Mr. Trippier: I regret that the information is not available in the precise form requested and can be obtained only at disproportionate cost. The earliest date for which information is available centrally is 1 April 1981.

The number of trainees eligible to receive benefits from the commission's analogous industrial injuries scheme and the total amounts paid since then is shown in the table.

Period	Number of trainees who received benefits	Total amount paid £
April 1981 to March 1982	976	154,295
April 1982 to March 1983	1,038	165,705
April 1983 to March 1984	824	229,428
April 1984 to March 1985	669	313,611
April 1985 to February 1986	597	389,692

Some of the sums paid in the later periods shown relate to continuing benefits payable to trainees who were injured some time earlier. Assessment of an average amount of benefit by period is therefore misleading.

Mr. Sheerman asked the Paymaster General if he will list the age, sex, and, if possible, name of the young people who died on the youth opportunities programme or the YTS for each quarter since the start of the youth opportunities programme showing in each case the cause of their death and the circumstances leading to it and the amount of compensation, if any, paid to their parents.

Mr. Trippier: Information is not available in the precise form requested. Tabled are details of the fatalities of young people on the youth opportunities programme and YTS. Their names have not been supplied as publication could cause unnecessary distress to the relatives concerned. The Manpower Services Commission does not pay compensation; payments of industrial death benefit may be made to the parents of deceased trainees under the MSC's analogous industrial injuries scheme.

Youth Opportunities Programme

Period	Number of fatalities	Sex	Age	Cause of death	Circumstances	Amount of Industrial Death Benefit paid
1 October 1980 to 31 December 1980	2	Male	16	Fractured skull	Road traffic accident	*
		Male	17	Burns to body	Clothing caught fire	*

Period	Number of fatalities	Sex	Age	Cause of death	Circumstances	Amount of Industrial Death Benefit paid
1 January 1981 to 31 March 1981	2	Male	16	Electrocution	Electrocution involving overhead crane	*
		Male	16	Blow to head and upper body	Hit by falling gas cylinder	*
1 April 1981 to 30 June 1981	1	Male	16	Not known	Trapped between vehicles	*
1 October 1981 to 31 December 1981	4	Male	18	Severe head injuries	Road traffic accident	None
		Male	16	Not known	Hit by falling wooden planks	*
		Male	16	Internal Haemorrhage	Road traffic accident	*
		Male	16	Natural causes	Clearing snow	*
1 January 1982 to 31 March 1982	1	Male	Not known	Head injuries	Fell from rope hoist	None
1 April 1982 to 30 June 1982	1	Male	Not known	Drowned	Swimming accident during lunch break	None
1 July 1982 to 30 September 1982	2	Male	Not known	Fractured skull	Tractor overturned on public highway	*
		Male	Not known	Drowned	Lunch time swimming accident	None
1 October 1982 to 31 December 1982	3	Male	16	Burns	Clothing caught fire	*
		Male	16	Head and upper body injuries	Trapped in machinery	*
		Male	17	Fractured skull	Hit by moving machinery	None
1 January 1983 to 31 March 1983	1	Male	16	Head injuries	Road traffic accident	None
1 April 1983 to 30 June 1983	1	Male	17	Multiple injuries	Tractor accident	*
1 July 1983 to 30 September 1983	1	Male	17	Drowned	Lunch time swimming accident	None

* Industrial death benefit was paid but exact amount could be obtained only at disproportionate cost.

Youth Training Scheme

Period	Number of fatalities	Sex	Age	Cause of death	Circumstances	Amount of Industrial Death Benefit paid
1 April 1983 to 30 June 1983	1	Female	16	Multiple injuries	Road traffic accident	£78
1 July 1983 to 30 September 1983	1	Male	17	Multiple injuries	Accident on residential outdoor activity	None
1 October 1983 to 31 December 1983	1	Male	16	Multiple injuries to head & body	Fork lift truck accident	None
1 January 1984 to 31 March 1984	1	Female	17	Multiple injuries	Tractor accident	£78
1 July 1984 to 30 September 1984	3	Male	16	Internal Haemorrhage	Road traffic accident	£78
		Male	16	Multiple injuries	Road traffic accident	None
		Male	16	Multiple injuries	Dumper truck overturned	£52
1 January 1985 to 31 March 1985	2	Female	17	Multiple burns	Clothing caught fire	£78
		Male	17	Asphyxiation	Trapped under vehicle after jack collapsed	£78
1 July 1985 to 30 September 1985	2	Male	16	Electrocution	Electrocuted working with a steam cleaner	None
		Female	16	Mulitple injuries	Road traffic accident	£78

Jobstart Allowance

Dr. McDonald asked the Paymaster General if he will break down the figures of £100 million given in table 1 of the "Financial Statement and Budget Report" as the cost of the counselling initiative and the jobstart allowance between the two different elements of the scheme.

Mr. Lang: During 1986-87, the cost of the counselling initiative and the jobstart allowance is planned to be £85 million and £15 million respectively.

Agricultural Inspectorate

Miss Maynard asked the Paymaster General by how many staff Her Majesty's agricultural inspectorate is to be increased to cope with additional enforcement work required by the Food and Environment Protection Act 1985; what percentage increase this represents; when these staff will be recruited; and if the inspectorate's budget for 1986 includes provision for this increase.

Mr. Trippier: There are no plans at present to increase the number of agricultural inspectors above the level of 162 planned for 1 April 1986.

Redundancies (Coventry)

Mr. Nellist asked the Paymaster General if he will list the redundancies which occurred in Coventry of which his Department was notified from April 1983 to the latest date for which information is available.

Mr. Lang: I shall reply to the hon. Member as soon as possible.

SCOTLAND

Dr. K. Featherstone

Mr. Michael Forsyth asked the Secretary of State for Scotland whether any work is being or has been undertaken for his Department by Dr. K. Featherstone of Stirling university.

Mr. Rifkind: No.

Leukaemia

Mr. Foulkes asked the Secretary of State for Scotland when he expects the Committee on the Medical Aspects of Radiation in the Environment to report on the statistics relating to clusters of leukaemia around Dounreay; how the report will be published; and if he will make a statement.

Mr. John MacKay: It is for the committee, which is independent, to decide when and how it should publish its conclusions.

Mr. Foulkes asked the Secretary of State for Scotland (1) what further studies on the incidence of leukaemia amongst young people in the west of Scotland and links with radioactive emissions he has received in the past six months; what action is being taken on them; when he expects to publish the raw material and an analysis of the studies; and if he will make a statement;

(2) pursuant to the answers of 24 February, *Official Report*, columns *454-5*, when he expects to publish the results of the systematic analysis of leukaemia statistics.

Mr. John MacKay: No studies have been received. An exercise has been under way for some time now to validate statistics relating to the incidence of leukaemia in the 0 to 24 year age group in Scotland as recommended by the independent advisory group chaired by Sir Douglas Black which examined the incidence of cancer in west Cumbria. That work has not yet been completed, but I am expecting the final results shortly. When they are received, they will be published.

Coast Protection

Mr. Wallace asked the Secretary of State for Scotland (1) what criteria he applies in determining the capital consent for coast protection work for each islands or regional council authority;

(2) if he will state *(a)* the capital consent allowed to each regional or islands area authority in 1985-86 for coast protection work and *(b)* the total length of coastline of each islands or regional council area.

Mr. Ancram: No separate capital consent is given for coast protection work. Consent is given each year for a programme which covers water supply, sewerage and sewage treatment, flood prevention and coast protection, on the basis of financial plans submitted by the regional and islands councils and their relative needs. The councils themselves are responsible for setting priorities and for determining what to spend on coast protection. The consents for 1985-86 were:

	£ million
Borders	2·00
Central	4·63
Dumfries and Galloway	3·16
Fife	5·50
Grampian	17·10
Highland	4·70
Lothian	11·86
Strathclyde	30·00
Tayside	10·30
Orkney	0·52
Shetland	0·70
Western Isles	1·05

Lengths of coastline assessed for coastal planning purposes (which do not include every area affected by the tidal regime or inlets less than 0·4 kilometres wide) are:

	Kilometres
Borders	32
Central	26
Dumfries and Galloway	351
Fife	170
Grampian	295
Highland (including islands)	2,724
Lothian	99
Strathclyde (including islands)	2,281
Tayside	89
Orkney	944
Shetland	1,370
Western Isles	1,813

Cloch Lighthouse (Spoil Ground)

Dr. Godman asked the Secretary of State for Scotland what steps his Department takes to seek to prevent fishing in the spoil ground off Cloch lighthouse in the Firth of Clyde; and what steps it takes to ensure that material dumped there does not migrate away from the designated spoil ground.

Mr. John MacKay: The disposal site off the Cloch lighthouse is a recognised dumping ground which is regularly used for dredged spoil. It is charted and well known to fishermen, who normally avoid that area.

Experience has shown that dredged spoil sinks to the seabed in this comparatively deep water dump site and marine scientists from the Department of Agriculture and Fisheries for Scotland are satisfied that provided the operation is properly controlled, dumped material will not spread beyond the designated area.

TRADE AND INDUSTRY

BL plc

Mr. Baldry asked the Secretary of State for Trade and Industry what has been the cost to the taxpayer for each job supported in BL plc over the last year.

Mr. Peter Morrison: BL employs 80,000 people worldwide. There has been no direct Government funding to the company in the current financial year, although it received a total of £2·2 billion in the period 1975-83. In addition, the Government have said that they will ensure that the obligations of BL are met. These obligations amounted to about £1·6 billion at the end of 1985.

The BL board made it clear in its 1984 annual report that in future BL's funding needs will be met from a combination of operating cashflow, the proceeds of a progressive return of the constituent businesses of the BL group to private ownership and from private borrowings.

Video Cassette Recorders

Mr. Fallon asked the Secretary of State for Trade and Industry whether he will estimate the effect on the United Kingdom balance of payments in the years 1983-84 and 1984-85 of the agreement between the European Community and Japan on video cassette recorders.

Mr. Alan Clark: Such effects are complex and cannot be reliably quantified.

DIY Exhibition

Dr. Hampson asked the Secretary of State for Trade and Industry if his Department has considered any application for an exhibition relating to the Federation of Multiple DIY Retailers to be displayed in the Upper Waiting Hall.

Mr. Peter Morrison: I understand that arrangements have been made with the authorities of the House for an exhibition to be held in the Upper Waiting Hall from 8 April to 11 April 1986.

Restrictive Practices Court

Mr. Wheeler asked the Secretary of State for Trade and Industry if he will state the percentage of cases in which the Restrictive Practices Court has found for the defendant company and the number of instances in which successful prosecutions led to contempt proceedings owing to subsequent breaches of the terms of the Act, and of the court's judgment.

Mr. Butcher: The Restrictive Practices Court has held in favour of the defendants in 1·5 per cent. of the cases which have come before it.

Proceedings for contempt of court have been initiated on nine occasions, and were successful in seven cases.

Mr. Wheeler asked the Secretary of State for Trade and Industry how many cases relating to restrictive trade practices were brought by the Office of Fair Trading to the Restrictive Practices Court in the years 1982, 1983, 1984 and 1985; how many trade agreements are now registered with the Office of Fair Trading under the terms of the Restrictive Trade Practices Act 1976; and if he will indicate the number of unresolved cases still before the court.

Mr. Butcher: The number of cases referred to the Restrictive Practices Court were as follows:

	Number
1982	nil
1983	4
1984	3
1985	188

At the end of 1985, 5,495 agreements were registered on the Register of Restrictive Trading Agreements.

202 unresolved cases were before the court at the end of 1985.

Restrictive Trade Practices Act 1976

Mr. Wheeler asked the Secretary of State for Trade and Industry if he will state the percentage of successful prosecutions under the Restrictive Trade Practices Act 1976 which dealt with small companies defined as having less than 200 employees; and if he will state the average length of time between the first serving of a notice under the Restrictive Trade Practices Act 1976 and the handing down of a judgment by the court.

Mr. Butcher: No information is available about the size of companies party to proceedings before the Restrictive Practices Court.

The average time between reference to the court and the court's judgment is 1 year 5 months.

US Export Denials List

Mr. Ashdown asked the Secretary of State for Trade and Industry if he has directed his officials to discourage United Kingdom suppliers from dealing with United Kingdom persons or companies named in the United States export denials list; and if he will make a statement.

Mr. Alan Clark: Officials in this Department have not been given any such directions.

High Technology Exports

Mr. Ashdown asked the Secretary of State for Trade and Industry on how many occasions in each of the years 1983, 1984 and 1985 his Department has assisted in the procurement of United States re-export licences for United Kingdom exports of high technology; and if he will make a statement.

Mr. Alan Clark: The information requested is as follows:

	Number
1983	2
1984	2
1985	1

Computers (Export Licences)

Mr. Ashdown asked the Secretary of State for Trade and Industry whether he will now issue to United Kingdom exporters export licences for the shipment to the Eastern bloc of ion beam implanters, advanced 16 and 32 bit micro computers and mainframe computers; and if he will make a statement.

Mr. Alan Clark: My Department will consider all applications for licences for exports to the Eastern bloc on their individual merits.

General Motors

Mr. Terry Davis asked the Secretary of State for Trade and Industry whether he will place in the Library a copy of his final proposals to General Motors concerning its proposed takeover of Freight Rover and Leyland Trucks.

Mr. Peter Morrison: As my right hon. Friend the Secretary of State told the House on 25 March at column 796, in reply to my hon. Friend the Member for Wolverhampton, South-West (Mr. Budgen), various proposals were put orally to GM, but for reasons of commercial confidentiality it would not be appropriate to disclose details of the negotiations.

Industrial Strategy

Mr. Charles Morrison asked the Secretary of State for Trade and Industry if he will restate all aspects of the Government's industrial strategy.

Mr. Channon: The heart of the Government's policies towards industry and commerce is the continued reduction of inflation as a basis for sustained economic growth, and the creation of an economic and social climate conducive to enterprise and wealth-creating activity. Our aims are to increase the national production of wealth; to promote and enhance the vitality and competitiveness of British trade, industry and commerce within a proper regulatory framework and to increase the United Kingdom's share of world trade.

Strategic Defence Initiative

Mr. Dalyell asked the Secretary of State for Trade and Industry, pursuant to the answer of 12 March, *Official Report*, column *934*, what consideration he has given to the options open to him on the leading edge developmental work, such as light-powered computers, involved in the strategic defence initiative programme; and if he will make a statement.

Mr. Butcher: My hon. Friend the Minister for Information Technology recently held a one-day, private seminar for 30 to 40 industrialists. This was to seek their views on the prospects of civil developments arising from United Kingdom participation in the strategic defence initiative research programme. Several areas of technology, including optical computing, were considered. However, it is still too early to form any impression of how much civil benefit will arise from this and other advanced technologies.

Land Rover-Leyland

Mr. Pawsey asked the Secretary of State for Trade and Industry what progress has been made in the Land Rover-Leyland privatisation discussions since his statement to the House on 25 March.

Mr. Peter Morrison: As foreshadowed by my right hon. Friend's statement to the House on 25 March 1986, the BL board has been giving further study to the alternative ways forward for all the businesses concerned, including the various expressions of interest in Land Rover and Freight Rover which had already been announced. Aveling Barford Ltd. was told on 27 March 1986 that the BL board did not intend to pursue its proposal, which was for Land Rover only (excluding Range Rover). Discussions between the BL board and its advisors and the other potential bidders for Land Rover — which now include J. C. Bamford—are continuing with a view to confirmed or revised proposals being made to the board by 15 April. The BL board intends to make a decision as soon as possible after that date, although it may be necessary to hold further discussions with prospective purchasers before a recommendation can be made as to whether any of the proposals should be pursued. The Government and the BL board are agreed that a speedy conclusion to the negotiations is needed so that the present damaging uncertainty can be ended.

On Leyland Bus, it is hoped that firm proposals from Aveling Barford Ltd. the Laird Group and the management buy-out group will be available for consideration by the BL board in April.

In addition, meetings have been held between Lancashire Enterprises Ltd. and the management of Leyland Trucks and Leyland Bus to enable them to examine further any possible role for Lancashire Enterprises in the future of either or both of those companies.

Systime plc

Mr. Fatchett asked the Secretary of State for Trade and Industry what information he has received about the relationship between Systime plc and the Digital Equipment Corporation since the Adjournment debate on 25 February, *Official Report*, column 916; and if he will make a statement.

Mr. Butcher: I am aware of none.

Mr. Meadowcroft asked the Secretary of State for Trade and Industry what action was taken following the receipt by his Department and the BTG of the revised minutes of the board meeting of Systime plc on 19 January 1983.

Mr. Butcher: As I indicated in my earlier answer of 27 March 1986 at column *612*, Department of Industry officials attended a number of meetings and discussions in the early months of 1983 which were aimed at finding a resolution to the serious financial difficulties which Systime faced at that time. The Department and BTG were sent copies of the Systime minutes of the 19 January meeting as a matter of record. No new acton arose specifically on their receipt.

Spain

Mr. Austin Mitchell asked the Secretary of State for Trade and Industry if he will seek to introduce procedures

within Spain's accession treaty to the European Economic Community for urgent rectification of anomalies, for reduction of duties harmful to existing trade, and for emergency review of problems.

Mr. Alan Clark: My Department will continue to give all help possible to companies facing problems in their trade with Spain, but I see no scope to introduce new procedures into the treaty of accession.

Mr. Austin Mitchell asked the Secretary of State for Trade and Industry what steps he has taken to draw the attention of exporters to Spain to the increase in duties on frozen vegetables; what warning was given to the industry via the British Overseas Trade Board; and what effect he estimates it will have on such exports to Spain.

Mr. Alan Clark: The BOTB has issued a notice through the export intelligence service drawing attention to this information. No estimate is yet possible of any effect the tariff changes might have on our exports.

Mr. Austin Mitchell asked the Secretary of State for Trade and Industry why the pamphlet put out by the British Overseas Trade Board on "Basic Facts on Spain's Accession to the European Community" (May 1985) does not refer to the tariff on frozen food and vegetable exports.

Mr. Alan Clark: This was because the pamphlet was sent for printing before the tariff arrangements on manufactured goods had been finalised. The negotiations in this field were being undertaken by my right hon. Friend the Minister of Agriculture, Fisheries and Food.

Bellew, Parry and Raven Agency, Lloyds

Mr. Sedgemore asked the Secretary of State for Trade and Industry if he will set up an inquiry into the activities of the Bellew, Parry and Raven agency at Lloyds and the interests of its directors in overseas re-insurance companies with which their syndicates did business.

Mr. Channon: No.

Citizens Band Radio

Mr. Maclennan asked the Secretary of State for Trade and Industry if he will itemise *(a)* the total number of prosecutions brought and *(b)* the total number of convictions secured for offences involving unathorised possession and use of citizens band radio equipment in each of the last six years; and if he will further categorise these by the type of offence charged.

Mr. Butcher [*pursuant to his reply*, 27 March 1986, c. *613*]: It is an offence under section 1 of the Wireless Telegraphy Act 1949 to use radio equipment except under and in accordance with a licence granted by the Secretary of State. The list shows the number of persons prosecutred and convicted for offences related to citizens band radio for the years 1980 to 1985. No central record of the particular circumstances of offences was kept until recently. Prior to 2 November 1981 it was an offence to use any form of CB radio equipment in the United Kingdom.

It is not at present an offence to possess CB radio equipment which cannot legally be used in the United Kingdom. Powers under the Telecommunications Act 1984 will enable us to restrict the sale and possession of AM and FM CB equipment of this nature, and we expect to lay an order before Parliament with this effect later this year. Following is the information:

Year	*Persons prosecuted*	*Persons convicted*
1980	471	457
1981	879	855
1982	2,335	2,299
1983	1,470	1,445
1984	1,170	1,160
1985	940	932

ENVIRONMENT

Dr. R. Featherstone

Mr. Michael Forsyth asked the Secretary of State for the Environment whether any work is being or has been undertaken for his Department by Dr. K. Featherstone of Stirling university.

Mr. Kenneth Baker: My Department has no record of such work.

Firhill Basin Project

Mr. Craigen asked the Secretary of State for the Environment what assistance the British Waterways Board will be required to give in levelling off the mound of dredgings in furtherance of the Firhill basin summer project.

Mr. John Patten: Liaison with the Firhill basin community project is a matter of day-to-day management by the British Waterways Board. I understand that its officials are already in contact with the project co-ordinators through local discussion and correspondence.

Sellafield

Mr. Foulkes asked the Secretary of State for the Environment if he will list the directions he has given in relation to radioactive discharges from Sellafield since 13 December 1983.

Mr. Waldegrave: My right hon. Friend has issued no such directions. However, the authorisation under the Radioactive Substances Act 1960 issued to British Nuclear Fuels Ltd on 19 March 1971 by the Secretary of State for the Environment and on 26 March 1971 by the Minister of Agriculture, Fisheries and Food that permits the company to discharge liquid radioactive waste from the Sellafield site was varied on 4 July 1980, 16 February 1985 and 28 December 1984.

No consolidated version of the authorisation has been issued but the text published in the sixth annual report of the Radioactive Waste Management Advisory Committee constitutes the current state of the authorisation as varied.

Radioactive Waste

Mr. Foulkes asked the Secretary of State for the Environment when he expects the latest report of the Radioactive Waste Management Advisory Committee to be published.

Mr. Waldegrave: In July this year.

Facilities Improvements, Benchill

Mr. Alfred Morris asked the Secretary of State for the Environment what recent representations his Department has received in relation to improving facilities in the community, under the urban programme, in the Benchill area of Manchester; what reply he has sent or will be sending; what action he is taking; and if he will make a statement.

Sir George Young: I am not aware of any specific representation of this nature.

Endangered Birds (Trade)

Mr. Phillip Oppenheim asked the Secretary of State for the Environment whether he has any plans to introduce legislation to increase the penalties for illegal trading in endangered birds; and if he will make a statement.

Mr. Waldegrave: I have no plans to introduce legislation to increase the penalties imposed by section 21 of the Wildlife and Countryside Act 1981, section 4 of the Endangered Species (Import and Export) Act 1976, and regulation 3 of the Control of Trade in Endangered Species (Enforcement) Regulations 1985 for the illegal sale of endangered birds. The level of fines was increased in 1984.

Mr. Phillip Oppenheim asked the Secretary of State for the Environment if he will order an investigation into the conduct of an official in his Department, whose name has been supplied to him, in relation to alleged unlawful transactions involving endangered species of birds; and if he will make a statement.

Mr. Waldegrave: I am aware of newspaper articles of 23 March and 30 March 1986 about a member of the Department's panel of voluntary wildlife inspectors. This panel provides on request expert advice and assistance in the identification and handling of wild flora and fauna, particularly birds. Its primary role is the inspection of the premises of those keeping certain species of registrable birds under the Wildlife and Countryside Act 1981. In addition, members may be asked on occasion to provide expert advice and assistance to the enforcement agencies in their efforts to combat the criminal activities of taking birds from the wild and of smuggling.

I do not propose to order an investigation into the conduct of a member of the panel on the basis of these newspaper articles alone. If any person has evidence of criminal or improper behaviour by any member of the panel, the proper course is to place full details of that evidence before the police or the Department.

Dog Licences

Mr. Temple-Morris asked the Secretary of State for the Environment if, pursuant to the answer of 20 February, *Official Report*, column *340*, on dog licences, he is yet in a position to say when he expects to make a statement as to his conclusions.

Mrs. Rumbold: We will announce our conclusions as soon as possible.

Licensed Premises (Rates)

Mr. Colvin asked the Secretary of State for the Environment what plans he has for the revaluation for rating purposes of licensed premises.

Mrs. Rumbold: We have put in hand a revaluation of non-domestic properties, including licensed premises, with a view to introducing new valuation lists on 1 April 1990. The provisions in schedule 1 to the Rates Act 1984 will be implemented at that time, which will bring the valuation of licensed premises into line with other categories of property.

Asbestos Dumping (Firth of Clyde)

Dr. Godman asked the Secretary of State for the Environment if he will make a statement on the circumstances in which asbestos is being dumped in the Firth of Clyde off Cloch Point; what authorisation this dumping is subject to; and what steps are to be taken to seek to ensure that the material, once dumped, is not accidentally or deliberately recovered or disturbed.

Sir George Young: The PSA is currently considering the deposition at this location of some dredged material which will include small quantities of saturated asbestos. Nothing, however, has yet been deposited and a full statement will be issued before any such steps are taken.

Urban Development Grant

Mr. Adley asked the Secretary of State for the Environment, pursuant to the answer of 10 February, *Official Report*, column *336*, about urban development grant projects, if he will now indicate for each individual project listed *(a)* the number of jobs created by each project and *(b)* the cost per job in each project.

Sir George Young: It is my Department's practice not to disclose information about individual schemes which is provided in confidence or could be of advantage to competitors. I refer my hon. Friend to the reply my hon. Friend the Minister for Housing Urban Affairs and Construction gave to a question by my hon. Friend the Member for Chipping Barnet (Mr. Chapman) on 19 March at column *244*.

Tyne and Wear County Council (Chief Executive)

Mr. Nicholas Brown asked the Secretary of State for the Environment if he will state the full terms and conditions of the redundancy settlement granted to the chief executive of Tyne and Wear county council.

Mrs. Rumbold: Compensation for any redundancy attributable to the abolition of the GLC or a metropolitan county council is payable in accordance with the Local Government Reorganisation (Compensation) Regulations 1986, except where an employee has a contractual right to other terms obtained before 2 March 1984. The precise terms for each individual depend on the circumstances of his or her case; these are matters between the employee concerned and the authority responsible for making the payment (in most cases the appropriate residuary body).

Flats (Nugee Committee Report)

Mr. Wheeler asked the Secretary of State for the Environment if he is now in a position to announce the Government's response to the report of the Nugee Committee on the management of privately owned blocks of flats.

Mr. Kenneth Baker: In 1984 the Government became concerned about increasing evidence of management

problems in privately owned blocks of flats. We therefore established a committee under the chairmanship of Mr. E. G. Nugee, QC and containing representatives of tenant, landlord and legal interests to consider these problems. In its report, published last November, the committee gathered extensive evidence about this important sector of the housing market; it identified the main areas in which problems have arisen; and it made many recommendations for changes to the statutory framework within which landlords and tenants of private blocks of flats operate.

The main recommendations in the Nugee report are:

(i) the development of the procedure for appointing a receiver and manager;

(ii) the introduction of a "Housing assessor" to sort out disputes between landlords and tenants on management issues speedily and cheaply;

(iii) a right of first refusal for the residents to give them the opportunity to buy the block if the landlord wishes to sell his interest;

(iv) a procedure for varying leases if there is a major defect in them;

(v) tighter control over money paid into service charge accounts and into reserve or sinking funds; and reform of the tax treatment of such funds;

(vi) tighter control over the insurance of a block of flats, so that it is fully and adequately insured at reasonable cost; and

(vii) further rights for residents to information about service charge accounts; and a larger role for residents' associations.

We are indebted to the committee for the excellent work which it has done on this subject. It is now clear that there are severe problems affecting the management of many blocks of flats. While the vast majority of landlords and their agents achieve high standards of management, the complaints about those who are negligent or unresponsive or who exact excessive service charges, and about the inadequacy of existing leases to secure proper management of the block are too common to be ignored.

We believe that action must be taken to tackle these problems. All residents, whether they are long leaseholders or renting tenants, have a right to expect that their homes will be properly managed and we must provide a legal framework within which that can happen. We therefore accept the main thrust of the committee's recommendations and we propose to legislate as soon as possible.

One of the committee's major recommendations on which we cannot take a view now was for the appointment of housing assessors in the county court to deal with disputes on housing matters quickly and cheaply. This touches on the issues which are already being considered in the review of civil justice which my noble and learned Friend the Lord Chancellor announced in February 1985, and will take forward in that context.

On two issues we propose to go further than the recommendations in the Nugee report. First, we consider that more should be done to involve the residents in the selection of managing agents, by giving recognised residents' associations a right to require the landlord to consult them about the appointment of agents and to consult periodically thereafter. Second, we consider that, in addition to the committee's recommendation of a collective right of first refusal where a landlord wishes to dispose of his interest, the residents of blocks which are wholly or substantially occupied by long leaseholders should have a right to purchase the landlord's interest at market price if they satisfy a court that the landlord has persistently failed in his duties.

Finally, we also propose that leaseholders of houses should have similar safeguards in relation to insurance as leaseholders of flats would have under the committee's proposals; that is, that they should have a right to challenge the level of cover provided by the policy and the reasonableness of the premium.

Our proposals will help the large number of residents of privately owned flats, especially those living in mansion blocks who are suffering because of bad management and lack of repairs.

Radioactive Waste

Mr. Austin Mitchell asked the Secretary of State for the Environment if he will list the sites which were initially investigated by NIREX for possible exploration as sites for nuclear waste disposal which had similar geological and environmental conditions as those sites eventually selected but were not on property owned by Government departments or NIREX partners.

Mr. Waldegrave: I refer the hon. Member to the reply I gave to my hon. Friend the Member for Brigg and Cleethorpes (Mr. Brown) on 18 March at column *92*.

Mr. Austin Mitchell asked the Secretary of State for the Environment (1) what consideration, visits, research or study of local effects he and his Department carried out on the suitability of Killingholm as a possible site for a nuclear dump after its name was put forward by NIREX;

(2) what recent review he has conducted of the site selection process for nuclear waste dumps.

Mr. Waldegrave: I refer the hon. Member to the answer I gave him on 25 February at column *505*.

Mr. Austin Mitchell asked the Secretary of State for the Environment whether the process of informing the public in the locality of nuclear dump sites will include discussions of the reasons for choosing particular sites.

Mr. Waldegrave: NIREX has already made public the factors that it took into account in selecting potential sites.

Mr. Austin Mitchell asked the Secretary of State for the Environment what plans he has to make available to members of the general public all technical papers relating to the selection of possible sites for nuclear waste disposal.

Mr. Waldegrave: NIREX has already produced information on its site selection process. It is willing to make available the results of its geological investigations of sites for which planning permission is to be sought by a special development order. We shall arrange for NIREX's proposals to be independently assessed. The results of the assessment will be made public.

Mr. Austin Mitchell asked the Secretary of State for the Environment if he will publish an assessment of existing and future railway facilities in respect of each of the sites selected by NIREX for possible nuclear waste disposal.

Mr. Waldegrave: NIREX is required to prepare an environmental assessment of any site for which it submits a planning application. This will include an assessment of rail access.

Mr. Austin Mitchell asked the Secretary of State for the Environment if he will make it his policy, in respect of nuclear waste disposal sites (i) to publish site selection

criteria in advance of each type of waste disposal route and (ii) to remove from NIREX to his Department responsibility for shortlisting future sites.

Mr. Waldegrave: We have already published the criteria we expect to see fulfilled for land disposal sites. These are set out in the booklet "Disposal Facilities on Land for Low and Intermediate Level Wastes: Principles for the Protection of the Human Environment", published by HMSO in December 1984. Copies are in the Library. It is right that the responsibility for initial site selection should remain with NIREX.

Mr. Austin Mitchell asked the Secretary of State for the Environment what specific proposals he now has to compensate home owners and local authorities for blight on values and development during the preliminary geological explorations of the four possible sites for nuclear dumping.

Mr. Waldegrave: On the basis of what has happened at Elstow, I would not expect preliminary geological investigations to cause blight to any significant extent. However, NIREX has already stated its intention to provide compensation for householders within a radius of one mile of any eventually selected site. In addition, I understand that NIREX may be willing to consider any particular cases that arose as a result of the recent announcement of sites to be investigated.

Mr. Austin Mitchell asked the Secretary of State for the Environment how many letters and petition signatures, for and against, he has received on the subject of nuclear waste up to 1 April 1986 about *(a)* Killingholme, *(b)* Fulbeck, *(c)* Elstow, *(d)* Bradwell and *(e)* the general subject of nuclear waste.

Mr. Waldegrave: The table gives the approximate number of representations, excluding petition signatures, received in respect of each area between 25 February when the four potential disposal sites were announced and 1 April:

	Number
(a) Killingholme	15,500
(b) Fulbeck	100
(c) Elstow	50
(d) Bradwell	20
(e) Nuclear waste generally	70

Postcard correspondence organised by Humberside county council comprises all except 103 of the representations in respect of South Killingholme. Considerable correspondence about Elstow was received between October 1983, when that site was first announced, and February this year. Some correspondence about Killingholme was received when that site was rumoured to be on NIREX's short list, before it was announced. Six petitions, containing about 380 signatures, in respect of South Killingholme, and one petition, containing 16 signatures, in respect of Fulbeck have also been received. All representations express concern.

Mr. Austin Mitchell asked the Secretary of State for the Environment whether he will delay the issue of a special development order allowing preliminary exploration of possible nuclear dump sites until the First Report of the Environment Committee on nuclear waste is debated by the House.

Mr. Waldegrave: The special development order will only authorise geological investigations at the sites concerned. There will be ample opportunity to take into account the views of Members on the Select Committee's report before any decisions are taken on whether to develop a particular site.

Mr. Austin Mitchell asked the Secretary of State for the Environment what proposals he has to visit Killingholme before laying a special development order for exploration of nuclear sites.

Mr. Waldegrave: I hope to visit each of the potential sites named by NIREX before the special development order is debated. I will inform the hon. Member as soon as I am able to be more specific.

Hampton Court Palace (Fire)

Mr. Jessel asked the Secretary of State for the Environment if he will make a statement following the fire at Hampton Court palace on 31 March.

Mr. Peter Bruinvels asked the Secretary of State for the Environment if he will make a statement on the recent fire at Hampton Court palace; and what estimate has been made of the cost of restoration.

Mr. Kenneth Baker: I greatly regret the loss of one life, and the severe fire damage to the king's audience chamber and the cartoon gallery, and apartments on the second and third floors of Hampton Court palace on Monday 31 March. I must, however, express my heartfelt thanks to all those who were responsible for preventing any further loss of life, containing the damage to this major historic building and saving almost all the invaluable works of art. I am grateful also to my hon. Friend the Member for Twickenham (Mr. Jessel) who was invited to join me and was present at an early hour at the scene on 31 March to look after his constituents' interests.

The coroner and the fire brigade will be mounting their own investigation into the fire.

Temporary weather protection is now being erected over the damaged part of the palace. The courtyards and those parts of the palace which are safe were reopened to the public yesterday. Experts from the Property Services Agency and the Historic Buildings and Monuments Commission for England are urgently assessing the extent of the damage and undertaking essential archaeological investigations. It is my firm intention to restore the damaged structure, but it is too soon to be able to say exactly how long that will take or what it will cost.

I have launched an inquiry into the discharge of my Department's responsibilities to see what lessons can be learnt for the future. This will be undertaken by Sir John Garlick.

The terms of reference for the inquiry are:

To report on the discharge of the functions of the Secretary of State for the Environment in relation to Hampton Court palace in the light of the events of 31 March 1986,

with particular reference to—

(i) maintenance

(ii) fire precautions; and

(iii) the action taken when the fire was discovered and to make recommendations.

NIREX (Departmental Communications)

Mr. Austin Mitchell asked the Secretary of State for the Environment what steps he is taking to clarify the lines

of communication and accountability between his Department and NIREX; and if he will make a statement on his future plans on this subject.

Mr. Waldegrave: The accountability of NIREX to my Department and our lines of communication are already clear. NIREX works within the general policy on radioactive waste management for which my right hon. Friend is responsible. In particular, NIREX has to satisfy my Department as an authorising body that its proposals for waste disposal are safe and acceptable.

Government-owned Buildings (Insurance)

Mr. Peter Bruinvels asked the Secretary of State for the Environment what is his policy regarding the insurance of listed and historic buildings owned by the Government.

Mr. Tracey: The general approach to insuring buildings, including historic buildings, owned by the Government is for the Crown to cover its own risks.

Mr. Peter Bruinvels asked the Secretary of State for the Environment how many Government-owned buildings are not insured; and if he will estimate the annual cost of insuring all of them on the commercial market.

Mr. Tracey: Except for cases where special considerations apply, very few Government-owned buildings are commercially insured. With an estate of this size it is cheaper to pay the direct costs of occasional disasters rather than to insure at commercial rates.

Housing Investment Programme

Mr. Tony Banks asked the Secretary of State for the Environment which authority received the highest housing investment programme allocation in England for 1985-86; and what was the amount of the allocation.

Sir George Young [*pursuant to his answer*, 27 March 1986, c. *624*]: The Greater London council received a housing investment programme allocation of £74·128 million for 1985-86, a substantial proportion of which related to that council's responsibilities to renovate and repair housing stock which it had already transferred to the boroughs. For 1986-87 the amount that would otherwise have gone to the GLC was included in the total available for distribution to the London boroughs.

FOREIGN AND COMMONWEALTH AFFAIRS

Dr. K. Featherstone

Mr. Michael Forsyth asked the Secretary of State for Foreign and Commonwealth Affairs whether any work is being or has been undertaken for his Department by Dr. K. Featherstone of Stirling university.

Mr. Eggar: No work is being or has been undertaken for this Department by Dr. Featherstone.

Paraguay

Mr. Foulkes asked the Secretary of State for Foreign and Commonwealth Affairs what discussions his Department has had with the Government of Paraguay regarding landing rights for aeroplanes; whether they included flights to the Falklands; and if he will make a statement.

Mr. Eggar: There have been no discussions between ourselves and the Government of Paraguay about traffic rights for air services.

Argentina

Mr. Dalyell asked the Secretary of State for Foreign and Commonwealth Affairs what discussions have taken place between the European Community Commission and the Foreign Minister of Argentina about reopening trade relations.

Mr. Eggar: Argentina's restrictions on trade with the United Kingdom do not extend to other members states of the European Community. The Argentine Foreign Minister had discussions with the Commission in Brussels on 19 March. The Commission made it clear, as it has done consistently, that the Community would not be able to conclude a co-operation agreement with Argentina on commercial and economic matters until normal commercial relations have been restored between Argentina and all member states.

Anglo-Libyan Relations

Sir David Price asked the Secretary of State for Foreign and Commonwealth Affairs what is the latest state of Anglo-Libyan relations following the clashes between the United States of America and Libyan forces in the Gulf of Sirte; and if he will make a statement about British nationals in Libya.

Mr. Renton: We have no reports of threats to or incidents involving British citizens in Libya since the clashes in the Gulf of Sirte. British citizens who choose to live and work in Libya do so on their own responsibility. We have at present no plans to resume diplomatic relations with Libya.

Agricultural Attachés

Mr. Austin Mitchell asked the Secretary of State for Foreign and Commonwealth Affairs in which European countries there are agricultural attachés; if he will list these attachés; what are their responsibilities; and if he will make a statement.

Mr. Eggar: There are agricultural attachés in Her Majesty's embassies in the following European countries:

Denmark: First Secretary—also covering Norway.
France: Counsellor.
Federal Republic of Germany: First Secretary.
Irish Republic: First Secretary.
Italy: First Secretary.
Netherlands: First Secretary — also covering Belgium and Luxembourg.
Spain: First Secretary.

Their main responsibilities are:

"*(a)* to report on reactions and attitudes towards developments in European Community agricultural, fisheries and food policies;

(b) to explain United Kingdom policies on agricultural matters and to advise on bilateral questions;

(c) to collect economic, statistical, administrative and technical information and, where appropriate, to assist in promoting United Kingdom food and agricultural exports.

In the office of the United Kingdom permanent representative to the European Community at Brussels there are a Minister, two first secretaries and a second secretary dealing with agricultural matters.

Gulf of Sirte (Incident)

Mr. Marlow asked the Secretary of State for Foreign and Commonwealth Affairs on what evidence he based his statement to the House of 25 March, *Official Report*, column 782, that the Libyans fired missiles at United States aircraft on 24 March; and if he will make a statement.

Mr. Renton: The answer given by my right hon. Friend the Prime Minister to which my hon. Friend refers was based on the statement issued by the White House at 2200 hours on 24 March.

Petty Officer Black

Mr. Latham asked the Secretary of State for Foreign and Commonwealth Affairs what response has been received from the Spanish Government to the note verbale presented to it regarding the circumstances surrounding the death of Petty Officer Black in Spain; what report he has received from Her Majesty's ambassador in Madrid on progress in this case; and whether he will make a statement.

Mr. Tim Eggar: The note and supporting documents were sent to the Spanish Ministry of Foreign Affairs on 3 December 1985. Her Majesty's ambassador has reported that the papers have been passed to the Ministry of Justice and by them to the provincial court in Malaga, where any decision to re-open the case will be made. The Foreign Ministry will convey the findings of the court in due course.

Libyan Nationals

Mr. Peter Bruinvels asked the Secretary of State for Foreign and Commonwealth Affairs how many Libyan nationals have been granted visas in each of the past three years and to date.

Mr. Eggar: The information is not readily available and could be obtained only at disproportionate cost.

OVERSEAS DEVELOPMENT

Paraguay

Mr. Foulkes asked the Secretary of State for Foreign and Commonwealth Affairs what discussions his Department has had with the Government of Paraguay regarding possible assistance to Paraguay for the Ferrocaril de Soya or other railway; whether any offer of assistance has been made; and if he will make a statement.

Mr. Raison: The Foreign Minister of Paraguay, Dr. Saldivar, discussed his country's plans for the Ferrocaril de Soya railway with British firms during his official visit to London in March. Her Majesty's Government have not been asked to provide assistance for this large-scale project from our modest bilateral aid programme to Paraguay.

Population Projects (Aid)

Mr. Terry Davis asked the Secretary of State for Foreign and Commonwealth Affairs what percentage of net public expenditure on overseas aid was represented by expenditure on population projects for each of the years 1982, 1983, 1984 and 1985; and what percentage of this expenditure was represented by bilateral project support, excluding research and joint funding schemes.

Mr. Raison: In 1982, population-related activities represented 0·9 per cent. of gross expenditure on overseas aid, of which 28 per cent. was spent on bilateral programmes and projects. The same figures for 1983 were 1·1 per cent. and 36 per cent. and for 1984 0·9 per cent. and 28 per cent. respectively. Figures for 1985 are not yet available.

AGRICULTURE, FISHERIES AND FOOD

Productivity

Mr. Deakins asked the Minister of Agriculture, Fisheries and Food what is the policy of Her Majesty's Government towards the encouragement of further improvements in the productivity of United Kingdom agriculture for those products which are in surplus in the EEC; and if he will make a statement.

Mr. Gummer: Improved productivity has enabled food to be supplied to consumers at prices which are lower now in real terms than in 1979 and has increased our self sufficiency to 80 per cent. in the commodities which can be produced here.

Production must be geared to the demands of the market, particularly at a time of surplus. Improvements in productivity have a continuing role to play in helping producers to supply the market competitively with products of the right quality. More realistic CAP support prices would allow the maximum benefit of those improvements to be passed on to the consumer and, through lower CAP costs, to the taxpayer.

Salmon

Mr. Onslow asked the Secretary of State for Agriculture, Fisheries and Food if he will list the main threats to British salmon stocks, apart from illegal fishing, together with the measures his Department has taken, since 1979, to counter their effect.

Mr. Gummer: I shall reply to my hon. Friend as soon as possible.

Seals (Fish Stocks)

Mr. Onslow asked the Minister of Agriculture, Fisheries and Food what is his estimate of the impact of grey and common seal populations on fish stocks in British waters.

Mr. Gummer: I am not able to make an estimate in the terms defined. This would require detailed information on the age composition and quantities of individual species of fish consumed by seals, which is not available. The most recent information available on the diet and quantities of fish consumed by grey seals is included in the report entitled "Interaction between Grey Seals and UK Fisheries" prepared by the National Environment Research Council of a study commissioned jointly by this Department and the Department of Agriculture and Fisheries for Scotland. This was deposited in the Library of the House on 26 June 1984. There is no equivalent study in respect of common seals. My right hon. and learned Friend the Secretary of State for Scotland and I are currently planning further research to improve our information on these matters and this Department has

initiated a survey to estimate the level of predation of the Farne Islands seal population on the north-east coast fisheries.

Pâté de Foie Gras

Miss Maynard asked the Minister of Agriculture, Fisheries and Food (1) if he will introduce legislation to impose a ban on the import of pâté de foie gras into the United Kingdom; and if he will make a statement;

(2) what information he has about the extent to which the production and importation of pâté de foie gras is permitted in other EEC countries; and if he will make a statement.

Mrs. Fenner: I understand that the force feeding of animals is prohibited in the Federal Republic of Germany, but am not aware that any restriction is imposed on the production of pâté de foie gras in any other member state. The method of feeding geese involved in this production has been examined by both the Council of Europe and the European Parliament, following expert advice, and neither body saw reason to restrict or prohibit it. Any ban on the import of pâté de foie gras would contravene the provisions of the Treaty of Rome, which of course bind all member states of the European Community.

Frozen Food

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food what steps he took to convey the views of the British frozen vegetable industry on the proposed rate of duty on export of frozen vegetables from the United Kingdom to Spain to those in the European Commission responsible for negotiating the terms of the Spanish accession treaty.

Mrs. Fenner: We have made clear to the European Commission our dissatisfaction with present tariffs on exports of certain frozen vegetables from the United Kingdom to Spain.

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food what information he has on duty on frozen peas exported from Sweden to Spain consequent on the treaty of accession.

Mrs. Fenner: Under recently agreed arrangements between the European Community and the European Free Trade Association, each year until 31 December 1992 a quota of 4,500 tonnes of frozen peas will be allowed to enter Spain from Sweden at a reduced duty of 4·5 per cent. Exports above this level will be charged at the level of the common customs tariff (18 per cent.).

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food (1) what part he took in the negotiations on the duty payable on frozen food exports from the United Kingdom to Spain; when Her Majesty's Government were first aware of the proposed increase; what steps he has taken *(a)* within the European Economic Community and *(b)* with the Spanish Government to reduce the duty to its former level; and whether he has consulted with other frozen food exporting countries within the European Economic Community about joint action to secure this end;

(2) what consultations were held with the frozen food industry about the increase in duties into Spain consequent on the treaty of accession; what information was made available to the industry about that increase; and what attempt was made by him to prevent it.

Mrs. Fenner: My Department was consulted on the negotiations for Spanish entry into the European Community as they progressed. Due to the rapid pace of the negotiations trade associations could be consulted only on an ad hoc basis; no specific consultations were held with the frozen food industry as a whole. Many different duties are payable on frozen foods as a result of those negotiations. Spain proposed in April 1985 that for certain products Spanish tariff dismantlement for imports from the Ten should start from the level of the common tariff rather than the (normally lower) level actually paid before accession. A United Kingdom objection in respect of frozen vegetables was registered at the time. We are pressing within the European Community for a reduction in the present Spanish duty on frozen peas imported from the Ten.

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food what have been the levels of British frozen food exports to Spain for each of the last three available years; and how many jobs he estimates are dependent on those exports.

Mrs. Fenner: Statistics are not readily available for such a wide definition. I have no basis for making estimates of the sort to which the hon. Member refers.

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food what was the rate of duty in Spain on frozen food and vegetables from the United Kingdom (i) before and (ii) after Spanish accession.

Mrs. Fenner: Spanish duty rates for frozen foods imported from the United Kingdom vary greatly, but for frozen vegetables are as follows:

0702B (Frozen Vegetables)

As at 28 February 1986*
Import duty = 4·1 per cent. (EC preferential rate)
+ "Home Compensation Tax" of 10 per cent. (levied on cif value + 6 per cent. = 10·6 per cent.
= Total tax and duty burden of 14·7 per cent.

As from 1 March 1986
Import duty = 15·7 per cent.
+ VAT of 6 per cent. (levied on cif value + import duty) = 6·9 per cent.
= Total tax and duty burden of 22·6 per cent.

* Subject to import licensing also.

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food what is the rate of the duty payable on frozen food and vegetable imports from Spain (i) before and (ii) after Spanish accession to the European Economic Community.

Mrs. Fenner: The United Kingdom duty payable on frozen food and vegetables imported from Spain before accession is set out in Her Majesty's Customs and Excise tariff 1985. The system of dismantlement of these tariffs is to be found in article 75 of the treaty of accession *(Official Journal)* L302 of 15 November 1985. Both documents are to be found in the Library of the House. The duty on frozen vegetables imported from Spain was 18 per cent. as at 28 February 1986 and was reduced to 15·7 per cent. on 1 March 1986.

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food what representations he is making to the Spanish Government to seek a reduction in the duty on frozen food and vegetables from Britain into Spain, reduced to its preaccession level of 4·1 per cent.

Mrs. Fenner: Representations have been made to the Spanish authorities in favour of reducing the duty on frozen peas imported from the United Kingdom.

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food what representations Her Majesty's embassy in Madrid has made to the Spanish Government over the increased duty payable on frozen vegetables imported from the United Kingdom consequent on Spain's accession to the European Economic Community.

Mrs. Fenner: Officials in the Madrid embassy have informed the Spanish authorities that for frozen peas there is in the view of Her Majesty's Government a strong case for activating the provisions of article 75(4) of the treaty of Spanish accession, under which import duties into Spain from the Ten can be dismantled in an accelerated manner.

Hill Livestock Compensatory Allowances

Mr. Maclennan asked the Minister of Agriculture, Fisheries and Food when the outstanding balance of hill livestock compensatory allowances will be paid to eligible recipients; and what has been the reason for the delay in processing payments.

Mr. John MacKay: I have been asked to reply.

Four thousand, two hundred and fifty-eight of the 15,939 producers who are due them have already received their outstanding balance. Processing of the remaining claims is continuing as rapidly as possible and payment of most of the balances will be made in April and May.

There has been no delay in processing payments. By 7 April 1986, 20,532 payments of 1986 hill livestock compensatory allowances had been made to 16,274 producers, compared with the position on 9 April 1985, by which date 15,542 farmers had been paid.

EEC (Price Review)

Mr. Teddy Taylor asked the Minister of Agriculture, Fisheries and Food if the Commission sought the agreement of the Council of Ministers to its decision not to publish the rates of subsidy for exports of dairy produce; and if he will make a statement.

Mr. Gummer [*pursuant to his reply*, 27 March 1986, c. *596*]: The Commission's decision not to publish export refunds for butter, butter oil and skimmed milk powder for certain destinations and for limited periods reflects its concern that advance knowledge of the rates gives a commercial advantage to the Community's competitors by enabling them to adjust their own offer prices accordingly. The Commission considers that it already has the authority to act in this way, so no proposal was put to the Council.

EEC (Dairy Produce)

Mr. Teddy Taylor asked the Minister of Agriculture, Fisheries and Food if the Commission has authority under its regulation No. 765/86 to sell butter to zone C2(i) countries at prices lower than the minimum prescribed under the General Agreement on Tariffs and Trade; if any instructions have been given to the Commission by the Council of Ministers on this matter; and if he will make a statement.

Mr. Gummer [*pursuant to his reply*, 27 March 1986, c. *596*]: A meeting on 31 May 1985 of the milk fats protocol committee of the General Agreement on Tariffs and Trade international dairy arrangement adopted a decision providing derogation from the minimum export price in respect of sales of butter aged at least 18 months. The decision imposed conditions concerning minimum quantities and delivery periods.

Regulation (EEC) 765/86, in particular at articles 1, 7 and 15, takes account of the obligations arising under the international dairy arrangement, including those provided for in the decision adopted on 31 May 1985.

No sales under this regulation have yet taken place.

Mr. Teddy Taylor asked the Minister of Agriculture, Fisheries and Food what sales have been authorised by the Commission in terms of Commission regulation (EEC) No. 765/86 of 14 March; if he will specify the price, amount and country of destination of each sale; if he will further explain which countries are covered by the definition zone C2(i) in the regulations; and if he will make a statement.

Mr. Gummer [*pursuant to his reply*, 27 March 1986, c. *596*]: No tenders have yet been accepted under the terms of article 3 of Commission regulation (EEC) 765/86. The destinations covered by zone C2 as shown in the annex to regulation (EEC) 1098/68 are the USSR and Mongolia.

ENERGY

North Sea Oil and Gas (Contracts)

Mr. Eadie asked the Secretary of State for Energy what information he has for the period from 1985 to the latest date about *(a)* the percentage of contracts and orders arising from North sea oil and gas operations which have been placed with British firms, *(b)* the total value of such contracts and *(c)* the percentage and value of such contracts sub-contracted to British firms; and if he will list the companies which have received such contracts or orders.

Mr. Buchanan-Smith: The information requested at *(a)* and *(b)* will be contained in my right hon. Friend's the Secretary of State's report to Parliament on the development of the oil and gas resources of the United Kingdom. This report will be published towards the end of April. The information requested at *(c)* is not available to my Department. Details of companies which have received contracts and orders arising from North sea oil and gas operations are commercially confidential.

Oil (Taxation)

Mr. Peter Bruinvels asked the Secretary of State for Energy what information he has as to the extent to which oil companies have passed on to the consumer the increases in duty announced in the Budget statement; and if he will make a statement.

Mr. Buchanan-Smith: Pump prices have not in general risen by the full amount of the duty increases announced in the Budget. There is a very wide spread of pump prices at present and prices are continuing to fall.

NORTHERN IRELAND

Royal Ulster Constabulary

Mr. Budgen asked the Secretary of State for Northern Ireland what information he has as to the number of serving members of the Royal Ulster Constabulary who have taken their own lives to date in each of the last five years, showing in each case the month of the year.

Mr. Scott: The information is as follows:

Regular Royal Ulster Constabulary	*Royal Ulster Constabulary Reserve (Full-time)*	*Royal Ulster Constabulary Reserve (Part-time)*
1981		
1 (June)	0	1 (September)
1982		
2 (January and March)	0	1 (February)
1983		
1 (June)	1 (February)	0
1984		
4 (March (2), April and December)	2 (February and October)	1 (May)
1985		
2 (July and December)	0	0
*1986**		
0	1 (February)	0

* Up to 25 March 1986.

Training Centres

Mr. Mallon asked the Secretary of State for Northern Ireland if he will invite the Fair Employment Agency for Northern Ireland to initiate an urgent and comprehensive investigation of promotion structures and practices within Government training centres; and if he will make a statement.

Dr. Boyson: No. The Fair Employment Agency is obliged to investigate bona fide individual complaints of unlawful discrimination within the terms of the Fair Employment (Northern Ireland) Act 1976; any individual who believes that he has suffered in this way can seek redress by making a complaint to the agency.

The agency is also empowered, under section 12 of the 1976 Act, to investigate the employment policies and practices of an employer. It is for the agency, which is an independent statutory body, to decide when these powers should be used.

Firearms

Mr. A. Cecil Walker asked the Secretary of State for Northern Ireland what is the level of fees applicable in Great Britain to the holding of firearms in comparison with what is proposed for Northern Ireland.

Mr. Scott: I shall reply to the hon. Gentleman as soon as possible.

Portadown

Mr. Peter Bruinvels asked the Secretary of State for Northern Ireland if he will make a statement on the recent violence in Portadown, County Armagh, on 31 March, 1 April detailing the number of people injured and arrested.

Mr. Scott: I shall reply to my hon. Friend as soon as possible.

EDUCATION AND SCIENCE

Polytechnics

15. **Mr. Dubs** asked the Secretary of State for Education and Science if he will make a statement on the National Advisory Body's 1987-88 planning exercise.

46. **Mr. Nellist** asked the Secretary of State for Education and Science if he will make a statement on the recommendations of the National Advisory Body on its 1987-88 planning exercise.

Mr. Walden: The secretariat of the National Advisory Body for public sector higher education has drawn up preliminary plans for the disposition of student numbers in the public sector in 1987-88 which were sent out to institutions for consultation on 4 April. These plans are based on certain assumptions about the resources likely to be available for public sector higher education in 1987-88, which will not be announced until the autumn.

39. **Mr. Sedgemore** asked the Secretary of State for Education and Science what representations he has received on the recommendations by the National Advisory Body on its 1987-88 planning exercise.

Mr. Walden: My right hon. Friend has received roughly 30 letters from Members and others bearing on the National Advisory Body's 1987-88 planning exercise since December 1985.

23. **Mr. Andrew F. Bennett** asked the Secretary of State for Education and Science how many departments in polytechnics and colleges will close as a result of the National Advisory Body's 1987-88 planning exercise.

27. **Mr. Fatchett** asked the Secretary of State for Education and Science what are the implications for student numbers of the National Advisory Body's 1987-88 planning exercise.

Mr. Walden: It is too early to tell what the implications of the National Advisory Body's 1987-88 planning exercise will be. Its planning to date has been based on certain assumptions about the resources likely to be available for the public sector of higher education in 1987-88 which may well be modified when planned expenditure on local authority higher education and on the voluntary sector is known for certain in the autumn. The National Advisory Body will not submit final recommendations about academic provision in the public sector in 1987-88 to my right hon. Friend the Secretary of State until December.

25. **Mr. Barron** asked the Secretary of State for Education and Science whether he intends to meet the

National Union of Students to discuss the recommendations of the National Advisory Body's 1987-88 planning exercise.

Mr. Walden: No arrangements have been made for a meeting between my right hon. Friend and the National Union of Students about the recommendations arising from the National Advisory Body's 1987-88 planning exercise, which will not be adopted by the National Advisory Body's committee, nor submitted to my right hon. Friend, until December. My right hon. Friend would carefully consider a request for such a meeting were one to be made.

Free Speech

16. **Mr. Robert B. Jones** asked the Secretary of State for Education and Science whether he has called for reports on recent violations of free speech at Bradford university, Oriel college, Oxford, Bristol polytechnic, Bristol university and Sunderland polytechnic; and if he will make a statement.

Mr. Walden: My right hon. Friend has obtained a report in each of these instances. The authorities of higher education institutions are well aware of his concern that they should show their determination to safeguard freedom of speech.

Inspectors of Schools (Report)

17. **Mr. Haynes** asked the Secretary of State for Education and Science whether he has now received a copy of the 1985 report of Her Majesty's inspectors of schools.

Sir Keith Joseph: No.

35. **Mrs. Clwyd** asked the Secretary of State for Education and Science when he intends to publish the 1985 report of Her Majesty's inspectors of schools.

Sir Keith Joseph: I hope to publish the next report by Her Majesty's inspectors on the effects of local authority expenditure policies on education provision in England towards the end of May.

Schools (Four-term Year)

18. **Mr. Peter Bruinvels** asked the Secretary of State for Education and Science what consideration has been given to introducing a four-term year; and if he will make a statement.

Mr. Dunn: This suggestion has been considered on various occasions in the past, most recently by the National Association of Head Teachers and by a joint working party of the Association of County Councils and the Association of Metropolitan Authorities. In January the ACC published a discussion document and we shall be interested to see the response it receives.

Non-advanced Further Education

19. **Mr. Lofthouse** asked the Secretary of State for Education and Science when he will next meet the chairman of the Manpower Services Commission to discuss non-advanced further education.

Mr. Chris Patten: My right hon. Friend has regular meetings with the chairman of the Manpower Services Commission at which non-advanced further education is usually an important item on the agenda.

Science and Mathematics

20. **Mr. Alton** asked the Secretary of State for Education and Science what information he has on the number of science and mathematics teachers in Liverpool secondary schools.

Mr. Chris Patten: Information is not available centrally on the total number of teachers currently teaching specified subjects in individual education authorities. The Department's teacher records show that there were 280 and 114 graduates in science and mathematics respectively, employed in maintained Liverpool secondary schools at the end of March 1984.

21. **Dr. Hampson** asked the Secretary of State for Education and Science what percentage of candidates in mathematics and science at A-level are girls.

Mr. Chris Patten: In England in 1983-84, 29 per cent. of A-level candidates in mathematics and 37 per cent. in science were girls.

School Books (Expenditure)

22. **Dr. Marek** asked the Secretary of State for Education and Science if he is satisfied with the level of expenditure per pupil on text and library books in primary schools.

Mr. Chris Patten: Since 1979, spending per primary school pupil on books has increased slightly in real terms as measured by the GDP deflator; it is also encouraging to note that, in their report on "The effects of local authority expenditure policies on education provision in England—1984" Her Majesty's inspectors stated that the level of book provision in primary schools was "satisfactory or better in over four-fifths of LEAs." However, the Government acknowledge that a limited increase in expenditure on books is needed to support their policies for the primary schools. Our expenditure plans allow authorities to continue to give some priority to this area of expenditure so long as they take advantage of the scope for savings elsewhere in the education budget and contain their costs.

School Books (Expenditure)

44. **Mr. Clay** asked the Secretary of State for Education and Science whether he is satisfied with the level of expenditure per pupil on text and library books in secondary schools.

45. **Mr Cohen** asked the Secretary of State for Education and Science if he will make a statement on the level of expenditure per pupil on text and library books in secondary schools.

Mr. Chris Patten: In their report on "The effects of local authority expenditure policies on education provision in England—1984" Her Majesty's inspectors stated that the level of book provision was satisfactory or better for 11 to 16-year-olds in two thirds of LEAs and for the 16 to 19 age groups in schools in over three quarters of LEAs. However, in recent years expenditure per secondary

school pupil on books has fallen as schools have spent more of a rising capitation allowance on equipment. Some local education authorities and schools could with advantage give higher priority to spending on books. The Government have made proposals to pay education support grant to assist the purchase of books and equipment needed for courses leading to the new GCSE examination.

ILEA Schools

24. **Mr. Moynihan** asked the Secretary of State for Education and Science what information he has about the standards of academic achievement in Inner London education authority schools; and if he will make a statement.

Mr. Chris Patten: Her Majesty's inspectors have commented on the quality of educational provision in a number of reports published on inspections of ILEA schools. The Department's school leavers survey measures the CSE and GCE achievements of young people at the time they leave school, and the results, broken down by local education authority, are published regularly in the Department's series of statistical bulletins. Examination results on their own are insufficient, however, as one of the possible measures of what the schools have achieved for their pupils unless allowance is made of pupils' background. The Department's "Statistical Bulletin 13/84", entitled "School Standards and Spending", showed that the socio-economic background of pupils is highly associated statistically with their examination results. The bulletin suggested that when allowance is made for background factors, pupils' examination results in the ILEA are close to those that might be expected. The bulletin also showed that at the level of the LEA there was very little association between levels of achievement and levels of expenditure, which in the ILEA are uniquely high.

The statistical bulletin analysed examination achievement at the level of the local education authority. Within that unit there are great variations. The Government's policies for raising standards, set out in "Better Schools" (Cmnd. 9469) involve raising the performance of poorer schools to the level of the best comparable schools. Those policies are as relevant in inner London as elsewhere.

Selective Schools (Closures)

26. **Mr. Merchant** asked the Secretary of State for Education and Science how many plans for the closure of selective schools are currently under consideration by his Department.

Mr. Dunn: Proposals involving the closure of two grammar schools are currently under consideration in the Department.

Truancy

28. **Mr. Gerald Bowden** asked the Secretary of State for Education and Science what information he has as to how truancy figures in inner London compare with those in other parts of England.

Mr. Chris Patten: The Department does not maintain any central record of statistics about truancy.

Social Work Education and Training

29. **Mr. Beith** asked the Secretary of State for Education and Science whether he has any plans to increase the allocation of funds for social work education and training.

Mr. Walden: As regards the public sector of advanced further education, my right hon. Friend is advised on the allocation of funding by the NAB. For 1986-87 he has accepted the NAB's advice, based on target student numbers by subject for each institution, on the distribution of resource provision, and against this background expenditure in 1986-87 is consistent with the preservation of the unit of resource (expenditure per student) actually obtaining in 1985-86. Advice on the pattern of provision for 1987-88 will be offered by the NAB at the end of the year, by which time decisions will have been taken about the resources available for local authority higher education. The university sector will be making its own decisions about allocation of resources provided via the UGC and any funding which may be obtained from private and business sources.

36. **Mr Rowe** asked the Secretary of State for Education and Science how many students are currently undergoing social worker training courses; and how this compares with each of the previous three years.

Mr. Walden: The number of students in publicly funded further education establishments on courses recognised by the Central Council for Education and Training in social work are shown in the table. The figures are for the latest four years available. Figures for the numbers of students undergoing social work training in universities are not readily available.

Students in Further Education Establishments on Courses recognised by the Central Council for the Education and Training in Social Work (CCETSW) England

	Number
*Certificate of Qualification in Social Work (CQSW)**	
November 1981	2,167
November 1982	2,260
November 1983	2,255
November 1984	2,172
Certificate in Social Studies (CSS)	
November 1981	6,298
November 1982	6,696
November 1983	†5,704
November 1984	6,846

* Includes a small proportion of students on post-qualifying courses.
† Excludes between 600 and 800 students who were coded under a more general heading in 1983.

Higher Education (Books)

30. **Mr. Willie W. Hamilton** asked the Secretary of State for Education and Science what is his policy towards the provision of books in universities, polytechnics and colleges, in the light of the National Book League's recent publication, a copy of which hs been sent to him.

Mr. Walden: Decisions about the amount to be spent on books rest with individual universities, polytechnics and colleges, within the total funds available to them, but my right hon. Friend is concerned by the evidence that spending on books has been disproportionately reduced.

Association of Polytechnic Teachers

31. **Mr. Lilley** asked the Secretary of State for Education and Science whether the Association of Polytechnic Teachers is routinely consulted on matters concerning higher education; and if he will make a statement.

Mr. Walden: In cases where consultation encompasses a range of interested parties, and where the Association of Polytechnic Teachers (APT) is perceived to have an interest, the APT is included in the consultative process. My right hon. Friend welcomes the APT's evident willingness to contribute its comments on a wide range of higher education issues. I myself met it on 3 March to discuss its responses to the higher education Green Paper.

GCSE

32. **Mr. Boyes** asked the Secretary of State for Education and Science what talks he has had in recent weeks with the teachers' unions about the introduction of the general certificate of secondary education examinations.

Mr. Chris Patten: My right hon. Friend has not held such discussions, but I have had meetings, in recent weeks, with the Assistant Masters and Mistresses Association, the Secondary Heads Association and the National Association of Head Teachers.

33. **Mr. Terry Davis** asked the Secretary of State for Education and Science what talks he has had in recent weeks with local education authorities about the introduction of the general certificate of secondary education examinations.

Mr. Chris Patten: My right hon. Friend has had correspondence but not discussion with local education authorities in recent weeks on this matter.

34. **Mr. Evennett** asked the Secretary of State for Education and Science if he will make a further statement about preparations for the introduction of the general certificate of secondary education examinations.

38. **Mr. Sims** asked the Secretary of State for Education and Science if he will make a further statement about preparations for the introduction of the general certificate of secondary education examinations.

Mr. Chris Patten: I refer my hon. Friends to the answer that I gave earlier today to my hon. Friend the Member for Uxbridge (Mr. Shersby).

Mrs. Renée Short asked the Secretary of State for Education and Science what response he has made to the letter from the general secretary of the Secondary Heads Association about the finances which he has devoted to the general certificate of secondary education development programme.

Mr. Chris Patten: The general secretary of the Secondary Heads Association wrote to me on 20 March following the announcement by my right hon. Friend on 13 March of the response that the Government are making to the concerns expressed by his association and others. In my response to the general secretary I have reminded him of the considerable support that the Government are giving to the preparations for the GCSE which will allow the orderly completion of the training programme for all teachers and will enable local education authorities to fund a real increase in their provision for books and equipment for the GCSE.

Students (Maintenance)

37. **Mr. Hancock** asked the Secretary of State for Education and Science if he will consider implementing a fundamental review of post-16 years student maintenance.

Mr. Chris Patten: I refer the hon. Member to my reply to the hon. Member for Wolverhampton, North-East (Mrs. Short) on 19 November 1985 at column *689*.

School Buildings

40. **Mr. Pike** asked the Secretary of State for Education and Science what recent representations he has received regarding resources for school buildings, repairs and maintenance.

Mr. Dunn: My right hon. Friend has received recent written representations from some 300 bodies and individuals, including hon. Members, on these topics.

Schools (Midday Supervision)

41. **Mr. Allan Roberts** asked the Secretary of State for Education and Science whether he is satisfied with the arrangements of local education authorities with regard to levels of supervision in giving effect to section 2 of the Education (Amendment) Act 1986.

42. **Ms. Clare Short** asked the Secretary of State for Education and Science, how many local education authorities have made firm proposals to give effect to the provisions of secton 2 of the Education (Amendment) Act 1986.

Mr. Chris Patten: I refer the hon. Members to the answer I gave earlier to day to the hon. Members for Oldham, Central and Royton (Mr. Lamond), for Manchester, Central (Mr. Litherland), for Ealing, North (Mr. Greenway) and for Bolton, North-East (Mr. Thurnham).

43. **Mr. Clelland** asked the Secretary of State for Education and Science, whether he has any plans to meet the National Association of Headteachers to discuss the implementation of the Education (Amendment) Act 1986.

Mr. Chris Patten: I refer the hon. Member to the answer I gave earlier today to the hon. Member or Jarrow (Mr. Dixon).

Teachers (Pay)

47. **Mr. Madel** asked the Secretary of State for Education and Science what consultations his Department has had with the Advisory, Conciliation and Arbitration Service in relation to its role in seeking a new salary structure for teachers; and if he will make a statement.

Sir Keith Joseph: Officials of my Department have attended meetings at ACAS with other representatives of the Burnham P and S committee management panel.

High Energy Physics

48. **Sir John Osborn** asked the Secretary of State for Education and Science if he will now make a statement on the progress being made by the Governments of the

member countries of CERN to review expenditure on high energy physics following the meeting which he attended of CERN's council.

Mr. Walden: The president of the CERN council is considering the proposals made by Governments of CERN member states for individuals to be members of the group to conduct the in-depth review, as agreed by the council at its meeting on 20 February and reported by me to the House on 21 February at columns 355-56.

Student Grants

49. **Mr. Nicholls** asked the Secretary of State for Education and Science what representations he has received in the last six months concerning a restructuring of student grants; and if he will make a statement.

Mr. Walden: The case for a review has been raised in the many hundreds of letters received about grant levels proposed for 1986-87 and the proposal to withdraw students from social security benefits; and several Members spoke in favour of a review during the debate on student support on 12 March. However, we remain committed to the view announced by my right hon. Friend on 12 November that no useful purpose would be served by a review which did not include student loans.

Initiatives

Mr. Baldry asked the Secretary of State for Education and Science if he will list all the education initiatives taken by his Department since 1979 and the cost to the Exchequer to date of each initiative.

Sir Keith Joseph: Our principal concern in education has been to raise standards at all ability levels and to obtain better value for money throughout the education system. We have put great emphasis on the need for a closer relationship between the education service and the outside world, particularly industry and commerce. These concerns have been reflected in a wide range of initiatives affecting all parts of the education service. Since 1979 the proportion of children commencing education before the age of five has increased and the numbers in education of all types beyond 16 have also increased. It is not practicable in the time available to identify the cost of the many measures undertaken but these are listed and have all been taken forward within the planned provision for public expenditure as announced.

In schools

The Government's principal achievements in respect to the schools are set out in the White Paper "Better Schools" (Cmnd. 9469) published on 26 March 1985. In particular, the definition with greater clarity of the objectives and content of the curriculum, financial support for a pilot initiative to promote technical and vocational education for 14 to 18-year-olds in schools and colleges; the support of a pilot programme for improving the education of lower attaining pupils; and the establishment of a scheme for in-service grants for teachers.

The assisted places scheme has been established, to provide a wider range of opportunity.

Decisions have been taken to introduce a new system of examinations at 16, the general certificate of secondary education, based on national criteria; to introduce the AS level examination to broaden A-level studies; and to introduce, and to develop, through specially financed pilot projects, records of achievement for all school leavers.

Legislation in this field has included: the Education Act 1979 which removed the compulsion on local education authorities to reorganise their secondary school provision along comprehensive lines; the Education Act 1980 which, among other matters, improved arrangements for meals, parental preference in admission to school including a right of appeal and provided for parent governors on all governing bodies; and the Education Act 1981 which introduced new arrangements for educating children with special needs.

The Education Bill, now before Parliament, will reform school government, giving more influence to parents. It will also provide for new financial arrangements to make in-service training of teachers more effective.

All initial training courses are being reviewed and strengthened where necessary.

Spending per pupil is now some 19 per cent. higher than in 1979, with a best ever overall pupil-teacher ratio of 17·8:1.

In other parts of the education system the Government have promoted improvements in performance by:

In Further Education

Setting out and implementing important decisions for vocational education in the White Paper "Training for Jobs";

The formation of the Business and Technician Education Council with an important role in the preparation of skilled manpower;

Introducing the new certificate of pre-vocational education (CPVE) as an additional option in the range of courses preparing young people for the world of work, and available in both schools and colleges;

The establishment of a scheme of in-service training grants for further education lecturers;

The operation of college-employer links project (CELP) aimed at increasing colleges' responsiveness to employers' needs and the awareness of the latter of college facilities;

Developing the work of the further education unit, giving it new status and developing the presentation of its reports.

In Adult and Continuing Education

Launching PICKUP to promote provision of updating and broadening the skills of those in mid-career; the programme is helping to secure an increase in updating education of about 10 per cent. a year, especially in the areas of technology and business studies;

Establishing over 100 local collaborative projects in which educational institutions and firms work in partnership to offer adult training and updating—a joint venture between PICKUP and the MSC within the Government's adult training campaign;

Initiating REPLAN for meeting more effectively the education needs of unemployed adults;

Promoting the establishment of a national unit for the development of continuing education.

In Higher Education

The number of home students in higher education has increased, including a general shift towards vocational courses and specifically a 30 per cent. increase in the numbers on science and engineering courses. This reflects a 15 per cent. growth in the proportion of 18 to 19-year-olds entering higher education and an increase of 12 per cent. in the number of mature entrants. At the same time

measures to preserve and enhance quality and to increase the cost-effectiveness of the system and its responsiveness to the needs of the economy have been pursued;

as elements within the movement towards science and engineering, launching the information technology initiative in 1982 and the engineering and technology programme with industry itself contributing £24 million. Specific measures to link higher education and industry in collaborative projects include the appointment of more industrialists to educational bodies;

the Council for the Accreditation of Teacher Education has been set up to review and evaluate initial teacher training courses for which criteria have been set down;

establishing the educational counselling and credit transfer information service (ECCTIS); and supporting the development of a computer-aided careers guidance system for graduates;

establishing the National Advisory Body for public sector higher education;

providing resources for "new blood" in the universities; and for the enhancement of equipment in selected centres of high quality research in the universities;

reviewing academic validation procedures in the public sector of higher education a committee under Sir Norman Lindop reported in 1985, and the Government's position was set out in a statement on 17 March 1986;

providing support for programmes of efficiency studies in the universities and in public sector higher education.

Generally in Education

publishing reports of formal inspections by Her Majesty's inspectorate and introducing arrangements for more systematic follow up action, and publishing the annual HMI report on the observed effects of LEA expenditure policies;

introducing a scheme of education support grants covering up to £30 million of expenditure in 1985-86 on selected activities of national education importance, as provided for under the Education (Grants and Awards) Act 1984;

introducing new arrangements for decision-making and management within the Department, aimed at greater efficiency and value for money.

It is not practicable in the time available to identify the cost of each of these measures but all these initiatives have been undertaken within the provision for public expenditure which has been announced.

Student Grants

Mr. Wigley asked the Secretary of State for Education and Science if he will list in the *Official Report* those educational grants which it is mandatory for local education authorities to pay.

Mr. Walden: Mandatory awards are available for the courses described in regulation 10 of the Education (Mandatory Awards) Regulations 1985—viz full-time or sandwich courses leading to a first degree, a diploma of higher education, a higher national diploma (including the higher national diploma of the Business and Technician Education Council) and full-time and certain part-time courses of initial training for teachers. There are also a considerable number of courses that have been designated as comparable to a first degree course and certain prescribed international courses leading to a first degree provided by an institution in the United Kingdom in conjunction with one in another country. A list of these courses and the institutions which provide them has been placed in the Library.

Mr. Wigley asked the Secretary of State for Education and Science (1) what would be the estimated cost of ending parental contributions towards the local education authority grants paid to students undertaking university education;

(2) if he will make it his policy to ensure that no student who has reached the age of 18 years should have his or her grant entitlement for undertaking university degree courses reduced on a means-testing of the parents' income; and if he will make a statement.

Mr. Walden: No. The cost of abolishing parental contributions in respect of mandatory award holders undertaking university degree courses — currently estimated at about £160 million per annum — is prohibitively high.

School Leavers

Mr. Pawsey asked the Secretary of State for Education and Science (1) what number of leavers from non-comprehensive schools in 1983-84 were from secondary modern schools; and what other types are included in the heading Other Secondary in table 8 of his Statistical Bulletin No. 4/86;

(2) if he will publish a table to show, on the lines of table 8 of his Statistical Bulletin No. 4/86, the qualifications of leavers from maintained non-comprehensive schools.

Mr. Dunn: The number of leavers from maintained non-comprehensive schools and their CSE/GCE examination attainments and intended distinations for 1983-84 were:

Percent.

	Grammar	*Secondary Modern*	*Other Secondary*
Leavers (000s)	21·3	36·6	5·9
With 1 or more A level pass	57·1	2·3	12·0
With no A level but 5 or more higher grade* O level or CSE	21·8	6·9	11·2
1-4 higher grade passes at O level or CSE	17·9	29·5	34·2
With no higher grades but 1 or more other grade†	2·4	50·8	36·4
With no graded result	0·7	10·4	6·3
TOTAL	100·0	100·0	100·0

	Grammar	Secondary Modern	‖Other Secondary
Intending to pursue courses of full-time further or higher education	55·8	21·8	25·6
Degree courses	27·1	0·4	3·5
Teacher Training courses	1·8	0·1	0·6
GCE A level courses	7·9	2·3	3·7
GCE O level courses	1·3	4·2	2·6
Other courses	17·7	14·7	15·2
Available for employment‡	37·3	67·5	64·0
Not known	6·9	10·7	10·4
TOTAL	100·0	100·0	100·0

Source: School leavers survey. Data subject to sampling error

Notes:

* O-level grades A-C and CSE grade 1

† O-level grades D, E and CSE grades 2-5

‡ Including temporary employment pending entry into full-time further and higher education, and including leavers into the youth training and other Government schemes

‖ "Other secondary" are schools that are not regarded as wholly falling into any of the categories comprehensive, grammar or secondary modern

Oxfordshire

Mr. Andrew F. Bennett asked the Secretary of State for Education and Science what was Oxfordshire's education capital expenditure allocation at outturn and at constant prices in each year from 1981-82 to 1986-87; and what was the original bid received by his Department for each year.

Mr. Dunn: The following are Oxfordshire's bids and the allocations at outturn and constant prices for prescribed expenditure made by my right hon. Friend under the Local Government, Planning and Land Act 1980:

	Bid	Allocation (£,000's) Outturn	Constant†
1981-82	*	3,185	3,714
1982-83	*	4,273	4,656
1983-84	*	4,014	4,186
1984-85	4,194	3,245	3,245
1985-86	9,134	3,650	3,476
1986-87	13,423	2,055	1,873

* Cash bids for these years were not required for prescribed allocation purposes.

† Expressed at 1984-85 prices using the GDP deflator.

The following are the allocations for capital expenditure by the governors of voluntary aided and special agreement schools in the area of Oxfordshire education authority on which my right hon. Friend was prepared to pay grant:

	Bid (£,000's)	Allocation (£,000's) Outturn	Constant
1981-82	—	—	*
1982-83	60	47	51
1983-84	455	56	58
1984-85	155	15	15
1985-86	1,360	113	108
1986-87	2,067	470	428

* Aided allocations for 1981-82 were made on a different basis from those of later years and have therefore been excluded.

Poundswick School

Mr. Arnold asked the Secretary of State for Education and Science what information he has about recent attendance figures for pupils at Poundswick school, Manchester; if he can give any breakdown of these figures as between form years; and if he will make a statement.

Mr. Dunn: This information is not available centrally.

Schools (Leicestershire)

Mr. Latham asked the Secretary of State for Education and Science whether he will now make provision within the capital allocation for 1986-87, for building work at St. Francis Roman Catholic primary school, Melton Mowbray, following the submission to him in that regard by the Director of Education of Leicestershire county council on 27 February.

Mr. Dunn: The available resources for aided works for 1986-87 have been fully allocated and there is no prospect of additional resources being made available during the current financial year for building work at St. Francis Roman Catholic primary school, Melton Mowbray.

Mr. Latham asked the Secretary of State for Education and Science whether he will now make immediate provision, by means of a capital allocation, for a mobile classroom for St. Peter and St. Paul Church of England primary school, Syston, following the submission to him in that regard by the Director of Education of Leicestershire County Council on 27 February.

Mr. Dunn: The Leicestershire local education authority did not include a bid for a project at St. Peter and St. Paul Church of England primary school, Syston, in its bid for a capital allocation for works on aided schools in 1986-87 and no allocation was therefore made. There is now no prospect of making provision for this project during the current financial year.

Mr. Latham asked the Secretary of State for Education and Science what representations have been received by his Department from the Director of Education of Leicestershire county council regarding the absence of any capital allocation for minor or major works in aided schools in 1986-87; and what reply has been given.

Mr. Dunn: The director of education for Leicestershire wrote to the Department on 27 February about the absence of any capital allocation for major or minor works in aided schools in 1986-87. The Department's reply of 31 March explained resources for capital expenditure were constrained and that all bids were examined against nationally applied criteria. None of Leicestershire's aided projects fell into a sufficiently high category of priority to receive an allocation in 1986-87. I am placing a copy of the Department's letter in the Library.

Animal Disease Control

Sir David Price asked the Secretary of State for Education and Science what effects he estimates the reductions in the budgets of the research institutes of the Agricultural and Food Research Council in 1986-87 and 1987-88 will have upon future animal health and disease control in the United Kingdom.

Mr. Walden: Following the public expenditure decisions for 1986-87 and 1987-88 the Government funded programme of research on animal diseases to be carried out at Agricultural and Food Research Council institutes has had to be significantly reduced. However, I understand that the council has made every effort to maintain research programmes of the highest quality and maximum productivity. Furthermore, the industry has been invited to contribute to the funding of such work from which it benefits. The Government are hopeful of achieving a fruitful partnership with industry that will help to ensure that the animal health and disease control needs of the United Kingdom are fully met. The need to maintain levels of expertise in important areas of research and development relating to animal disease control and animal welfare and to balance the research with the future needs of the industry have been major determinants of the Government funded programme.

Constituents' Inquiries

Mr. Gale asked the Secretary of State for Education and Science what procedures his Department has for ensuring that inquiries from hon. and right hon. Members on behalf of constituents receive replies.

Sir Keith Joseph: Incoming letters from right hon. and hon. Members are now registered on an electronic database and a regular check is kept to ensure that replies are issued as promptly as possible.

Pre-school Places

Mr. Robin Cook asked the Secretary of State for Education and Science (1) if he will publish in the *Official Report* the figures for the number of pre-school places per 1,000 of the under-five population in education authorities grouped by political control on the classification used by the Secretary of State for the Environment in his reply to the hon. Member for Blackburn (Mr. Straw) on 15 January, *Official Report*, column *577;*

(2) if he will publish in the *Official Report* a table listing education authorities by the number of pre-school places they provide per 1,000 of the under-five population.

Mr. Dunn: Information on the number of places is not available. The number of children aged under five years attending maintained nursery and primary school per 1,000 of the three and four-year-old population in January 1985 was as follows:

Number of pre-school children per 1,000 of the population aged three and four at January 1985.

Conservative

	Number
Greater London	
Barnet	570
Bexley	260
Bromley	170
Croydon	390
Ealing	450
Enfield	540
Harrow	320
Havering	370
Hillingdon	620
Kingston upon Thames	550
Merton	630
Redbridge	240
Sutton	170
West Midlands	
Solihull	650
Merseyside	
Sefton	620
Wirral	480
Greater Manchester	
Bury	490
Trafford	190
Non Metropolitan Counties	
Buckinghamshire	180
Dorset	140
East Sussex	380
Hereford & Worcester	160
Kent	120
Lincolnshire	260
Norfolk	310
Suffolk	260
Surrey	210
West Sussex	90

Labour

	Number
Greater London	
Barking	690
Haringey	740
Hounslow	660
Newham	740
West Midlands	
Coventry	560
Sandwell	710
Wolverhampton	730
Merseyside	
Knowsley	550
St. Helens	560
Greater Manchester	
Manchester	690
Salford	830
Tameside	700
Wigan	590
South Yorkshire	
Barnsley	680
Doncaster	720
Rotherham	540
Sheffield	600
West Yorkshire	
Wakefield	680
Tyne and Wear	
Gateshead	640
Newcastle upon Tyne	700
North Tyneside	830
South Tyneside	820
Sunderland	690
ILEA	510

	Number
Non Metropolitan Counties	
Durham	690

No overall control

	Number
Greater London	
Brent	610
Richmond upon Thames	400
Waltham Forest	580
West Midlands	
Birmingham	620
Dudley	420
Walsall	880
Merseyside	
Liverpool	750
Greater Manchester	
Bolton	640
Oldham	630
Rochdale	570
Stockport	460
West Yorkshire	
Bradford	520
Calderdale	610
Kirklees	640
Leeds	550
Non Metropolitan Counties	
Avon	480
Bedfordshire	320
Berkshire	250
Cambridgeshire	410
Cheshire	380
Cleveland	700
Cornwall	510
Cumbria	530
Derbyshire	470
Devon	210
Essex	180
Gloucestershire	340
Hampshire	200
Hertfordshire	490
Humberside	500
Isle of Wight	400
Lancashire	480
Leicestershire	300
North Yorkshire	410
Northamptonshire	480
Northumberland	540
Nottinghamshire	520
Oxfordshire	170
Shropshire	300
Somerset	340
Staffordshire	430
Warwickshire	430
Wiltshire	200

Higher Education

Mr. Crouch asked the Secretary of State for Education and Science what steps he proposes to take to reassure university staff who have expressed concern at apparent trends in the level of support for higher education; and if he will make a further statement.

Mr. Walden: The Government's expenditure plans envisage that if inflation declines at the rate we expect, universities will need to make savings in real terms of about 1 per cent. a year between now and 1988-89. We recognise that this will face universities with a difficult task but, given the need to constrain the growth of public expenditure, we believe that this is not unreasonable and can be achieved through increases in efficiency. Nevertheless, my right hon. Friend and I have made clear on a number of occasions that we would be very ready to consider any systematic information provided by universities or their staff about possible adverse consequences for the size and quality of the university system, and to take account of such information in our further planning.

Child Abuse

Sir Peter Emery asked the Secretary of State for Education and Science if, pursuant to the answers of 27 March, *Official Report*, column *559*, concerning the background of teachers and prevention of child abuse, he will state what he means by the joint guidance being at an advanced stage of preparation; and when he expects the guidelines to be circulated.

Mr. Chris Patten: Joint guidance on checking the criminal background of those seeking to work with children in the statutory sector will shortly be considered for final approval by my right hon. Friends the Secretaries of State for Education and Science, for Home Affairs, for Social Services and for Wales. Subject to approval, the aim is to circulate the guidance in a few weeks' time.

Mr. Greenway asked the Secretary of State for Education and Science what information he has as to the number of school pupils going from each London borough from school to university or public sector higher education; and if he will make a statement.

Mr. Dunn: Information in the form requested for individual local education authorities is not available. However, the table shows the total number of school leavers and the proportion who express an intention to pursue full-time further and higher education courses directly on leaving school averaged over a three-year period for each of the Greater London local education authorities.

Leavers from maintained schools
Average of academic years 1981-82, 1982-83, 1983-84

	Number (000s)	Proportion intending to pursue full-time further education (per cent.)
Barking	2·35	9·6
Barnet	3·75	31·7
Bexley	3·67	23·5
Brent	3·36	29·0
Bromley	3·80	20·7
Croydon	4·61	27·6
Ealing	3·53	28·5
Enfield	3·94	20·3
Haringey	2·48	25·0
Harrow	2·64	35·1
Havering	4·10	23·7
Hillingdon	3·48	19·2
Hounslow	2·73	22·1
Kingston-upon-Thames	1·76	26·9
Merton	2·00	22·3
Newham	3·43	24·3
Redbridge	2·88	23·7
Richmond-upon-Thames	1·49	55·0
Sutton	2·41	31·9
Waltham Forest	3·14	17·8

	Number (000s)	Proportion intending to pursue full-time further education (per cent.)
ILEA	28·36	19·4
Greater London	89·90	23·4

Source: School Leavers Survey. Data on destinations subject to sampling error.

SOCIAL SERVICES

Housing Benefit

Sir Peter Hordern asked the Secretary of State for Social Services if he will make a statement about the treatment of home income plans for the purpose of calculating housing benefit entitlement.

Mr. Major: The current guidance to local authorities, consolidated in a manual issued last summer, reflects the legal advice we have received on how home income plans should be treated when assessing entitlement to housing benefit. We have received a number of representations suggesting an alternative approach, which would require an amendment to the Housing Benefits Regulations, and are considering the position. We expect to be able to announce the outcome in the near future.

Prescription Charges

Mr. Hannam asked the Secretary of State for Social Services what account he took of drug quantity increase in his determination of the increase in prescription charges.

Mr. Hayhoe: The quantity of drugs prescribed per patient was one of the factors taken into account by Ministers when reaching a decision on the level of prescription charges.

Leyton and Leytonstone

Mr. Cohen asked the Secretary of State for Social Services what were the numbers of claimants in receipt of *(a)* sickness benefit, *(b)* invalidity benefit/pension, *(c)* industrial disablement benefit and *(d)* non-contributory invalidity pension/housewives non-contributory invalidity pension or severe disablement allowance for the latest available year in Leyton and Leytonstone.

Mr. Major: The London postal districts of Leyton and Leytonstone are covered by the Department's office at Leytonstone although the boundaries are not conterminous. The number of claimants at that office in receipt of sickness and invalidity benefit/pension and severe disablement allowance as at 11 March 1986, and in receipt of industrial disablement benefit as at 11 February 1986 (the latest dates for which information is available) is as follows:

	Numbers
Sickness and invalidity benefit/pension	1,395
Severe disablement allowance	355
Industrial disablement benefit	217

Separate records are not kept of the number of claimants in receipt of sickness and invalidity benefit/pension.

Mr. Cohen asked the Secretary of State for Social Services what were the numbers of claimant couples with children in receipt of *(a)* unemployment benefit only, *(b)* supplementary benefit only and *(c)* unemployment and supplementary benefit for the latest available year in Leyton and Leytonstone.

Mr. Major: I regret that this information is not available.

Mr. Cohen asked the Secretary of State for Social Services what were the numbers of claimants in receipt of *(a)* unemployment benefit only, *(b)* supplementary benefit only and *(c)* both unemployment benefit and supplementary benefit for the latest available year in Leyton and Leytonstone excluding pensioner claimants and claimants with children.

Mr. Major: The boundaries of unemployment benefit offices and local social security offices are not conterminous and therefore it is not possible to provide comparable local figures for claimants receiving unemployment benefit and supplementary benefit.

On 11 February 1986 (the latest date for which information is available) there were 9,930 people receiving supplementary benefit from the Leytonstone social security office of whom 6,755 were under pension age and of these 4,093 were unemployed. Information is not available to show how many of these have children.

Mr. Cohen asked the Secretary of State for Social Services what are the numbers of *(a)* single payments and *(b)* urgent needs payments, weekly and one-off, paid to (i) claimants under pensionable age not required to register for work, (ii) claimants under pensionable age required to register for work and (iii) persons over pensionable age and (x) the average rate per 1,000 claimants in (i), (ii) and (iii), (y) the average payment in (i), (ii) and (iii) and (z) the number of claimants with dependent children for the latest available year in Leyton and Leytonstone.

Mr. Major: The London postal districts of Leyton and Leytonstone are covered by the Department's office at Leytonstone, although the boundaries are not conterminous.

The table shows the information available on *(a)* single payments and *(b)* urgent need payments for the year up to March 1985 (the latest available figures). Comparable information about claimants with dependent children is only available on a national basis.

	(i) people under pension age not required to register for work	*(ii) unemployed people*	*(iii) people over pension age*
(a) *single payments*			
No. of awards	2,114	1,726	482
Average rate per 1,000 claimants	949	435	143
Average payment £	86	89	65
(b) *urgent need payments*			
No. of awards	227	348	13
Average rate per 1,000 claimants	102	88	4

Information is not kept of the amounts of urgent need payments made.

Income Support

Mr. Ralph Howell asked the Secretary of State for Social Services if he will give details of the income support available to British subjects who had been working but had become unemployed in each of the following countries: *(a)* France, *(b)* West Germany, *(c)* Italy, and *(d)* Eire.

Mr. Major: The European convention on social and medical assistance to which France, West Germany, Italy, the Republic of Ireland and the United Kingdom are signatories, provides that nationals of countries which are parties tc the convention, who are lawfully present in another signatory's country without means, are entitled to social assistance on the same basis as that country's own nationals. Information on social assistance benefits is contained in section IX of the Department's publication, "Tables of Social Benefit Systems in the Member States of the European Communities, Portugal and Spain (Position at 1 January 1985)", a copy of which is available in the Library.

A United Kingdom national who has been employed and becomes unemployed in France, West Germany, Italy or the Republic of Ireland may qualify for unemployment benefit on the same basis and subject to the same conditions as a national of the particular member state concerned. For these purposes the insurance record in the United Kingdom may be taken into account under arrangements in European Community legislation. Details of the basic conditions that have to be satisfied and of the rates of benefit payable in EC member states are given in section VII of the tables to which I have referred.

Mr. Ralph Howell asked the Secretary of State for Social Services what information he has as to the income support available to British subjects who were visitors in each of the following countries if they found themselves without any money: *(a)* France, *(b)* West Germany, *(c)* Italy and *(d)* Eire.

Mr. Major: Such information as is available is contained in the Department's publication, "Tables of Social Benefit Systems in the Member States of the European Communities, Portugal and Spain (Position at 1 January 1985)", a copy of which is in the Library. As section IX of that publication indicates, there is no statutory right to assistance in France or Italy for people who are not residents of those countries. The supplementary welfare allowance payable in Ireland is shown in section IX as available to residents only, but our latest information is that a condition of residence is not essential.

Rate Rebates (Solihull)

Mr. John Mark Taylor asked the Secretary of State for Social Services what information he has as to how many people in the borough of Solihull possessing savings over £6,000 in value will lose the benefit of any rate rebate if the proposed changes in social security payments are enacted.

Mr. Major: The Department does not collect information about the capital holdings of housing benefit recipients, and the sample data used to produce the very broad estimates in the technical annex to the White Paper (Cmnd. 9691) do not readily permit a breakdown by different regions of the country.

Supplementary Benefit

Ms. Harman asked the Secretary of State for Social Services if he will estimate how many recipients of supplementary benefit in the United Kingdom in 1984 and 1985 had dependent children; and what number of children this represented.

Mr. Major: The following estimated information is available for 1984; similar information for 1985 is not yet available.

(a) Estimated number of supplementary benefit recipients in the United Kingdom with dependent children—1 million.

(b) Estimated number of dependent children—2 million.

Mr. Foulkes asked the Secretary of State for Social Services (1) if he will state, for each of the following categories of supplementary benefit recipients, the numbers receiving laundry additions, the average amount received by each person and the total amount paid *(a)* pensioners aged 60 to 79 years of age, *(b)* pensioners aged 80 years and over, *(c)* disabled pensioners, namely, those receiving benefits related to disability or continuing incapacity, aged 60 to 79 years and *(d)* all other non-pensioner recipients;

(2) if he will state, for each of the following categories of supplementary benefit recipients, the numbers receiving diet additions, the average amount received by each person and the total amount paid *(a)* pensioners aged 60 to 79 years, *(b)* pensioners aged over 80 years, *(c)* disabled pensioners, namely, those receiving benefits related to disability or continuing incapacity, aged 60 to 79 years and *(d)* all other non-pensioner recipients;

(3) if he will state, for each of the following categories of supplementary benefit recipients, the numbers receiving heating additions, the average amount received by each person and the total amount paid *(a)* to pensioners aged 60 to 79 years, *(b)* pensioners aged 80 years and over, *(c)* disabled pensioners, namely, those receiving benefits related to disability or continuing incapacity, aged 60 to 79 years and *(d)* all other non-pensioner recipients.

Mr. Major [*pursuant to his reply*, 6 February 1986, c. *213*]: The information at December 1983, the latest date for which information is available, is as follows:

	(1) *Age 60-79**	*(2)* *Age 80 and over*	*(3)* *Disabled aged 60-79*	*(4)* *Others*
Laundry additions				
Number (000)	47	27	4	47
Average weekly amount (£)†	1·31	1·27	1·40	1·97
Total weekly amount paid (£000)†	61	34	6	93
Diet additions‡				
Number (000)	223	77	17	128

	(1) Age 60-79*	(2) Age 80 and over	(3) Disabled aged 60-79	(4) Others
Average weekly amount (£)†	2·44	2·35	2·76	2·73
Total weekly amount paid (£000)†	545	182	47	394
Heating additions				
Number (000)	1,057	390	46	1,140
Average weekly amount (£)	2·92	3·48	4·23	3·12
Total weekly amount paid (£000)	3,085	1,358	196	3,563

* Includes disabled claimants shown in column 3.

† The amount does not take account of the effect of the available scale margin in relevant cases so that that average amount of benefit actually received and the total amount paid would be somewhat lower than shown.

‡ A claimant with dependants may receive more than one addition for diet: the number of additions made will be greater than the number of claimants shown as receiving an addition, and the average amount shown is greater than the average amount of each addition.

Drug Trafficking and Alcoholism

Mrs. Renée Short asked the Secretary of State for Social Services which foreign health Ministers attended the recent international conference of health Ministers in London; and what action will be taken collectively by Her Majesty's Government and the other Governments involved to reduce drug trafficking and alcoholism.

Mr. Whitney: Delegations from 30 countries attended the conference. Ministers headed the delegations from the following 19 countries:

Australia, the Bahamas, Burma, Colombia, Greece, India, Italy, Jamaica, Japan, Kenya, Malaysia, Mexico, Nigeria, Peru, Sir Lanka, Sweden, Thailand, United Kingdom and USSR.

In addition, 11 countries sent delegations headed by senior officials from their Health Departments:

Bolivia, Canada, Egypt, Federal Republic of Germany, Finland, France, the Netherlands, Poland, Spain, Tanzania and United States of America.

Brazil and Chile were represented by observers from their London embassies.

The conference was concerned with the health aspects of the misuse of narcotic and psychotropic drugs. It did not directly address the questions of trafficking and alcoholism. A copy of the Ministers' statement, released at the end of the conference, is being placed in the Library.

Benefit (London South Region)

Mr. Barnett asked the Secretary of State for Social Services (1) what was the average time taken to process postal applications for benefit in each office located in the London south region in the latest period for which figures are available;

(2) what is the average time taken to process applications for benefit in each office of his Department located in the London south region; what is the number of outstanding visits on the latest available date in each office in the London south region; and how many visits have been abandoned during the latest month for which figures are available in each office in the London south region.

Mr. Major: Tables setting out the latest available information on processing benefit applications and in respect of supplementary benefit home visits for each local office in London south region have been placed in the Library.

Mr. Barnett asked the Secretary of State for Social Services how many postal claims for benefit were outstanding in each office in the London south region on the latest date for which figures are available.

Mr. Major: Tables setting out the available figures of outstanding postal benefit claims on 11 March 1986 have been placed in the Library.

Mr. Barnett asked the Secretary of State for Social Services what comparison his Department has undertaken of current pay levels of staff employed in offices of his Department located in the London south region in relation to pay levels in comparable employment in the region.

Mr. Major: None.

Geriatric Patients

Mr. Cartwright asked the Secretary of State for Social Services, whether he has been consulted about the proposal to relocate geriatric patients from St. Nicholas hospital, Plumstead in the psychiatric unit at Greenwich District Hospital; and if he is satisfied that this is in the best interests of the patients and their families.

Mr. Whitney: My right hon. Friend the Secretary of State for Social Services has approved the proposal by Greenwich health authority to close St. Nicholas hospital. No decision has yet been made regarding alternative accommodation for the geriatric patients affected. The health authority will consider a number of options at its meeting today. Whichever option is agreed, I would expect the health authority to ensure that patients currently in St. Nicholas continue to receive the best possible standard of care.

Radiation

Dr. Bray asked the Secretary of State for Social Services how the responsibilities and terms of reference of the committee on medical aspects of radiation in the environment relate to those of the Medical Research Council and the National Radiological Protection Board, particularly with regard to research and to dose limits.

Mr. Whitney: It is the statutory function of the National Radiological Protection Board (NRPB) *(a)* by means of research and otherwise to advance the acquisition of knowledge about the protection of mankind from radiation hazards; and *(b)* to provide information and advice to persons (including Government Departments) with responsibilities in the United Kingdom in relation to the protection from radiation hazards either of the community as a whole or of particular sections of the community.

The board has been directed by Ministers to advise Government Departments and statutory bodies on the

acceptability of and application in the United Kingdom of radiation protection standards (including dose limits) recommended by the International Commission on Radiological Protection (ICRP) and other international bodies, taking into consideration such advice that it may obtain from the Medical Research Council in relation to the biological bases on which standards rest.

The Medical Research Council (MRC) operates under a royal charter which empowers it to undertake biomedical research. It is involved in fundamental research to investigate the effect of radiation on biological systems. It has a committee on the effects of ionising radiation (CEIR), the terms of reference of which are:

(a) to keep the field of radiobiology under general review and to advise and report to the cell board as appropriate: and

(b) to advise on the biological basis on which radiological protection standards rest, and on the risks arising from ionising radiation.

Both the NRPB and the MRC send assessors to meetings of the Committee on Medical Aspects of Radiation in the Environment (COMARE). This is a Government advisory body whose terms of reference are:

"To assesss and advise Government on the health aspects of radiation in the environment and to assess the adequacy of the available data and the need for further research".

It does not carry out its own research. The NRPB helps provide the secretariat for COMARE.

The NRPB advises on radiation protection matters over a number of fields, but COMARE is concerned solely with the health implications of environmental radiation.

Whilst the roles of all three bodies are related, there is close co-operation between them to avoid duplication.

Children in Care

Sir Brandon Rhys Williams asked the Secretary of State for Social Services what is the average weekly cost of each child *(a)* in local authority care and *(b)* in a foster family in each of the main regions of Great Britain.

Mr. Whitney: The information is not available in precisely the form requested. The Chartered Institute of Public Finance and Accountacy (CIPFA) publishes annual volumes "Personal Social Services Statistics"; the information in the table is derived from its latest (1984-85) information on actual spending by local authorities, and covers England and Wales.

Gross cost per week—1984-85

	Local Authority residential care £	*Community placements* £
North	322·18	41·36
Yorkshire and Humberside	278·99	41·13
East Midlands	327·55	42·15
East Anglia	323·77	39·40
South East	421·04	49·82
South West	340·76	43·48
West Midlands	270·14	42·99
North West	296·66	41·20
Wales	290·03	36·38

Notes:

1. The information on residential care includes costs in each authority's own residential homes; it excludes payments made in respect of children accommodated elsewhere.

2. The information on community placements includes costs of children boarded in foster homes, those in lodgings and those home on trial; the numbers of children home on trial are excluded, but this affects the figures only marginally.

3. Not all authorities provided information. Further details can be found in the CIPFA volume, a copy of which is in the Library.

Joint Finance Arrangements

Mr. Tom Clarke asked the Secretary of State for Social Services if he will list the total allocations made under joint finance arrangements in England and Wales for each year since its introduction, and state for each year to which authorities allocations have been made and the amounts of money involved in each case.

Mr. Hayhoe: The total allocations broken down by year and health authority for England are given in the following table. Allocations in Wales are a matter for my right hon. Friend the Secretary of State for Wales.

Joint Finance Allocations (England)

£'000

Regional health authority	*1976-77*	*1977-78*	*1978-79*	*1979-80*	*1980-81*	*1981-82*	*1982-83*	*1983-84*	*1984-85*	*1985-86*
1. Northern	500	1,350	2,280	2,720	4,040	4,980	5,588	6,079	6,526	6,732
2. Yorkshire	620	1,630	2,610	3,190	4,680	5,770	6,474	6,998	7,356	7,702
3. Trent	740	1,920	3,080	3,810	5,550	6,820	7,697	8,447	9,097	9,707
4. East Anglian	330	840	1,400	1,640	2,340	2,870	3,247	3,685	3,910	4,107
5. North-West Thames	560	1,520	2,460	2,920	4,450	5,490	6,127	6,524	7,034	7,464
6. North-East Thames	650	1,700	2,940	3,480	5,180	6,500	7,500	7,966	8,293	8,692
7. South-East Thames	710	1,860	3,120	3,680	5,390	6,730	7,560	8,235	8,649	9,443
8. South-West Thames	560	1,460	2,330	2,760	4,110	5,060	5,559	6,256	6,710	7,129
9. Wessex	500	1,280	2,110	2,460	3,500	4,310	4,879	5,565	5,982	6,320
10. Oxford	340	870	1,400	1,730	2,470	3,060	3,468	3,842	4,315	5,031
11. South-Western	600	1,590	2,560	3,030	4,380	5,420	6,067	6,540	7,055	7,456
12. West-Midlands	790	2,060	3,360	4,170	6,170	7,600	8,576	9,320	9,821	10,875
13. Mersey	400	1,070	1,820	2,180	3,250	3,960	4,434	4,832	5,297	5,924
14. North-Western	710	1,850	3,030	3,730	5,490	6,730	7,524	8,225	8,844	9,360
TOTAL	8,010	21,000	34,500	41,500	61,000	75,300	84,700	92,514	98,889	105,942
Personal Social Services Research Unit, University of Kent	—	—	—	—	—	—	—	39	55	43
GRAND TOTAL	8,010	21,000	34,500	41,500	61,000	75,300	84,700	92,553	98,944	105,985

Note: Figures are rounded to the nearest £'000.

Medical Lasers

Mrs. Renée Short asked the Secretary of State for Social Services if he will make additional resources available to regional health authorities to enable them to purchase and install in their hospitals more medical lasers.

Mr. Whitney: It is not our general policy to make special allocations for specific items of equipment. It is for health authorities to decide how best to deploy their cash limits in the light of national and local priorities.

Mrs. Renée Short asked the Secretary of State for Social Services how many lasers have been purchased by each regional health authority in England during the last seven years; and at what cost.

Mr. Whitney: This information is not available centrally.

Amputations and Limb Fitting

Mrs. Renée Short asked the Secretary of State for Social Services how many amputations and artificial limb fittings have been carried out in hospitals in each regional health authority in England during the last seven years; and at what cost.

Mr. Newton: Information about the number and cost of amputations in each regional health authority is not available centrally. The following table refers to the provision of artificial limbs through the Department's artificial limb and appliance centres:

Year	*New patients referred to centres (a)*	*Total limbs supplied (b)*	*Total repairs*	*Cost at current prices (c) £Million*
1979	5,780	18,040	85,900	17·8
1980	5,470	17,780	99,240	24·5
1981	5,730	19,220	97,130	25·1
1982	5,770	19,030	97,820	28·2
1983	5,720	22,330	97,860	30·4
1984	5,320	21,150	98,160	33·2
1985	5,570	22,900	93,210	35·4

(a) Includes patients with congenital malformations and patients whose amputation was carried out in another year.
(b) Total new and replacement limb supplied to all patients.
(c) The cost represents the total payment to contractors during the year for the provision of limb repairs and prosthetic services.

Dental Estimates Board (Computer System)

Mrs. Renée Short asked the Secretary of State for Social Services why the introduction of the new Dental Estimates Board computer system has been delayed for a further two years.

Mr. Whitney: There is no delay; the new computer has been delivered and is operational.

Private Patients

Mrs. Renée Short asked the Secretary of State for Social Services how many people have been admitted to National Health Service hospitals in the west midlands region in each of the last seven years as private patients; and what income was yielded as a result of such admissions.

Mr. Hayhoe: I am sorry I cannot give the hon. Member the information she seeks in precisely the form requested. The relevant information, for the most recent years available centrally, is as follows:

Discharges and deaths of private patients in NHS hospitals West Midlands Regional Health Authority

	Number
1978	8,117
1979	7,356
1980	8,011
1981	7,876
1982	5,597
1983	6,015
1984	5,716

Total income derived from private in-patients West Midlands Regional Health Authority

	£
1978-79	1,795,152
1979-80	2,094,352
1980-81	2,809,222
1981-82	3,313,974
1982-83	2,395,145
1983-84	2,937,918
1984-85	2,890,265

NHS (Management Objectives)

Mr. Pavitt asked the Secretary of State for Social Services what is his policy towards the inclusion by National Health Service unit general managers in documents setting out management objectives of clauses reserving the right to impose penalties on National Health Service staff who, in the judgment of the unit general manager concerned, fail to meet those management objectives; and if he will make a statement.

Mr. Hayhoe: As the hon. Member has now provided me with details of a particular instance he has in mind, I will investigate this and let the hon. Member have a fuller reply as soon as possible.

Nurseries Act 1948

Mr. Conway asked the Secretary of State for Social Services to what he attributes the variation of supervisor ratios with regard to local authority implementation of the Nurseries Act 1948.

Mr. Whitney: Local authorities are free to determine the extent of supervision they require in facilities registered under the Nurseries and Child-Minders Regulation Act 1948. No information is held centrally on local variations.

Mr. Conway asked the Secretary of State for Social Services what representations he has received on the Nurseries Act 1948; and if he intends to update its provisions.

Mr. Whitney: A recent consultation exercise of the Department on the possible revision of the Nurseries and Child-Minders Regulation Act 1948 attracted 130 responses from those consulted in England (that is statutory authorities and their representative associations, professional associations, voluntary bodies and others interested in day-care for children under five). We hope to make an announcement soon on how we intend to proceed.

Guardians ad Litem

Mr. Conway asked the Secretary of State for Social Services what representations he has had regarding the level of co-operation received by court-appointed guardians ad litem in care proceedings, from social services officials in protecting their charges.

Mr. Whitney: No formal representations have been received and we have no reason to believe that guardians ad litem are not receiving full co-operation from social services departments.

Comments received during 1985 on how the guardian ad litem arrangements were working in practice included some general references to the need for guardians ad litem to have access to records, and the Department, when a circular was issued on 3 February this year about the arrangements, took the opportunity to include a reminder to local authorities that they are expected to allow guardians ad litem access to their records.

Board and Lodging Regulations (Scotland)

Mr. Maxton asked the Secretary of State for Social Services how many people under the age of 25 years in Scotland have been affected by changes in the board and lodging regulations since November 1985.

Mr. Newton: I regret that separate statistical information on this subject is not maintained and could be obtained only at disproportionate cost.

Vibration White Finger

Mr. Caborn asked the Secretary of State for Social Services what criteria are used by his Department's medical boards to assess the level of disability of persons claiming disablement benefit who suffer vibration-induced white finger.

Mr. Newton: In claims for vibration white finger, as for other prescribed diseases, the assessment of disablement is made by independent medical boards. Using their professional skills and judgment, they compare the claimant with a physically and mentally normal person of the same age and sex. The effect of the occupational disease on any other condition present is also taken into account.

Mr. Caborn asked the Secretary of State for Social Services what percentage disability was awarded for each person granted disablement benefit as a consequence of vibration-induced white finger; and where on the Pelmear/Taylor scale each claimant's vibration white finger was placed during the last 12 month period for which statistics were available.

Mr. Newton: Assessments in the period of 1 April 1985 to 26 March 1986 were as follows:

Per cent. disablement	*Number of successful claim*
1	29
2	32
3	21
4	3
5	22
6	1
7	5
10	7
12	1
15	2
20	2
*—	29
	154

* Not yet available.

Claimants' scores on the Pelmear/Taylor scale are not recorded.

Hip Treatment (South Warwickshire)

Sir Dudley Smith asked the Secretary of State for Social Services what is the average waiting time for treatment for hip disorders in the South Warwickshire health authority area.

Mr. Whitney: I am sorry I cannot give my hon. Friend the information he seeks. The numbers in the central data sample are too small for reliable estimates to be made below regional level. My hon. Friend may wish to write to the chairman of the South Warwickshire district health authority about the information requested.

Mrs. Myra Mabel Fairclough (Inquiry)

Mr. Hancock asked the Secretary of State for Social Services if he will now require the Portsmouth and South-East Hampshire health authority to make public the details of the inquiry that it held into the death of Mrs. Myra Mabel Fairclough at St. Mary's hospital, Portsmouth.

Mr. Whitney: In view of the continuing possibility of legal proceedings it would be improper at this stage to publicise the report.

Mrs. Agnes Scott

Mr. Eadie asked the Secretary of State for Social Services when he expects to reply to the hon. Member for Midlothian's letter to him concerning the case of 95-year-old Mrs. Agnes Scott.

Mr. Major: I wrote to the hon. Member today.

National Insurance Contributions

Mr. Bob Edwards asked the Secretary of State for Social Services if he will give details of companies in the Wolverhampton area which have failed to pass on to his Department national insurance contributions which have been deducted from employees' wages.

Mr. Major: No detailed list of these companies is held by the Department of Health and Social Security. The initial responsibility for collection of national insurance contribution rests with the Inland Revenue.

Mr. Bob Edwards asked the Secretary of State for Social Services what action is taken by his Department to ensure that people are not denied their entitlement to unemployment benefit, maternity benefit or other benefits related to their national insurance contributions, by the failure of their employers to pass on to the revenue the national insurance contributions they have deducted from their employees' wages.

Mr. Major: Where payment to the Revenue is so delayed as to affect benefit, regulations deem the contributions to have been paid for benefit purposes where the Department is satisfied that the failure to pay was not with the consent or connivance of, or attributable to any negligence on the part of, the employee.

Mr. Frank Field asked the Secretary of State for Social Services if he will list for each year since 1978-79 changes in the contribution rates for both employee and employer for class 1 national insurance contributions and if he will state for each year the additional revenue raised by those charges for (i) employees and (ii) employers for each of the years.

Mr. Major [*pursuant to his reply*, 19 March 1986, c. *229*]: The information for Great Britain, assuming not contracted out standard rate national insurance contributions, is as follows:

Year	*National Insurance contribution rates (per cent.)*		*Change—all funds (per cent.)*		*Date change effective*	*Revenue raised (£ million—estimate)*	
	Employee	*Employer*	*Employee*	*Employer*		*Employee*	*Employer*
1979-80	6·50	13·5	—	—	—	—	—
1980-81	6·75	13·7	+0·25	+0·2	6 April 1980	+230	+200
1981-82	7·75	13·7	+1·00	no change	6 April 1981	+1,000	—
1982-83	8·75	13·7	+1·00	no change	6 April 1982	+1,090	—
1982-83	8·75	12·2	no change	−1·5	2 August 1982	—	−1,150
1982-83	—	—	—	—	(*see* Note 1)	—	−600
1983-84	9·00	11·95	+0·25	−0·25	6 April 1983	+290	−310
1983-84	9·00	11·45	no change	−0·5	1 August 1983	—	−410
1984-85	9·00	10·45	no change	−1·0	1 October 1984	—	−650
1985-86	5·00	5·00	−4·00	−5·45	6 October 1985	−140	—
(*see* Note 2)	7·00	7·00	−2·00	−3·45			
	9·00	9·00	no change	−1·45			
	—	10·45	—	no change			

Notes:

(1) In 1982-83 there was a special rebate on the National Insurance Surcharge (NIS) equivalent to a reduction to 2 per cent. over the whole year, but because this was concentrated in the last quarter it is not possible to give a simple figure for the rate changes.

(2) The rate payable on all earnings if weekly earnings (or equivalent) reach *(a)* but do not exceed *(b)* is as follows:

NIC rate	*Earnings*	
	(a)	*(b)*
per cent.	£	£
5	35·50	54·99
7	55·00	89·99
9	90·00	129·99
10·45	130·00	*

* Employers only: no upper limit.

(3) The figures ignore both the changes in the earnings limits (except for the 1985-86 restructuring where the abolition of the employer's upper earnings limit has been allowed for), and also the effects of special NIS rates payable by local authorities.

West Sussex Ambulance Service

Mr. Higgins asked the Secretary of State for Social Services (1) what was the cost of the West Sussex ambulance service in each of the past five years; and what he expects the cost to be in the next three years;

(2) if he will specify what recent changes have been made in the West Sussex ambulance service and the extent to which these changes were carried out as a result of instructions from his Department rather than from the health authorities concerned.

Mr. Whitney: I am sorry I cannot give my right hon. Friend the information he seeks as this is not held centrally. My right hon. Friend may wish to contact the chairman of Worthing district health authority, which manages the ambulance service on behalf of the three West Sussex health districts for this information.

Home Helps

Mr. Robin Cook asked the Secretary of State for Social Services if he will publish in the *Official Report* the figures for numbers of home helps per 1,000 of the elderly population in social work authorities grouped by political control on the classification used by the Secretary of State for the Environment in his reply to the hon. Member for Blackburn (Mr. Straw) on 15 January, *Official Report*, column *577*.

Mr. Whitney: The information is given in the table.

Table: Estimated number of home helps at 30 September 1985 per thousand population aged 65 years and over by political control

	Numbers	*Number of Authorities included in analysis*
England	7·4	109
Conservative controlled	5·4	31
Labour controlled	11·5	32
Independent controlled	13·5	1

Notes

a. The number of home helps has been expressed as whole-time equivalents.

b. Estimated population at 30 June 1984.

c. As in the reply to the hon. Member for Blackburn (Mr. Straw) on 15 January, at column *577*, the analysis excludes authorities that changed political control between 1979 and 1985 and authorities under no overall political control, except in the England figures.

Social Work Authorities (Statistics)

Mr. Robin Cook asked the Secretary of State for Social Services if he will publish in the *Official Report* a table listing social work authorities with *(a)* the number of home helps, *(b)* the number of home meals and *(c)* the number of lunch club places they provide per 1,000 of the elderly population.

Mr. Whitney: The available information about social services authorities in England, which is not in precisely the form requested, is given in the table.

England—Home Helps, Home Meals, 'Elderly' day centre places. Rates per 1,000 population aged 65 and over—1985 (provisional)

	Number of Home Helps per 1,000 of population aged 65 and over	*Number of Home Meals per 1,000 of population aged 65 and over*	*Number of Day Care places per 1,000 of population aged 65 and over (1)*
NORTHERN REGION			
Non-Metropolitan Counties			
Cleveland	9·2	3,681·6	7·8
Cumbria	6·8	3,112·6	0·0
Durham	9·5	3,300·5	0·0
Northumberland	9·8	2,675·9	1·4
Metropolitan Districts			
Gateshead	10·8	5,235·5	1·3
Newcastle upon Tyne	14·9	6,352·0	4·9
North Tyneside	9·6	7,559·4	0·0
South Tyneside	8·7	2,836·6	13·7
Sunderland	16·7	2,723·0	0·0
YORKSHIRE AND HUMBERSIDE REGION			
Non-Metropolitan Counties			
Humberside	8·8	3,521·2	4·5
North Yorkshire	6·1	2,934·9	1·8
Metropolitan Districts			
Barnsley	11·3	3,235·8	2·3
Doncaster	12·4	4,100·4	0·0
Rotherham	12·6	2,126·7	13·6
Sheffield	12·0	1,336·3	4·0
Bradford	11·2	2,875·2	1·6
Calderdale	10·7	3,724·2	4·6
Kirklees	9·9	2,041·8	3·6
Leeds	9·8	4,211·9	3·1
Wakefield	8·7	2,360·2	29·9
NORTH WESTERN REGION			
Non-Metropolitan Counties			
Cheshire	7·7	2,512·3	1·3
Lancashire	7·0	2,673·5	1·1
Metropolitan Districts			
Bolton	9·6	2,710·7	4·0
Bury	8·9	2,770·3	0·0
Manchester	11·4	10,415·9	0·0
Oldham	11·2	1,939·6	1·8
Rochdale	11·8	2,341·9	0·0
Salford	9·1	3,525·1	23·1
Stockport	6·9	4,460·7	0·0
Tameside	12·6	8,010·4	1·9
Trafford	8·1	2,710·7	2·5
Wigan	11·7	4,131·8	1·1
Knowsley	11·7	2,653·4	1·7
Liverpool	8·7	5,279·5	3·2
Sefton	7·2	2,043·3	3·1
St. Helens	16·1	5,111·4	0·0
Wirral	6·1	2,875·4	0·9
WEST MIDLANDS REGION			
Non-Metropolitan Counties			
Hereford and Worcester	6·4	3,075·7	0·0
Shropshire	4·8	3,148·3	0·0
Staffordshire	7·3	3,898·8	3·2
Warwickshire	7·9	3,808·4	0·6
Metropolitan Districts			
Birmingham	9·5	5,409·2	0·7
Coventry	10·4	5,449·7	0·3
Dudley	7·0	3,557·7	5·5
Sandwell	7·3	4,341·6	4·1

	Number of Home Helps per 1,000 of population aged 65 and over	Number of Home Meals per 1,000 of population aged 65 and over	Number of Day Care places per 1,000 of population aged 65 and over (1)
Solihull	6·6	2,253·7	4·3
Walsall	6·9	4,537·6	1·4
Wolverhampton	8·8	9,805·2	1·1
EAST MIDLANDS REGION			
Non-Metropolitan Counties			
Derbyshire	10·7	4,707·1	0·8
Leicestershire	6·2	6,212·0	4·4
Lincolnshire	5·8	2,397·4	0·3
Northamptonshire	4·2	4,051·3	0·3
Nottinghamshire	8·9	9,730·7	4·5
THAMES ANGLIA REGION			
Non-Metropolitan Counties			
Bedfordshire	6·9	4,545·5	20·0
Berkshire	7·5	4,300·8	4·0
Buckinghamshire	7·2	4,387·2	2·3
Cambridgeshire	6·2	3,669·7	4·4
Essex	5·4	3,685·0	0·0
Hertfordshire	5·1	5,230·0	0·4
Norfolk	5·3	1,809·0	0·5
Oxfordshire	6·2	3,716·5	4·4
Suffolk	4·5	2,160·5	0·0
LONDON CENTRAL			
Camden	13·9	10,254·0	3·9
Greenwich	13·3	9,612·5	12·2
Hackney	14·8	9,741·0	1·0
Hammersmith	10·7	11,212·8	1·3
Islington	10·8	11,229·9	9·6
Kensington	6·8	5,751·6	3·2
Lambeth	14·2	13,894·2	23·8
Lewisham	13·9	10,065·5	29·6
Southwark	12·8	10,520·2	21·4
Tower Hamlets	9·9	12,624·5	21·8
Wandsworth	10·4	9,531·7	14·6
Westminster	9·1	6,405·4	0·0
City of London	13·5	7,680·0	0·0
Barking	7·8	5,291·0	0·0
Barnet	4·5	4,286·7	3·7
Bexley	8·7	5,400·5	2·1
Brent	12·4	7,629·4	2·4
Bromley	4·7	3,639·1	3·2
Croydon	5·4	4,828·6	2·4
Ealing	6·1	7,371·4	2·0
Enfield	7·3	5,073·1	6·3
Haringey	15·5	14,319·8	0·9
Harrow	6·7	4,989·9	2·8
Havering	6·8	5,200·6	8·2
Hillingdon	8·2	6,363·0	3·0
Hounslow	5·6	8,868·0	5·4
Kingston-upon-Thames	3·2	5,025·1	6·6
Merton	8·9	6,109·0	6·4
Newham	11·5	6,362·3	6·8
Redbridge	5·1	4,872·7	8·7
Richmond-upon-Thames	5·0	5,295·2	42·1
Sutton	4·3	3,941·1	4·4
Waltham Forest	10·9	4,565·1	1·2
SOUTHERN REGION			
Non-Metropolitan Counties			
Dorset	4·1	1,611·5	3·5
Hampshire	4·5	2,827·7	1·2
Isle of Wight	3·5	2,200·1	0·0
Kent	4·2	1,693·9	0·8
Surrey	3·0	3,970·1	0·0
East Sussex	4·1	3,113·4	0·6
West Sussex	4·0	3,032·3	0·0
Wiltshire	4·9	2,540·1	3·9
SOUTH WESTERN REGION			
Non-Metropolitan counties			
Avon	8·0	7,096·3	0·5

	Number of Home Helps per 1,000 of population aged 65 and over	Number of Home Meals per 1,000 of population aged 65 and over	Number of Day Care places per 1,000 of population aged 65 and over (1)
Cornwall	4·7	1,744·6	1·1
Devon	4·3	3,581·5	0·9
Gloucestershire	5·4	2,390·3	0·0
Isles of Scilly	—	—	—
Somerset	5·4	2,439·6	0·4
ENGLAND TOTAL	7·4	4,247·7	3·1

(1) The data on LA day centre places do not include the growing number of places in 'mixed' day centres, of which an unspecified number are for the elderly.
(2) The data on home helps which are expressed in whole-time equivalents, relate to the position at 30 September 1985, where available*.
(3) The data on meals relate to the number served during the year ended 31 March 1985, where available*.
(4) The data on places relate to the position at 31 March 1985, where available*.
(5) All the rates are calculated using mid-1984 population estimates.
* Otherwise the data are the latest available.

Sugar Consumption

Mr. Pawsey asked the Secretary of State for Social Services what advice his Department gives on the effects and desirable levels of sugar consumption *(a)* by adults and *(b)* by children; what information he has on current sugar consumption levels; and if he will make a statement.

Mr. Whitney Although a number of departmental and Health Education Council publications contain advice about the effects of sugar, particularly on dental health, we have not issued guidance on desirable levels of sugar consumption. The most recent official statistics, based on sugar supplies, estimate United Kingdom sugar consumption in 1984 as 44·3 kilogrammes per head per year. The level has remained fairly constant over the past decade.

Dermatology Ward, Royal Victoria Hospital, Newcastle

Mr. Clelland asked the Secretary of State for Social Services whether he has yet considered the proposed closure of a dermatology ward in the Royal Victoria hospital, Newcastle upon Tyne.

Mr. Whitney: Newcastle health authority is currently undertaking a wide-ranging review of its services. As part of that work it is considering a number of areas for investigation, including the rationalisation of its dermatology services. I understand, however, that no firm proposals for this service have yet been considered.

Proposals from health authorities to rationalise services, or to vary the way in which those services are provided, would normally be referred to Ministers only where they involve a substantial variation in services to which the local community health council had objected.

Health Education

Mr. Sheerman asked the Secretary of State for Social Services what percentage of the health education budget has been spent on education regarding dietary and eating patterns.

Mr. Whitney: The Health Education Council, which is Government funded, spent 1·4 per cent. of its budget (£142,000) in 1985-86 on activity relating to diet and nutrition. Information on the percentage of health authorities' budgets spent on this subject is not held centrally.

Mr. Sheerman asked the Secretary of State for Social Services what criteria are used to assess the effectiveness of particular health campaigns in health education areas.

Mr. Whitney: Health authorities, which are responsible for their own health education activities, assess the effectiveness of specific campaigns in accordance with their own criteria. National campaigns run by the Health Education Council are normally subject to pre-testing and subsequent evaluation in accordance with criteria appropriate to the particular circumstances.

Mr. Sheerman asked the Secretary of State for Social Services what sums of money have been spent on health education in each year since 1960.

Mr. Whitney: Total Government funds allocated to the Health Education Council in each of the years since it was set up are:

	£ million
1968-69*	0·1
1969-70	0·2
1970-71	0·3
1971-72	0·6
1972-73	0·8
1973-74	1·6
1974-75	1·0
1975-76	1·7
1976-77	1·5
1977-78	3·1
1978-79	3·7
1979-80	4·5
1980-81	5·0
1981-82	6·6
1982-83	8·6
1983-84	9·3
1984-85	9·6
1985-86	10·1

* (seven months).

The council undertakes a wide variety of health education programmes and carries out the planning and promotion of health education at national level in England, Wales and Northern Ireland. Information on the proportion of health authorities' budgets spent on health education is not held centrally.

Single Payments

Dr. Godman asked the Secretary of State for Social Services if he will list, by type of client group, the number and amount of single payments paid in each of the past four years.

Mr. Major: The following tables set out the information requested:

Year	Persons over pension age		Unemployed		Others	
	Number of single payments (000s)	Amount £ million	Number of single payments (000s)	Amount £ million	Number of single payments (000s)	Amount £ million
1982	301	10	701	41	594	37
1983	187	12	966	73	721	57
1984	268	18	1,452	110	1,129	89
1985	442	25	2,007	155	1,670	129

Dr. Godman asked the Secretary of State for Social Services what were the number and amount of single payments by client group type for Strathclyde, Scotland and Great Britain; what were the reasons for payment by regulation and item for the above areas by client group for the years 1983, 1984 and 1985; and what was the average amount paid by type of item generally for the above areas and periods.

Mr. Major: The information requested is available only for Great Britain. The most recent detailed data about the number and amount of single payments by client group and the reasons for payment are available in tables 19.2 and 19.3 of the "Supplementary Benefit Annual Statistical Enquiry 1983", a copy of which is in the Library.

Dr. Godman asked the Secretary of State for Social Services (1) what mechanism he intends to use to implement his proposals for cuts in single payments; and if he will make a statement;

(2) when he intends to implement his proposed cuts in single payment awards.

Mr. Newton: Proposals for changes to the single payments regulations are currently the subject of consultations with the Social Security Advisory Committee in the normal way. Final decisions on content and timing of changes will be taken in the light of the outcome of the consultation. Changes to the rules on single payments require amending regulations to be laid before Parliament.

Dr. Godman asked the Secretary of State for Social Services what assessment he has made of the effect of his proposals for cuts in single payments on the number of single payment cases going to appeal; and if he will make a statement.

Mr. Newton: It is not feasible to quantify the effect which our proposals to change the rules for single payments might have on the number of appeals.

Dr. Godman asked the Secretary of State for Social Services what changes he intends to make in the arrangements for assessing the level of single payments, in the light of the decision of the Social Security Commission in allowing the appeal in the case R(SB) 30/85; and if he intends to establish standard sums and a national price list.

Mr. Newton: In September 1985 the Chief Adjudication Officer and the Department jointly issued circular S36/85 on the pricing of single payment awards, part of which followed the commissioner's decision in R(SB) 30/85; a copy of the circular is in the Library. I have since announced, in my reply to my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) on 24 February at columns *476-78*, our proposals for changing the rules on single payments which are currently with the Social Security Advisory Committee for consultation; these provide for a national price list for items of essential furniture and household equipment.

Dr. Godman asked the Secretary of State for Social Services (1) what criteria he will use to determine the proportional share that each region will be expected to cut from single payment awards;

(2) what will be the proportional loss to Scotland of his proposed cut in single payments; and how much this will correspond to in cash terms.

Mr. Newton: There is no question of DHSS offices in Scotland being expected to make any particular cut in money terms. They will simply be expected to apply the revised regulations to the circumstances of any claims which are made. The aim of the proposals nationally is to bring expenditure on single payments back to around 1984 levels.

Ms. Harman asked the Secretary of State for Social Services to what specific factors he attributes the increase in single payments since 1981.

Mr. Major [*pursuant to his reply*, 10 March 1986, c. *380*.]: In 1981, the first full year of the regulated scheme, there was a short-term decline in the number and costs of single payments. Factors in the immediate subsequent increase are likely to be increasing awareness of the new basis and rules of help and changes in the claimant population. The continued rapid expansion in more recent years is less readily explainable. Between 1983 and 1985 the numbers, real cost, and rates of payment for each thousand claimants on benefit at the relevant date broadly doubled. In the light of continuing evidence of disparities between individual offices, different parts of the country and groups of claimants, the Government consider that a particular factor in the continued expansion is the relatively open-ended nature of certain of the qualifying conditions.

Ms. Harman asked the Secretary of State for Social Services what is his policy towards the use by local authority of publicity campaigns to increase applications for single payments.

Mr. Major [*pursuant to his reply*, 10 March 1986 c. *380*]: Our general policy on the use by local authorities of publicity campaigns is to ensure so far as possible they are targetted towards those who are most likely to be entitled to benefit and are planned with the co-operation of our local or regional staff to ensure that the normal work of local offices is not disrupted to the disadvantage of other claimants.

Ms. Harman asked the Secretary of State for Social Services (1) if he has evidence of an increase in fraudulent claims for single payments in *(a)* Southwark and *(b)* the country as a whole;

(2) if he has conducted an investigation of fraudulent claims for single payments;

(3) what is his estimate of the amount fraudulently claimed in *(a)* single payments and *(b)* all other benefits.

Mr. Major [*pursuant to his reply*, 10 March 1986 c. *380*]: By its nature, it is not possible to make a reliable estimate of the extent of benefit fraud either locally or nationally. Evidence given in support of single payments claims can be difficult to verify or challenge but we are aware of examples of claims where there must be considerable doubt about the facts presented.

Guardians ad litem

Mr. Conway asked the Secretary of State for Social Services if he has any plans to introduce legislation to extend the powers of court-appointed guardians ad litem in care proceedings to protect the interests of their charges.

Mr. Whitney: The powers of court-appointed guardians ad litem were recently reappraised as part of a wider review of child care law conducted by an interdepartmental working party. The working party's report was published as a consultative document in October 1985. Its recommendations included a proposal that the guardian ad litem should have access to all local authority records, in line with current practice in the large majority of local authorities. We are now considering responses to the report and we hope to make an announcement soon on how we intend to proceed.

Child Abuse

Sir Peter Emery asked the Secretary of State for Social Services if, pursuant to the reply to the hon. Member for Honiton of 27 March, *Official Report*, column *559*, concerning child care workers, he will state what he means by the statement that consultations on the implementation of the recommendations are at an advanced stage; and if he can yet give a date for the regulations to be introduced.

Mr. Whitney: A draft local authority circular was issued for consultation on 18 December 1985. Comments have been received from a wide range of interested parties and it is hoped to issue the circular, revised to take account of the comments received, within the next few weeks.

Mr. Meacher asked the Secretary of State for Social Services what information he has as to how many senior staff in each local authority social services department are engaged (i) full-time, and (ii) part-time on supervision of staff dealing with child abuse cases, and how this compares in each case with central guidelines for staff supervision ratios.

Mr. Whitney: The Department does not collect data relating to the number of people engaged on supervision of staff dealing with child abuse cases. We have no plans to issue guidance on staffing ratios in child abuse work, as this is a matter to be decided by each local authority according to local needs and circumstances.

Hospital Beds (Hull)

Mr. Randall asked the Secretary of State for Social Services (1) what estimate he has made of the number of ophthalmic operations which did not take place as a result of the closure of ophthalmic beds at the Hull royal infirmary in the last financial year;

(2) what was the reduction in the number of available beds in the last financial year in hospitals in Hull whose loss was attributed by the responsible health authorities to shortage of funds;

(3) what information he has as to the number of ward closures in hospitals in Hull during the last financial year for which the responsible health authorities gave shortage of funds as the reason; and if he has any plans to increase funding for the Hull district health authority;

(4) what is his estimate of the effect on the waiting time for cataract operations in the Hull health authority hospitals as a result of the reduction in ophthalmic beds in the last financial year;

(5) what estimate he has made of the effect on patients of those reductions in beds and other services in the general surgical wards in the Hull district health authority in the last financial year for which shortage of funds has been given as the reason.

Mr. Hayhoe: I regret that the information requested is not available centrally. The regional health authority is responsible for deciding on the levels of funding for individual district health authorities. The hon. Member may therefore wish to contact the chairmen of the regional and district health authorities for the information he seeks.

Alcohol Consumption

Mr. Michael Brown asked the Secretary of State for Social Services whether he has received any application from the Health Education Council for public funds to mount a campaign against the consumption of alcohol.

Mr. Whitney: The Health Education Council's budgeted expenditure on activity concerning alcohol misuse in 1986-87 is £494,000. The council has not requested additional funding for this purpose.

Mr. Michael Brown asked the Secretary of State for Social Services what discussions he has had with the drinks industry over the health aspects of the consumption of alcohol.

Mr. Whitney: My right hon. Friend the Minister for Health met the Wine and Spirit Association on 19 December 1985 and I met the Scotch Whisky Association on 14 January 1986 for informal discussions.

Action on Alcohol Abuse

Mr. Michael Brown asked the Secretary of State for Social Services whether he has received any application for public funds from Action on Alcohol Abuse; what has been his response; and if he will make a statement.

Mr. Whitney: An application for grant-aid from Action on Alcohol Abuse was received on 2 December 1985. Following a review of the alcohol misuse voluntary sector in 1982, it was decided to maximise the use of departmental funds in this field by continuing grant-aid to a single national voluntary agency. Alcohol Concern was set up in 1983 to undertake a wide range of activities, including many of the stated aims of Action on Alcohol Abuse; we were therefore unable to agree to fund Action on Alcohol Abuse.

Mr. Michael Brown asked the Secretary of State for Social Services what meetings he or his officials have had with representatives from Action on Alcohol Abuse; and if he will make a statement.

Mr. Whitney: Meetings between officials and representatives from Action on Alcohol Abuse took place on 21 January 1983 and 18 July 1985.

Health Education Council

Mr. Michael Brown asked the Secretary of State for Social Services when he last met the chairman of the Health Education Council; and what subjects were discussed.

Mr. Whitney: I met the chairman on 17 March when he led a team of council members and officers for the annual review of council activities. Subjects discussed included priorities for forthcoming programmes, cost-effectiveness, evaluation, organisational structure and publications policy.

British Medical Association

Mr. Michael Brown asked the Secretary of State for Social Services when he last met the chairman of the British Medical Association; and what subjects were discussed.

Mr. Hayhoe: My right hon. Friend the Secretary of State for Social Services last met Dr. Marks, chairman of the British Medical Association Council on 25 July 1985 for an informal lunch. In addition, I have had several meetings with Dr. Marks, the last of which was on 20 January 1986 to discuss a report on NHS expenditure.

Private Hospitals

Mr. Straw asked the Secretary of State for Social Services how many private hospitals have been opened in the United Kingdom since June 1979 to date; how many beds are provided; and how many of these beds are for *(a)* acute illness, *(b)* chronic illness, *(c)* geriatric care and *(d)* other categories.

Mr. Hayhoe: I regret that I cannot give the hon. Member all the information he seeks as it is not collected centrally in the form requested. The available relevant information is given in the table. Statistics for the rest of the United Kingdom are a matter for my right hon. and learned Friend the Secretary of State for Scotland, and my right hon. Friends the Secretaries of State for Wales and for Northern Ireland.

Private hospitals, nursing homes and clinics registered at 31 December under the Nursing Homes Act 1975, as amended by the Health Services Act 1980

England

	1980‡	*1984†*
All establishments		
Number of establishments	1,130	1,490
Number of beds	32,362	43,215
Hospitals*		
Number of establishments	139	195
Number of beds	6,408	8,541

* 1980. Establishments offering acute medical and surgical care.
1984. Establishments with operating theatres.
† Provisional figures.
‡ There are no figures available for 1979.

Social Security Bill

Mr. Meacher asked the Secretary of State for Social Services what is the estimated change in public expenditure arising from each section of the Social Security Bill which involves changes in public expenditure, both in the first year after implementation and in the first full year of any proposed change, respectively.

Mr. Newton: I have nothing to add to my reply to the hon. Member on 21 March, at column *321*, about the financial effects of the Bill.

NHS Expenditure

Mr. Meacher asked the Secretary of State for Social Services what has been the percentage change (i) each year since 1979 and (ii) in 1986 by comparison with 1979 in National Health Service expenditure in each of the National Health Service's regions and nationally *(a)* in real terms, *(b)* in real terms taking account of National Health Service pay and prices and in terms of constant standards after taking account of the annually growing numbers of elderly people.

Mr. Hayhoe: I shall let the hon. Member have a reply as soon as possible.

Leeds Western Health Authority

Mr. Meadowcroft asked the Secretary of State for Social Services (1) what representations he has received from the chairman of the Yorkshire regional health authority regarding the chairmanship of the Leeds Western health authority;

(2) why Mr. Robin Good is not being re-appointed as Chairman of the Leeds Western health authority;

(3) what representations he has received from medical staff in relation to the chairmanship of the Leeds Western health authority; and if he will make a statement.

Mr. Hayhoe [*pursuant to his reply*, 11 March 1986, c. *449*]: I refer the hon. Member to my reply to the hon. Member for Wentworth (Mr. Hardy) on 26 March at column *523*. The views of the regional health authority chairmen were taken into account, along with those from other sources. Correspondence on this subject has been received from the medical staff within Leeds Western health authority.

Research

Mr. Alfred Morris asked the Secretary of State for Social Services if he will list the social security research currently being undertaken by or on behalf of his Department; what are his priorities for future social security research; and if he will make a statement.

Mr. Fowler [*pursuant to his reply*, 12 March 1986, c. *519*]: Details of social security research currently being undertaken by or on behalf of the Department are contained in the DHSS "Handbook of Research and Development 1985" which has recently been published by Her Majesty's Stationery Office and of which a copy has been placed in the Library. The Department will undertake such further research as is needed to assess the need for and measure the effectiveness of the main services, including the implementation of the programme for action "Reform of Social Security" (Cmnd. 9691); to suggest ways in which these might be improved; and to provide information on the likely consequences of changes in the extent or nature of services.

Pensions

Mr. Meacher asked the Secretary of State for Social Services if he will set out the average level of *(a)* the state earnings-related pension scheme additional component and *(b)* the guaranteed minimum pension paid out each year since 1978, both at current and constant prices; and on the basis of the economic assumptions of the five-year rolling Public Expenditure Survey Committee programme, what he estimates will be their levels over the next five years.

Mr. Major [*pursuant to his reply*, 21 March 1986, c. *321*]: The information requested is set out in the tables. Table A shows, at current prices, the average levels of gross additional component, net additional component (that is, the sums paid to those who receive some additional pension, after taking account of amounts paid as guaranteed minimum pension) and guaranteed minimum pension (similarly, the average sum paid to those who actually receive the guaranteed minimum pension), for each year since 1979 and to the end of the current Public Expenditure Survey Committee period. Table B gives the information at November 1985 prices. Figures up to September 1985 represent awards in payment at the date specified. For future years the estimated amounts given are financial year averages, taking account both of upratings and of part year awards of benefit.

TABLE A

*Current Prices £ (Great Britain)**

	November 1979	*November 1980*	*November 1981*	*September 1982*	*September 1983*	*March 1984*	*September 1985*	*1986-7†*	*1987-8†*	*1988-9‡*
Gross additional component‡	0·70	1·08	1·84	1·88	2·50	2·82	3·87	4·80	5·90	6·80
Guaranteed Minimum Pension‖	0·66	0·97	1·42	1·83	2·35	2·62	3·77	4·50	5·70	6·60
Net additional component¶	0·38	0·60	0·83	0·97	1·31	1·46	1·89	2·40	2·90	3·40

TABLE B

November 1985 Prices £

Gross additional component‡	1·11	1·49	1·90	2·20	2·79	3·09	3·89	4·60	5·50	6·20
Guaranteed Minimum Pension‖	1·05	1·34	1·75	2·14	2·62	2·87	3·79	4·40	5·30	6·00
Net additional component¶	0·60	0·83	1·02	1·14	1·46	1·60	1·90	2·30	2·80	3·10

Notes:

* Includes overseas cases.

† Future year averages rounded to nearest 10p.

‡ Total average additional pension payable, whether as additional SERPS pension or as guaranteed minimum pension (GMP).

‖ Average GMP paid to those receiving a GMP.

¶ Average additional pension paid to those receiving some additional SERPS pension.

Nurses

Dr. Roger Thomas asked the Secretary of State for Social Services how many qualified state enrolled nurses and state registered nurses were trained in the private sector in each year since 1979.

Mr. Hayhoe [*pursuant to his reply*, 26 March 1986, c. *519*]: This information is held by the English National Board for Nursing, Midwifery and Health Visiting.

I understand that the only private sector training for state enrolled nurses, now referred to as enrolled nurses (general) is at King Edward VII hospital at Midhurst and that the numbers trained have been 16 in 1983-84, 18 in 1984-85 and seven in 1985-86. Similarly the only private sector training for state registered nurses, now referred to as registered general nurses, is at the Royal Masonic hospital and this is run jointly with the National Health Service Training School at Queen Mary's, Roehampton. The number of RGNs trained at this joint training school has been 43 in 1983-84; 57 in 1984-85 and 44 in 1985-86.

In both cases the figures for 1985-86 are subject to further examination results yet to be announced. Figures for earlier years are not available.

District Health Authorities (Chairmen)

Mr. Meadowcroft asked the Secretary of State for Social Services if, pursuant to his reply of 24 March, *Official Report*, column *384*, about district health authority chairmanships, the various sources included any Conservative party officials and organisations; and if he will make a statement.

Mr. Hayhoe [*pursuant to his reply*, 27 March 1986, c. *578*]: These are not political appointments. Members of Parliament of all parties were invited to make recommendations and nominations. There were no consultations with individual political parties or organisations.

Departmental Staff

Mr. Meacher asked the Secretary of State for Social Services what has been the number of staff serving in social security offices each year since 1979; what has been the average work load each year in number of cases dealt with by each of them; how many Staff each year undertook home visits; how many home visits they made; and how many welfare visits each member of the visiting staff made on average each year.

Mr. Major [*pursuant to his reply*, 20 February 1986 c. *320*.]: As certain figures given in my earlier reply were inconsistent, the basis of the table has been re-examined and a revised version is as follows. As will be seen, the trends are broadly the same as those indicated in the previous reply.

	Local office †*complement*	**Average workload* *Supp B*	†*S.T.B.*	*Visits (including ineffective)*
1979-80	62,541	100	N/A	4,145,205
1980-81	62,424	101	N/A	4,352,026
1981-82	63,642	112	N/A	4,437,920
1982-83	61,871	129	N/A	4,168,382
1983-84	56,703	133	325	4,275,290
1984-85	58,182	130	318	3,658,564

Abbreviations: Supp B—Supplementary Benefit; STB—Short Term Benefits; N/A—Not Available.

Notes

* Number of cases in action divided by number of staff allocated to the work described;

† Complement at April excluding cleaners and security guards.

‡ Short Term Benefits include sickness benefit, invalidity benefit, non-contributory invalidity pension and severe disablement allowance.

No records are kept on the number of staff undertaking home visits, and no separate records are kept on welfare visits, although all home visits have a welfare aspect.

Social Security Bill (Actuary's Report)

Mr. Meacher asked the Secretary of State for Social Services, in the Government Actuary's report to the Social Security Bill 1986 (Cmnd. 9711), in table 5 (p. 14), what would be the estimated joint rates of contributions for each of the years stated if the assumptions included *(a)* forecast growth of the economy of 3 per cent. per year, *(b)* growth in real earnings of 3 per cent. per year, or *(c)* both these assumptions, whilst other assumptions in each case remained the same.

Mr. Major [*pursuant to his reply*, 6 February 1986, c. *217*]: The table shows estimated joint rates of contribution to the national insurance fund. The assumptions underlying these rates are the same as those for Table 5 in the Government Actuary's report (Cmnd. 9711) except that real earnings growth is assumed to be 3 per cent. per annum — that is variant *(b)* requested by the hon. Member. In practice, variants *(a)* and *(c)* do not arise because the report makes no assumption about the growth of the economy.

Estimated joint rates of contribution in respect of employed earners (before reduction for those in contracted-out employment), per cent. of earnings*

Year	*Existing Scheme*	*Revised Scheme Ultimate additional numbers contracted-out*		
		½ million	*2 million*	*5 million*
Prices uprating				
1993-94	13·2	13·2	13·4	13·8
2003-04	11·6	11·5	11·6	11·9
2013-14	11·6	10·6	10·6	10·8
2023-24	12·0	10·0	9·9	9·9
2033-34	12·8	9·5	9·4	9·3
2043-44	11·3	7·7	7·7	7·6
2053-54	10·3	6·7	6·7	6·7
Earnings uprating				
1993-94	15·5	15·5	15·7	16·1
2003-04	16·4	16·3	16·4	16·7
2013-14	19·0	18·0	18·0	18·2
2023-24	21·8	19·8	19·7	19·7
2033-34	25·1	21·8	21·7	21·6
2043-44	23·6	20·0	20·0	19·9
2053-54	22·6	19·0	19·0	19·0

* Excluding Redundancy Fund, Maternity Pay Fund and NHS Act contributions.

THE ARTS

Budget Effects

Sir David Price asked the Minister for the Arts what effect he expects the tax proposals in the current Budget to have upon the funding of the arts; and if he will make a statement.

Mr. Luce: The tax concessions designed to encourage greater corporate and private support for charities will provide significant and far-reaching opportunities for the arts. I have been encouraging arts bodies to develop plural sources of funding in addition to the state support which the Government are committed to maintain. These proposals should be of great benefit. I shall be encouraging arts bodies to take the fullest possible advantage of these.

Parliamentary Written Answers

Mr. Greenway asked the Minister for the Arts how many questions for priority written answer he has received in connection with the funding of the arts, following the abolition of the Greater London council, during this parliamentary Session; and what is the estimated cost to his Department of providing the answers.

Mr. Luce: There were 46 questions, and the cost of reply is estimated at £525.

Merseyside County Council

Mr. Wareing asked the Minister for the Arts what is his latest assessment of the implications for the level of grant to arts organisations of the abolition of Merseyside county council.

Mr. Luce: The whole burden of supporting museums and galleries on Merseyside, and a major share of the cost of supporting the performing arts, is being assumed out of central Government funding. The five district councils are being relieved of substantial precepts, and I hope that we shall soon have a positive commitment from them all.

Acceptances in Lieu of Tax

Mr. Faulds asked the Minister for the Arts whether he will list the objects and property accepted in satisfaction of a capital transfer tax during the whole of the financial year ended 31 March; if, in listing them, he will specify *(a)* the amount of tax satisfied in each case, *(b)* whether any offer of objects carried conditions as to destination, *(c)* the dates in each case of the recommendations received by him from the Museums and Galleries Commission for the acceptance of objects, *(d)* the total for the financial year of the tax thus satisfied and *(e)* the means by which that total has been covered in the public accounts; and whether a press notice will be issued from the Office of Arts and Libraries comprising the information given in his reply.

Mr. Luce: The following items have been accepted in satisfaction of capital transfer tax during the financial year ended 31 March 1986.

Work of art/land	*Condition as to allocation*	*Date recommended by Museums and Galleries Commission*
Photographs associated with the late Marquess Curzon of Kedleston	India Office and Records (now part of the British Library)	30 March 1984
Chattels at Mount Edgcumbe	*In situ*	9 May 1985
Collar chain of a KCMG	—	30 August 1985
Land at Pond Wood	—	n.a.
Chattels at Hagley Hall	*In situ*	20 December 1985
Land at Coldharbour Common	—	n.a.
Sir Arthur Bryant correspondence	Imperial War Museum	21 January 1986
Nine paintings by Ben Nicholson	—	19 September 1985
Hans Arp bronze sculpture	—	23 January 1986
Archive from the Dukes of Portland and Newcastle	—	26 September 1985

The amount of tax satisfied in individual cases is confidential. The total tax satisfied during the year is £2,366,707. It has been covered in public accounts by the allocation of £2 million to the joint Votes of the Department of the Environment and the Office of Arts and Libraries. In addition, as I explained in my answer to my hon. Friend the Member for Bexhill and Battle (Mr. Wardle) on 25 March, a call was made on the public expenditure reserve in accordance with arrangements announced by the then Minister for the Arts on 26 July 1985. Provision was made for this through a spring Supplementary Estimate, which was given Royal Assent on 18 March 1986.

A press notice will be issued giving the information in this reply.

Victoria and Albert Museum

Sir David Price asked the Minister for the Arts what is the latest assessment of the damage suffered by the Victoria and Albert museum due to the flooding of the basement; and if the museum will be compensated from public funds for the value of the damage incurred.

Mr. Luce: I am not yet in a position to add to the answer given by my hon. Friend the Under-Secretary of State for the Environment to my hon. Friend the Member for Richmond and Barnes (Mr. Hanley) on 25 March 1986, at columns 425-26. The House will be informed when the investigation has been completed and the value of the damage and the liability for compensation have been established.

NATIONAL FINANCE

Workplace Nurseries

Mr. Snape asked the Chancellor of the Exchequer (1) how many representations he has received in the current financial year about income tax on the benefit from workplace nurseries;

(2) if he will estimate the cost of removing income tax liability from the benefit of workplace nurseries.

Mr. Moore: Since April 1985 Treasury Ministers have received 109 letters on this subject. I regret that a firm estimate of the cost of exempting this benefit from tax cannot be made because this will depend on a number of factors including the number of places provided, the size of the employer's subsidy, and the marginal tax rates of those employees receiving the benefit. But it could be of the order of £1 million.

Disposable Incomes

Mr. Andrew F. Bennett asked the Chancellor of the Exchequer what is the gross weekly income required on 1 November 1985 to maintain the real disposable income of *(y)* a single person and *(z)* a married man with two children under 11 years of age, taking account of payments of tax, national insurance, and 5 per cent. of earnings as superannuation contributions, who on 1 November 1969 earned *(a)* £10, *(b)* £12, *(c)* £14, *(d)* £16, *(e)* £18, *(f)* £20, *(g)* £25, *(h)* £30, *(i)* £35, *(j)* £40, *(k)* £45, *(l)* £50, *(m)* £60, *(n)* £70, *(o)* £80, *(p)* £90, *(q)* £100, *(r)* £125, *(s)* £150, *(t)* £175 and *(u)* £200.

Mr. Moore: Information is given in the following table.

Gross weekly earnings required to maintain level of real disposable income of 1 November 1969 on 1 November 1985*

Gross weekly earnings on 1 November 1969 (£ per week)	*Gross earnings required 1 November 1985 (£ per week)*	
	Single man	*Married man with two children†*
10	49	37
12	63	48
14	75	60
16	86	68
18	100	80
20	111	95
25	140	124
30	168	152
35	199	183
40	229	213
45	260	244
50	287	273
60	339	326
70	395	378
80	459	437
90	522	497
100	589	560
125	739	713
150	885	871
175	1,029	1,019
200	1,156	1,153

* Gross earnings plus child benefit (where appropriate) less income tax, NIC and superannuation contributions.
† Both children under 11.

Mr. Andrew F. Bennett asked the Chancellor of the Exchequer what is the gross weekly income required on 1 November 1985 to maintain the real disposable income of *(y)* a single person and *(z)* a married man with two children under 11 years of age, taking account of payments of tax, national insurance, and 5 per cent. of earnings as superannuation contributions, who on (i) 1 November 1974 and (ii) 1 November 1975 earned *(a)* £20, *(b)* £25, *(c)* £30, *(d)* £35, *(e)* £40, *(f)* £45, *(g)* £50, *(h)* £60, *(i)* £70, *(j)* £80, *(k)* £90, *(l)* £100, *(m)* £125, *(n)* £150, *(o)* £175, *(p)* £200, *(q)* £225, *(r)* £250, *(s)* £275 and *(t)* £300.

Mr. Moore: Information is given in the following table.

Gross weekly earnings required to maintain level of real disposable income of 1 November 1974 and 1 November 1975 on 1 November 1985.*

Gross weekly earnings on 1 November 1974 (£ per week)	*Gross earnings required 1 November 1985 (£ per week)*	
	Single man	*Married man with two children†*
20	63	49
25	79	67
30	99	86
35	115	105
40	132	122
45	149	138
50	165	155
60	198	188
70	234	224
80	270	260
90	301	292
100	333	324
125	409	401
150	487	482
175	560	558
200	629	631
225	695	700
250	762	766
275	823	832
300	884	891

Gross weekly earnings on 1 November 1975 (£ per week)	*Gross earnings required 1 November 1985 (£ per week)*	
	Single man	*Married man with two children†*
20	47	37
25	61	50
30	73	64
35	85	73
40	101	85
45	114	101
50	127	114
60	153	140
70	179	166
80	207	194
90	235	222
100	263	250
125	319	312
150	367	365
175	417	413
200	463	460
225	509	508

Gross weekly earnings on 1 November 1975 (£ per week)	*Gross earnings required 1 November 1985 (£ per week)*	
	Single man	*Married man with two children†*
250	552	531
275	593	595
300	632	635

* gross earnings plus child benefit (where appropriate) less income tax, NIC and superannuation contributions.
† both children under 11.

Mr. Andrew F. Bennett asked the Chancellor of the Exchequer what is the gross weekly income required on 1 November 1985 to maintain the real disposable income of *(y)* a single person and *(z)* a married man with two children under 11 years of age, taking account of payments of tax, national insurance, and 5 per cent. of earnings as superannuation contributions, who on (i) 1 November 1979 and (ii) 1 November 1980 earned *(a)* £30, *(b)* £35, *(c)* £40, *(d)* £45, *(e)* £50, *(f)* £60, *(g)* £70, *(h)* £80, *(i)* £90, *(j)* £100, *(k)* £125, *(l)* £150, *(m)* £175, *(n)* £200, *(o)* £225, *(p)* £250, *(q)* £275, *(r)* £300, *(s)* £325, *(t)* £350, *(u)* £400, *(v)* £450 and *(w)* £500.

Mr. Moore: Information is given in the following table.

Gross weekly earnings required to maintain level of real disposable income of 1 November 1979 and 1 November 1980 on 1 November 1985.*

Gross weekly earnings on 1 November 1979 (£ per week)	*Gross earnings required 1 November 1985 (£ per week)*	
	Single man	*Married man with two children†*
30	44	46
35	52	54
40	63	62
45	71	67
50	79	75
60	98	94
70	115	111
80	131	128
90	148	144
100	165	161
125	206	202
150	250	247
175	292	289
200	331	329
225	372	360
250	412	407
275	452	447
300	492	486
325	531	526
350	571	565
400	650	644
450	730	722
500	809	802

Gross weekly earnings on 1 November 1980 (£ per week)	*Gross earnings required 1 November 1985 (£ per week)*	
	Single man	*Married man with two children†*
30	40	38
35	44	44
40	51	51

Gross weekly earnings on 1 November 1980 (£ per week)	Gross earnings required 1 November 1985 (£ per week)	
	Single man	Married man with two children†
45	59	59
50	66	63
60	80	74
70	97	91
80	112	105
90	126	120
100	140	134
125	176	170
150	212	206
175	250	243
200	286	281
225	321	315
250	355	350
275	388	383
300	422	415
325	456	448
350	490	482
400	557	549
450	626	616
500	692	685

* Gross earnings plus child benefit (where appropriate) less income tax, NIC and superannuation contributions.
† Both children under 11.

Income Tax

Mr. Foulkes asked the Chancellor of the Exchequer what is the administrative saving to his Department brought about by the exemption from income tax of the increases to retirement pensions which come into effect in July.

Mr. Moore: £1·75 million, which compares with a revenue cost of £15 million. Approximately three-quarters of the administrative saving relates to recording and the balance to related correspondence.

Dr. McDonald asked the Chancellor of the Exchequer if, pursuant to the answer given on 25 February, *Official Report*, columns *502-8*, about gains and losses from tax changes, he will show in each of the income ranges the number of units paying tax in 1986-87 and the aggregate and individual charges in 1986-87 compared with the indexed 1978-79 tax structure.

Mr. Meacher asked the Chancellor of the Exchequer how many persons have been taken out of tax following each budget since 1960; and how many persons had become liable for tax each year by the time of the following budget.

Mr. Moore: I shall let the hon. Members have a reply as soon as possible.

Mr. Cartwright asked the Chancellor of the Exchequer what is his estimate of the aggregate total amount of taxable income of taxpayers earning over £30,000 per annum represented by their earnings in excess of this figure; and if he will make a statement.

Mr. Maples asked the Chancellor of the Exchequer how many taxpayers are estimated to have incomes in excess of £30,000 per annum; and what is estimated to be their aggregated total income in excess of £30,000 per annum each.

Mr. Moore [*pursuant to his reply*, 19 February 1986, c. *173*]: It is estimated that about 190,000 taxpayers have taxable incomes in excess of £30,000. The total of income in excess of this level is some £3·5 billion.

Mr. Simon Hughes asked the Chancellor of the Exchequer what is the amount of income tax collected, the amount of taxable income, and the number of taxpayers in each Scottish region, English and Welsh county, and in Greater London.

Mr. Moore [*pursuant to his reply*, 27 March 1986, c. *602*]: For counties, the available information on income tax is amounts due rather than receipts. Estimates for 1982-83 (the latest available) of the amount of income tax due, the amount of taxable income and the number of taxpaying units (counting married couples as one unit) in each Scottish region, English and Welsh county, and in Greater London are given in the four tables which follow.

Total tax and taxable income by non-metropolitan English counties 1982-83

	Amount of income tax £ million	Total taxable income £ million	Number of taxpaying units '000s
Cleveland	283	922	188
Cumbria	267	868	197
Durham	288	952	232
Northumberland	195	631	127
Humberside	422	1,380	317
North Yorkshire	422	1,350	273
Cheshire	711	2,280	440
Lancashire	903	2,920	645
Derbyshire	431	1,410	299
Leicestershire	386	1,240	272
Lincolnshire	301	969	216
Northamptonshire	329	1,070	229
Nottinghamshire	555	1,800	414
Hereford and Worcester	276	894	201
Shropshire	199	640	145
Staffordshire	540	1,730	357
Warwickshire	248	766	171
Cambridgeshire	373	1,200	227
Norfolk	332	1,070	247
Suffolk	306	961	184
Bedfordshire	242	779	173

	Amount of income tax £ million	Total taxable income £ million	Number of taxpaying units '000s
Berkshire	530	1,660	308
Buckinghamshire	442	1,360	229
East Sussex	417	1,320	203
Essex	1,150	3,650	665
Hampshire	837	2,680	542
Hertfordshire	764	2,410	383
Kent	1,100	3,510	626
Oxfordshire	341	1,060	190
Surrey	1,300	3,940	634
West Sussex	511	1,590	292
Isle of Wight	54	177	42
Avon	536	1,730	365
Cornwall	174	554	127
Devon	439	1,430	346
Dorset	358	1,140	254
Gloucestershire	262	830	184
Somerset	235	756	172
Wiltshire	253	807	173
Total	17,700	56,400	11,400

Total tax and taxable income by Scottish region 1982-83

	Amount of income tax £ million	Total taxable income £ million	Number of taxpaying units '000
Borders	66	211	52
Central	109	354	86
Dumfries	79	260	55
Fife	188	613	132
Grampian	337	1,070	197
Highland	126	413	87
Lothian	371	1,180	269
Strathclyde	1,120	3,600	785
Tayside	152	488	111
Island Authorities	62	199	30
Total	2,610	8,390	1,800

Total tax and taxable income by Welsh counties 1982-83

	Amount of income tax £ million	Total taxable income £ million	Number of taxpaying units '000
Clwyd	168	549	145
Dyfed	115	371	96
Gwent	188	617	140
Gwynedd	107	354	84
Mid Glamorgan	221	724	166
Powys	46	144	35
South Glamorgan	231	724	152
West Glamorgan	198	649	140
Total	1,270	4,130	959

Total tax and taxable income by metropolitan English counties 1982-83

	Amount of income tax £ million	Total taxable income £ million	Number of taxpaying units '000
Tyne and Wear	511	1,690	387
South Yorkshire	585	1,890	416
West Yorkshire	995	3,160	702
Greater London	4,560	13,900	2,410
West Midlands	1,260	4,070	880
Greater Manchester	890	2,900	655
Merseyside	768	2,480	540
Total	9,570	30,100	5,990

Unemployment (Costs)

Mr. Wigley asked the Chancellor of the Exchequer if he will estimate the annual cost to the Exchequer of an unemployed married man with two children.

Mr. MacGregor: An unemployed married man with two children aged four and six would be entitled to about £3,000 a year in benefits in respect of his unemployment. It is not possible to estimate the revenue forgone.

Note: This calculation, at November 1985 benefit rates, assumes that the claimant is entitled to and claims the full rate of unemployment benefit with, in addition, supplementary benefit. Housing benefit, free school meals, and free welfare foods, to which he would also be entitled, have been excluded from this calculation as these benefits are also available to low-income families in work. Child benefit has also been excluded as it is paid to all families with children, regardless of means.

Computers and Software

Mr. Ashdown asked the Chancellor of the Exchequer what is his policy on the purchase or use in any of the Departments of Government for which he is responsible of computers or software which are subject to extra-territorial control as to its use, movement or resale; and if he will make a statement.

Mr. Brooke: The policy of the Central Computer and Telecommunications Agency in relation to US export licence requirements has always been that it would be inappropriate to accept a contractual commitment limiting the freedom of action of the British Government in relation to information technology products to which they hold title.

System software used in connection with computers is normally the subject of a licence which limits use to a particular central processor and which is not transferable except by specific approval of the licensor. This is true of almost all system software licences whether or not they emanate from US suppliers.

Attempts are often made by US suppliers to pass on to Government Departments the export provisions which the US Administration exact on commercial concerns, but the CCTA has not accepted any contracts in relation to its own requirements or those of any Government Department for which it acts which seeks to impose these extraterritorial requirements. This remains true even where the suppliers concerned are operating in very specialised areas of the computer market, notably on security-linked products and where often no alternative source of supply exists.

Dr. K. Featherstone

Mr. Michael Forsyth asked the Chancellor of the Exchequer whether any work is being or has been undertaken for his Department by Dr. K. Featherstone of Stirling university.

Mr. Brooke: The Treasury has not employed the services of Dr. K. Featherstone.

Cigarettes (Taxation)

Mr. Michael Forsyth asked the Chancellor of the Exchequer if he will list the organisations and individuals from whom he received representations prior to the Budget statement urging increases in the tax on cigarettes on the grounds of the health of smokers.

Mr. Brooke: A substantial number of representations were received urging increases in the tax on cigarettes on the grounds of the health of smokers. These included representations from the following organisations:

British Medical Association;
Royal College of Physicians;
Action on Smoking and Health;
Royal College of Pathologists;
Cancer Research Campaign;
Faculty of Community Medicine of RCP;
National Society of Non-Smokers;
Ulster Cancer Foundation;
Royal College of General Practitioners;
Imperial Cancer Research Fund;
Coronary Prevention Group;
Conference of Medical Royal Colleges;
Tenovus Cancer Information Centre;
Royal College of Obstetricians and Gynaecologists;
Health Promotion Unit of Trafford Health Authority; and
East Scotland Faculty of Royal College of General Practitioners.

There were also a number of such representations from individuals.

Vehicle Excise Duty

Mr. Hill asked the Chancellor of the Exchequer if he will estimate the effect on duty on petrol of abolishing the vehicle excise duty and raising the same amount of revenue from the petrol duty; and if he will express this sum in terms of pence per gallon.

Mr. Brooke: An increase of 38p per gallon (including VAT) would be required to replace the vehicle excise duty from petrol-driven vehicles, at 1986-87 duty rates.

State Pensioners

Mr. Michael Marshall asked the Chancellor of the Exchequer what is the estimated effect of the reduction of one penny in the standard rate of income tax on the disposable income of state pensioners; and how many pensioners he estimates will be affected.

Mr. Moore: I shall let my hon. Friend have a reply as soon as possible.

Drink Tobacco and Petrol (Prices)

Mr. Michael Forsyth asked the Chancellor of the Exchequer if he will set out in tabular form for the financial year 1979-80, for 1985-86 and for the financial year 1986-87 to date, assuming the tax changes proposed in the Budget statement are introduced in full, the proportion of the average price of *(a)* a pint of beer, *(b)* a bottle of whisky, *(c)* a packet of tipped cigarettes, *(d)* a packet of untipped cigarettes and *(e)* a gallon of petrol, which is accounted for by taxation.

Mr. Brooke: The information is as follows:

Percentage tax as a proportion of typical post-Budget price

	1979-80	*1985-86*	*1986-87*
Beer (pint)	32	39	36
Whisky (75 cl)	78	74	72
King size tipped cigarettes (packet 20)	70	75	75
Standard plain cigarettes (packet 20)	64	71	72
Petrol (gallon 4 star)	48	53	60

Oil Prices

Mr. Tony Lloyd asked the Chancellor of the Exchequer what effect he expects the recent fall in oil prices to have on the United Kingdom's prospects for output, jobs, inflation and the balance of payments relative to those in other major industrial countries.

Mr. MacGregor: My right hon. Friend's forecast for economic prospects to mid-1987, for the United Kingdom and the world, was set out in chapter 3 of the Financial Statement and Budget Report, published on Budget day, March 18.

Small Businesses

Mr. Thurnham asked the Chancellor of the Exchequer what representations he has had from small businesses following his Budget statement; and if he will make a statement.

Mr. MacGregor: My right hon. Friend's Budget statement included various measures which are intended to help small businesses and which have been generally welcomed. No specific representations have been subsequently received from small businesses relating to the Budget statement.

Net Wage Levels

Mr. Ron Davies asked the Chancellor of the Exchequer if he intends taking any direct steps to influence net wage levels during 1986-87.

Mr. MacGregor: Net wage levels will be increased in 1986-87 as a result of the Budget measures to reduce the basic rate of income tax and to increase tax thresholds. These measures, together with falling inflation, will allow for real increases in take-home pay and so will encourage and assist the lower pay settlements necessary to check the rise in employers' costs and improve prospects for jobs.

State Assets (Sales)

Mr. Alton asked the Chancellor of the Exchequer what is the total income anticipated from the sale of state assets over the next two years.

Mr. Moore: The main categories of disposals are as follows:

(i) Projected proceeds from privatisation accruing directly to the Exchequer are shown in table 2.11 of Cmnd. 9702-II.

(ii) Nationalised industries' forecast receipts from asset disposals, included in the total internal resources figures shown in tables 5.1 and 5.5 of Cmnd. 9702-II, are £184 million in 1986-87 and £159 million in 1987-88.

(iii) Sales of land and buildings by central Government, local authorities, and new towns are forecast to be £2,313 million in 1986-87 and £2,170 million in 1987-88; these figures are consistent with those for net sales show in table 2.17 of Cmnd. 9702-II.

Budget (Employment Measures)

Mr. Parry asked the Chancellor of the Exchequer if he has yet quantified the expected effect of his Budget on the level of unemployment.

Mr. MacGregor: The Government's economic policy aims to establish a vigorous, enterprising economy which will generate sustained growth and increased employment. The Budget proposals include a considerable number of direct measures of help to the unemployed, most notably the expansion of the community programme and the enterprise allowance scheme, a new workers scheme and the restart programme; in addition, to the two-year YTS, starting this month.

Form P11D

Mr. Stern asked the Chancellor of the Exchequer if he will amend the regulations governing the requirement to submit form P11D for 1986-87 and subsequent years, so that the salary level at which such a form becomes necessary for each employee is set at a level above £8,500, including all expenses reimbursed.

Mr. Moore: No. Payment in kind is just as much a form of remuneration as payment in cash and it remains our aim to ensure that one is not treated more favourably for tax purposes than the other.

Tax and National Insurance

Mr. Gordon Brown asked the Chancellor of the Exchequer (1) if he will show tax and national insurance in 1986-87 as a proportion of earnings, together with a breakdown of the reliefs and allowances applicable in the cases of a married man with earnings of £100,000 per annum, making an annual investment of £40,000 from his earnings under the business expansion scheme as well as claiming tax relief on *(a)* a mortgage loan of £30,000, assuming a monthly interest payment of £306·25, *(b)* an annual investment of £5,000 into an approved pension and *(c)* a life insurance policy taken out before 13 March 1984 and with an annual premium of £1,000.

(2) if he will show tax and national insurance in 1986-87 as a proportion of earnings, together with a breakdown of the reliefs and allowances applicable in the case of a married man with earnings of £30,000 per annum, and making an annual investment from his earnings of £5,000 under the business expansion scheme as well as claiming tax relief on *(a)* a mortgage loan of £30,000, assuming a monthly interest payment of £306·25, *(b)* an annual investment of £1,500 into an approved pension and *(c)* a life insurance policy taken out before 13 March 1984 and with an annual premium of £200;

(3) if he will show tax and national insurance in 1986-87 as a proportion of earnings, together with a breakdown of the reliefs and allowances applicable in the following cases *(a)* a married man with earnings of £30,000 per annum, *(b)* a married man with earnings of £100,000 per annum, *(c)* a married man on the level of average male earnings assumed for 1986 and *(d)* a single person earning £100 per week.

Dr. McDonald asked the Chancellor of the Exchequer, if, pursuant to the answer given on 7 February, *Official Report*, columns *277-78*, about tax and National Insurance contributions, he will show for 1986-87 those ranges of earnings within which the burden of income tax plus national insurance is less than in 1978-79.

Mr. Moore: I shall let the hon. Members have a reply as soon as possible.

Dr. McDonald asked the Chancellor of the Exchequer if he will publish a table showing income tax and national insurance (less child benefit where appropriate) as a

proportion of earnings for the household types and at the earnings levels used in the answer given on 29 March 1985 (*Official Report*, columns *373-74*).

Mr. Moore: I refer the hon. Member to the reply to the hon. Member for Birmingham, Perry Barr (Mr. Rooker) on 27 March 1986, at column 608.

Tax Yields

Dr. McDonald asked the Chancellor of the Exchequer, if, pursuant to the answer given on 27 February, Volume 92, *Official Report*, column *693*, concerning current tax yields at 1978-79 rates, he will publish an updated table on direct revenue effects for 1986-87.

Mr. Moore: I shall let the hon. Member have a reply as soon as possible.

United Kingdom Investment (United States)

Mr. Grylls asked the Chancellor of the Exchequer what is his estimate of the current total value of *(a)* all United Kingdom corporate investments in the United States and *(b)* all United Kingdom total investments in the United States.

Mr. Ian Stewart: I regret that full information on investment by the United Kingdom in individual countries overseas, in this case the United States, is not available from United Kingdom sources. The latest information relating to the United States is published in "Business Monitor MA4 1981 Supplement" which shows the book value of total net direct investment by United Kingdom companies in their affiliates in the United States as £14·6 billion at end-1981.

Rare and Endangered Birds

Mr. Phillip Oppenheim asked the Chancellor of the Exchequer how many successful convictions there have been during 1986 against smugglers of rare and endangered birds.

Mr. Brooke: There have been two prosecutions (both successful) so far this year under the restrictions on the importation or exportation of endangered birds. A further prosecution is pending.

Manufacturing Industry

Mr. Hunter asked the Chancellor of the Exchequer (1) in percentage terms, what has been the increase or decrease in investment in manufacturing industry and the output of manufacturing industry each year since 1975;

(2) what has been the value, in real terms, of investment in manufacturing industry and the output of manufacturing industry in each year since 1975.

Mr. Butcher: I have been asked to reply.

The information is given in the following table. Investment includes the estimated volume of assets leased from financial industries. The investment data are expressed in constant (1980) prices. Output data are available only in index number form.

Year	*Investment by manufacturing industries*		*Output of manufacturing industries*	
	Amount (£ million)	*Change on preceding year (per cent.)*	*Index number (1980=100)*	*Change on preceding year (per cent.)*
1975	7,136	..	105·0	..
1976	6,839	−4·2	107·0	+1·9
1977	7,254	+6·1	109·0	+1·9
1978	7,904	+9·0	109·7	+0·6
1979	8,230	+4·1	109·5	−0·2
1980	7,314	−11·1	100·0	−8·7
1981	5,698	−22·1	94·0	−6·0
1982	5,598	−1·8	94·2	+0·2
1983	5,557	−0·7	96·9	+2·9
1984	6,372	+14·7	100·7	+3·9
1985	6,776	+6·3	103·8	+3·1

Mortgage Interest Relief

Dr. McDonald asked the Chancellor of the Exchequer whether, in the manner of the answer given on 4 February 1985, *Official Report*, column *397*, he will *(a)* publish and update the table on restructuring mortgage interest relief to different rates of taxation for 1985-86, *(b)* report how many mortgagors receive relief at rates in excess of the basic rates of income tax and *(c)* report how many persons currently paying tax only at standard rate would pay tax at a higher rate if mortgage tax relief were removed from higher rates of tax; and what would be the additional income to the Exchequer.

Mr. Moore [*pursuant to his reply*, 20 January 1986, c. *85*]: I regret the delay in providing this information. Estimates of the direct revenue yields in a full year from restricting mortgage interest relief, at 1985-86 levels of mortgage lending, are as follows. The figures do not take account of possible changes in taxpayers' behaviour.

Rate of mortgage interest relief per cent.	*Direct revenue yield £ million*
15	2,520
20	1,780
25	1,030
30	290

About 700,000 mortgagors receive relief at rates in excess of the basic rate of income tax. Of these, about 200,000 are currently liable at the basic rate, but would be liable at higher rates if mortgage interest relief was not available at higher rates of tax.

Acceptances in Lieu of Tax

Mr. Faulds asked the Chancellor of the Exchequer whether he will list, giving the relevant references in the *Official Report*, those occasions on which the amounts of estate duty or capital transfer tax satisfied by the acceptance of objects or land in respect of individual cases have been specified in written answers dealing with such acceptances subsequent to those listed comprehensively in annex 2 to the memorandum by Her Majesty's Treasury dated 31 August 1977, published in the third report from the Expenditure Committee, House of Commons Paper 280 of Session 1977-79, pages 6-12, until those detailed in the written answers to the hon. Member for Warley, East on 1 May 1980, *Official Report*, column *597*, listed acceptances during the last financial year prior to the

responsibility for such answers being transferred from her Majesty's Treasury to the Office of Arts and Libraries and the Department of the Environment.

Mr. Moore [*pursuant to his reply*, 24 March 1986, c. 387]: In the relevant period, announcements of acceptances of items in lieu specifying the estate duty or capital transfer tax satisfied were made on the following dates:

22 June 1978, columns 304-5
28 March 1979, column 235
26 October 1979, column 358
14 January 1980, columns 652-53
2 April 1980, columns 248

Mr. Faulds asked the Chancellor of the Exchequer whether he will specify, giving the relevant references in the *Official Report*, the occasions when it has been stated to the House on behalf of Her Majesty's Treasury that the amounts of estate duty or capital transfer tax satisfied by the acceptance of objects or land is confidential in respect of individual cases during the period between the initiation of the system to the transfer of responsibility in 1980.

Mr. Moore [*pursuant to his reply*, 24 March 1986, c. 387]: I am aware of two occasions in the relevant period on which the question of tax confidentiality was raised in this general context. These are 9 May 1978, at columns 490-91, and 12 June 1978, at columns 342-43.

DEFENCE

Departmental Research

Mrs. Renée Short asked the Secretary of State for Defence what controls are applied by the Government of the United States on the use of his Department's research work which receives strategic defence initiative money and is placed on a sensitive list of technologies.

Mr. Norman Lamont: I have nothing to add to the reply which I gave to the hon. Member for Linlithgow (Mr. Dalyell) on 27 March 1986 at column *597*.

Pakistan (Frigate Sales)

Mr. Chope asked the Secretary of State for Defence if he will make a further statement on his discussions with the Government of Pakistan about the sale of frigates.

Mr. Norman Lamont: The negotiations with the Government of Pakistan over the sale of three modified Type 21 frigates to the Pakistan Navy are continuing. I cannot give further details at this stage.

NATO

Mr. Dubs asked the Secretary of State for Defence what subjects he intends to raise at the NATO ministerial meeting in May.

Mr. Stanley: I refer the hon. Member to the reply given by my right hon. Friend the Secretary of State for Defence to my hon. Friend the Member for Bournemouth, East (Mr. Atkinson) on 11 March at column *798*. The agenda is confidential.

Computers and Software

Mr. Ashdown asked the Secretary of State for Defence if he has purchased, or will purchase, computers or software from companies which seek to impose extra territorial constraints on their products; and if he will make a statement.

Mr. Norman Lamont: The Ministry of Defence has on occasions purchased computers or software from companies which sought to impose extra — territorial constraints on their products. However, the Ministry's policy has been, and continues to be, that it is inappropriate for a Government Department to accept such limitations on its freedom of action and that wherever practicable no such constraints should be accepted.

Falkland Islands

Mr. Parry asked the Secretary of State for Defence if he has any plans to visit the Falklands.

Mr. Stanley: My right hon. Friend has no present plans to do so, but hopes to do so in due course.

Service Men (Germany)

Mr. Hargreaves asked the Secretary of State for Defence what plans he has to ensure cost efficiency in the education budget for the education of the children of service personnel serving in Germany.

Mr. Lee: We will continue to ensure cost efficiency in the education of service children in Germany through regular audit and specific rationalisation studies which seek to match provision to demand and take account of the resources available. We have implemented budgetary control of staff numbers and contracting out of support services to assist this effort.

Mr. Hargreaves asked the Secretary of State for Defence (1) how many children of service men in Germany were using a boarding school allowance; and what was the total cost of those allowances in 1978, 1981 and 1985, respectively, at 1985 prices;

(2) how much was the average boarding school allowance for the children of those serving in Germany in 1978, 1981 and 1985, respectively, at 1985 prices.

Mr. Lee: Boarding school allowance records are not maintained centrally in the form requested and cannot be obtained without disproportionate effort. Current payments cover some 21,500 children in all and the average annual payment in 1984-85 was some £3,600 per child, of which it is estimated that about 30 per cent. would have been received by the Inland Revenue in tax.

Education Budget (Germany)

Mr. Hargreaves asked the Secretary of State for Defence what was the education budget for the teaching of the children of service men in Germany in 1978, 1981 and 1985, respectively, at 1985 prices.

Mr. Lee: The total cost of staff employed on teaching children of service men in Germany in 1978, 1981 and 1985, at 1985 prices is as follows:

Year	*£ million*
1978	23·4
1981	19·8
1985	15·8

It is not possible to provide details of other education related costs without disproportionate staff time and effort.

Teachers (Pay)

Mr. Hargreaves asked the Secretary of State for Defence what was the value in deutschmarks of a scale 4 teacher's salary teaching the children of service men in Germany in 1978, 1981 and 1985 respectively, at 1985 prices.

Mr. Lee: The total value in deutschmarks of a scale 4 teacher's maximum annual salary teaching the children of service men in Germany in 1978, 1981 and 1985 at 1985 prices is as follows:

	Deutschmark
1978	34,890
1981	51,937
1985	51,372

East London River Crossing

Mr. Cartwright asked the Secretary of State for Defence what steps his Department has taken to seek to ensure the continued operation of the Royal Arsenal Sports and Recreational Association in the event of the east London river crossing being built; what alternative locations have been considered; and when he expects to put forward practical proposals.

Mr. Lee: Although the terms of the Royal Arsenal Sports and Recreational Association's licence do not provide for reprovision of facilities in the event that land used by the association is required for the construction of the east London river crossing, my Department has agreed to consider without commitment what alternative locations or other arrangements might be possible. Studies, which are being undertaken by the Property Services Agency on our behalf, are likely to take some months. The outcome will be discussed with the association.

Strategic Defence Initiative

Mr. Dalyell asked the Secretary of State for Defence if he will publish the letter on strategic defence initiative research participation by United Kingdom universities of 27 February from Mr. G. Gallagher-Daggitt of his Department to vice chancellors.

Mr. Lee: I have arranged for a copy to be placed in the House of Commons Library.

Computers

Mr. Ashdown asked the Secretary of State for Defence whether he now intends to pursue a policy of IBM compatibility for all his Department's mainframe computers; and if he will make a statement.

Mr. Norman Lamont: No. Our policy is to foster compatibility through the development of standards which are independent of any existing machine and of any particular manufacturer's products.

Radioactive Waste

Mr. Dalyell asked the Secretary of State for Defence what consideration he has given to the use of Orford Ness as a possible site for disposal of radioactive components from decommissioned nuclear powered submarines; and if he will make a statement.

Mr. Lee: No shortlist of possible sites for such a purpose has yet been drawn up. The position remains as described in my answer to the hon. Member on 28 February at column *710*.

Greenham Common

Mr. Dalyell asked the Secretary of State for Defence if he will list the occasions in 1985, giving dates in each case, when vehicles based at Greenham Common with the 501st Security Police Group, hit British civilians, with details of the injuries sustained, whether anyone was taken to hospital and whether any United Kingdom and United States servicemen subsequently faced disciplinary proceedings arising from the incident.

Mr. Stanley: There was one such incident in 1985. On 27 August a United States Air Force Vehicle was involved in a collision with a British woman near RAF Greenham Common. The vehicle was part of a column of vehicles against which she was protesting at the time, and was driven by a British member of the RAF element of the 501st Security Police Group. The woman was taken to hospital with a fractured leg. The incident was investigated by the USAF motor transport authorities at the base, and by the Thames valley police. I understand that the Thames valley police subsequently informed the driver that no charges would be brought against him. There have been no service disciplinary proceedings arising from this incident.

Ulster Defence Regiment

Mr. Mallon asked the Secretary of State for Defence if he will publish in the *Official Report* the numbers of *(a)* part-time and *(b)* full-time members of the Ulster Defence Regiment who are actively involved in local politics.

Mr. Stanley: In accordance with Regulations for the Ulster Defence Regiment and Queen's Regulations for the Army, members of the permanent cadre of the UDR and of the part-time element are debarred from active involvement in politics. However, officers and soldiers of the part-time element may stand as candidates for district councils in Northern Ireland provided they have obtained the permission of the Ministry of Defence. Our records show that there are currently two members of the part-time element of the UDR who are members of district councils.

Mr. Mallon asked the Secretary of State for Defence (1) if he will publish in the *Official Report* the number of *(a)* officers and *(b)* soldiers of the part-time element of the Ulster Defence Regiment who stood in district council elections since 1980;

(2) if he will publish in the *Official Report* the number of *(a)* officers and *(b)* soldiers of the part-time element of the Ulster Defence Regiment who applied for permission from his Department to stand in district council elections since 1980, giving the number refused and the number granted permission.

Mr. Stanley: Since 1980 one officer and four soldiers of the part-time element of the Ulster Defence Regiment have applied for permission to stand in district council elections. Permission was granted in all cases.

Mr. Mallon asked the Secretary of State for Defence what evidence he has that members of the Ulster Defence Regiment were involved in manning barricades during the Unionist day of action on 3 March 1985.

Mr. Stanley: Reports have been received alleging that a small number of off-duty personnel were present at barricades during the Unionist day of protest against the Anglo-Irish agreement on 3 March. These are being investigated by the RUC with the assistance of the military authorities. To date, no charges have been brought by the RUC, but in some cases, where it has been decided that no criminal offence has been committed, action has been taken under Service disciplinary procedures.

Mr. McNamara asked the Secretary of State for Defence what information he has to the numbers of *(a)* part-time members and *(b)* full-time members of the Ulster Defence Regiment who are members of (i) the Orange Order and (ii) the Black Perceptory.

Mr. Stanley: Members of the UDR are not debarred from membership of either the Orange Order or the Royal Black Institution (the Black Perceptory) and there is therefore no reason to maintain records of the number of UDR soldiers who belong to these organisations.

Mr. McNamara asked the Secretary of State for Defence how many members of the Ulster Defence Regiment have been found to be members of paramilitary groups, by paramilitary grouping, for each year since 1980, showing whether they were; *(a)* full-time and *(b)* part-time; and what action was taken.

Mr. Stanley: According to available records, since 1980 no serving member of the Ulster Defence Regiment has been convicted of membership of any organisation proscribed under the Northern Ireland (Emergency Provisions) Act 1978.

Mr. McNamara asked the Secretary of State for Defence if he will publish in the *Official Report* the number of weapons and equipment, by type, that have been stolen from the Ulster Defence Regiment in each year since its inception.

Mr. Stanley: The information requested is not readily available for the years before 1980. For each of the years since then, the following weapons have been stolen from members of the Ulster Defence Regiment:

Year	*Number*
1980	1
1981	2
1982	2
1983	1
1984	2
1985	4
*1986	1

* To date.

Three of these weapons have subsequently been recovered. Four were privately owned protection weapons. The remainder were Service-issued personal protection weapons.

Records for clothing stolen are not available, but there are no records of other military equipment being stolen from members of the UDR in this period.

Written Answers to Questions

Wednesday 9 April 1986

ATTORNEY-GENERAL

Computers and Software

Mr. Ashdown asked the Attorney-General if the Lord Chancellor proposes to accept tenders for the planned computerisation of his Department from companies which seek to impose extraterritorial movement or resale conditions on their machines, software or know-how; and if he will make a statement.

The Attorney-General: No.

Miss Evelyn Glenholmes

Mr. John David Taylor asked the Attorney-General how many officials in the Department of the Director of Public Prosecutions were involved in the preparation and checking of the nine warrants for the extradition of Miss Evelyn Glenholmes which were ruled to be invalid at the recent Dublin court hearing.

The Attorney-General: The information sought by the hon. Member is one of the facts which the disciplinary inquiry set up by the Director of Public Prosecutions will seek to establish.

EDUCATION AND SCIENCE

Homework

Mr. Madel asked the Secretary of State for Education and Science whether he has completed his consultations on homework, which were proposed in the White Paper "Better Schools"; and if he will make a statement.

Sir Keith Joseph: "Better Schools" defined homework as an important element of independent study, and one that is not necessarily carried out at home. It set out the Government's view that, appropriately set and marked, homework valuably reinforces work in the classroom; and that, as a consequence, every LEA and school should establish a policy for homework, to form part of its policy for the curriculum. Homework policies should relate to such matters as the amount, range and character of what should be expected in the primary and secondary phases at various ages and ability levels, the conditions which make for the effective use of homework, and the problems faced by pupils whose home environment may make study at home difficult. It was because the available evidence suggested that few LEAs and schools had formulated and implemented such policies that the DES issued a consultative paper on this subject in April last year.

I am grateful for the many thoughtful replies received from all sections of the education service and from other bodies with an interest in the subject. These revealed wide agreement about the importance of homework; about the need to ensure that it is a worthwhile activity, related to work in the classroom and to individual pupils' needs; about the value of enlisting parental support for homework policies; and about the importance of policies which take account of disparities in the extent and nature of resources available to pupils outside the classroom. There was broad agreement with the objectives for homework suggested in the Department's consultative paper. In a few areas—notably on the place of homework in the primary phase—no common view emerged.

Her Majesty's Inspectorate is currently surveying good practice in schools in relation to homework. I hope that the results of this survey will be available in the Summer of 1986. In the light of Her Majesty's Inspectorate's findings, the Government will consider what further action is necessary in respect of this important aspect of the work of schools.

Universities and Polytechnics (West Midlands)

Mrs. Renée Short asked the Secretary of State for Education and Science what central Government funds have been distributed by the University Grants Committee to the University of Aston, the University of Birmingham and the University of Warwick in each of the last seven academic years for *(a)* undergraduate and *(b)* postgraduate courses; and what assessments are currently being made by the University Grants Committee to decide the amount of financing for which these three universities will qualify during the next two academic years.

Mr. Walden: Recurrent grants paid on the advice of the University Grants Committee to the universities concerned are listed below. UGC grant is not related to individual courses and it is therefore not possible to apportion the total between undergraduate and post-graduate courses. No decisions have yet been taken by the UGC in respect of the allocation of recurrent grant for the academic years 1986-87 and 1987-88.

£ million

Academic years	*Aston*	*Birmingham*	*Warwick*
1979-80	12·0	25·2	10·7
1980-81	14·8	30·5	13·3
1981-82	13·4	31·1	13·4
1982-83	15·5	36·3	16·2
1983-84	14·6	36·3	17·0
1984-85	15·0	37·9	17·5
1985-86*	15·9	39·6	19·8

* Estimate.

The above figures exclude redundancy payments met from recurrent grant. The figures are not comparable from year to year because of changes in funding arrangements, most notably adjustments made to reflect changes in the level of the home undergraduate tuition fee and the progressive withdrawal from 1980-81 of the subsidy for overseas students.

School Buildings

Mrs. Renée Short asked the Secretary of State for Education and Science what investigations have been conducted by Her Majesty's Inspectorate of Schools during the last seven years into the state and design of school buildings; and what recommendations were issued as to improvements arising from such recommendations.

Sir Keith Joseph: Her Majesty's inspectors have not published separate reports on the state of school buildings.

However, this aspect of education is covered in a large number of reports by Her Majesty's inspectors on individual institutions and, in more detail, in their reports on the effects of local authority expenditure policies on education provision in England. Since January 1983 all Her Majesty's inspectors reports have been published. Her Majesty's inspectors does not inspect or report on the design of schools, but its advice on the educational aspects of school building development is available to the Department's architects working in this field.

Mrs. Renée Short asked the Secretary of State for Education and Science what information he has *(a)* on the number of companies which have provided finance for undergraduate and postgraduate courses at universities and polytechnics in the west midlands in each of the last seven years, *(b)* on which specific courses were supported and *(c)* on what total finance has been provided in each year during the same period.

Mr. Walden: This information is not available centrally.

Special Education Needs

Mr. Carter-Jones asked the Secretary of State for Education and Science how many appeals he has received under section 8(6) of the Education Act 1981 in the 12 months ending 31 March 1986; and if he will *(a)* list the local education authorities concerned and give the number of appeals against each authority and *(b)* state in how many instances he has (i) confirmed the special educational provision specified in the statement, (ii) amended the statement and (iii) directed the local education authority to cease to maintain a statement; and if he will make a statement.

Mr. Dunn: The information is as follows:

Appeals under section 8(6) of the Education Act 1981 received during the period 1 April 1985 to 31 March 1986

LEA	*Number of appeals*	*Statement confirmed*	*Statement amended*	*Not yet decided*
Avon	1	—	—	1
Barnet	3	2	—	1
Cheshire	1	1	—	—
Cumbria	1	—	—	1
Durham	1	1	—	—
Hampshire	1	1	—	—
Humberside	4	3	1	—
ILEA	2	—	2	—
Lancashire	1	—	—	1
Leicestershire	1	1	—	—
Lincolnshire	2	1	1	—
North Yorkshire	1	—	—	1
Solihull	1	1	—	—
Staffordshire	1	1	—	—
Surrey	1	1	—	—
Wolverhampton	1	—	—	1

My right hon. Friend has issued no directions to cease to maintain a statement under section 8(7)*(c)* of the Act.

Mr. Carter-Jones asked the Secretary of State for Education and Science how many appeals he has received under section 5(6) of the Education Act 1981 in the 12 months ending 31 March 1986; and if he will *(a)* list the local education authorities concerned and give the number of appeals against each authority, *(b)* state in how many instances he has upheld the decision of the local education authority and *(c)* state in how many instances he has directed the local education authority to reconsider its decision; and if he will make a statement.

Mr. Dunn: The information is as follows:

Appeals under section 5(6) of the Education Act 1981 during the period 1 April 1985 to 31 March 1986

LEA	*Number of appeals*	*LEA decision upheld*	*Direction under section 5(8)*	*Not yet decided*
Barnet	1	—	—	1
Bury	2	—	—	1
Devon	1	—	—	1
Dorset	1	—	—	1
Durham	1	—	—	1
Hereford and Worcester	2	1	—	—
Humberside	1	—	—	—
Isle of Wight	1	1	—	1
Lancashire	1	—	—	1
Nottinghamshire	4	2	—	—
Oxfordshire	2	—	1	1
Solihull	1	—	—	1
Staffordshire	1	1	—	—
Surrey	2	—	—	2

In four instances, Nottinghamshire (2), Bury (1), Hereford and Worcester (1) the LEA have agreed to reconsider their decision following informal discussions with the Department.

Mr. Carter-Jones asked the Secretary of State for Education and Science how many special schools designated for physically handicapped children in the maintained, non-maintained and independent sectors, respectively, have closed since 1 April 1983.

Mr. Dunn: Seven maintained and three non-maintained special schools approved for physically handicapped (or physically handicapped and delicate) pupils have closed since 1 April 1983. Two independent schools which catered for physically handicapped children have also closed since that date.

Educational Projects (Grants)

Mr. Rowe asked the Secretary of State for Education and Science how much expenditure on new projects related to educational needs in a multi-ethnic society will be supported through education support grants in 1986-87.

Mr. Chris Patten: Expenditure of £886,000 in 1986-87 has been approved for education support grant for new pilot projects to meet the educational needs of those from ethnic minorities, to promote harmony between different racial groups, or in other ways to prepare pupils and students for life in a multi-ethnic society. In addition eight such projects involving expenditure of £194,000 will be supported under the traditional urban programme.

TRADE AND INDUSTRY

EC (GATT Talks)

46. **Mr. Kilroy-Silk** asked the Secretary of State for Trade and Industry what recent discussions he has held in the European Community Foreign Affairs Council concerning the general agreement on tariffs and trade; and if he will make a statement.

Mr. Alan Clark: The forthcoming round of multilateral trade negotiations in the general agreement on tariffs and trade has been touched on in several recent meetings of the Foreign Affairs Council. This month's meeting of the FAC on 21 and 22 April is expected to consider a Commission working paper on the broad strategy to be adopted in preparing the launch of the new round.

PRIME MINISTER

Gaza Strip (Government Policy)

Mr. Latham asked the Prime Minister whether the public speech by the Minister of State, Foreign and Commonwealth Office, the hon. Member for Mid-Sussex (Mr. Renton), to the Anglo-Jewish Association on 27 February in London in so far as it related to sewage problems in the Gaza Strip, represents the policy of Her Majesty's Government.

The Prime Minister: Yes. We have consistently called on the Israeli authorities to implement their stated intention to improve conditions in the occupied territories, and are ourselves contributing £100,000 through the Save the Children Fund towards a sewage project in the Gaza Strip.

10 Downing Street

Mr. Meacher asked the Prime Minister what has been the cost of running No. 10 Downing street each year since 1979, both in current and constant prices; what has been the percentage increase annually in real terms; and what has been the annual cost since 1979 in foreign visits, entertainment, and allowances for accommodation.

The Prime Minister [*pursuant to her reply*, 8 April 1986, c. 5]: It is not possible without disproportionate expense to isolate all the costs of running No. 10 Downing street from Chequers. The costs of the Prime Minister's Office in the last six years are as follows:

Total costs

Year	*Current prices*	*Constant prices (1984-85)*	*Year-on-year percentage variation*
	£	£	
1979-80	1,409,101	2,144,750	
1980-81	1,744,824	2,236,954	4·3
1981-82	2,415,301	2,815,036	25·8
1982-83	2,699,752	2,940,906	4·5
1983-84	3,026,042	3,155,414	7·3
1984-85	3,648,073	3,648,073	15·6
*1985-86	4,146,721	3,949,258	8·3

* (Provisional).

The annual cost since 1979 of foreign visits, entertainment and accommodation allowances in respect of No. 10 Downing street is as follows:

Foreign visits

Year	*Current prices*	*Constant prices (1984-85)*	*Year-on-year percentage variation*
	£	£	
1979-80	151,864	231,148	
1980-81	133,206	170,777	−26·1
1981-82	556,000	648,019	279·5
1982-83	523,587	570,356	−12·0
1983-84	216,146	225,387	−60·5
1984-85	414,259	414,259	83·8
*1985-86	458,688	436,846	5·5

* (Provisional).
See Notes 2 and 3(i) below.

Entertainment

Year	*Current prices*	*Constant prices (1984-85)*	*Year-on-year percentage variation*
	£	£	
1979-80	12,546	19,096	
1980-81	17,649	22,627	18·5
1981-82	15,684	18,280	−19·2
1982-83	13,778	15,009	−17·9
1983-84	13,837	14,429	−3·9
1984-85	23,104	23,104	60·1
*1985-86	31,448	29,950	29·6

* (Provisional).
See Note 2 below.

Accommodation

Year	Current prices	Constant prices (1984-85)	Year-on-year percentage variation
	£	£	
1983-84	505,230	526,830	
1984-85	506,787	506,787	−3·8
*1985-86	525,598	500,570	−1·2

* (Provisional).

See Note 3(ii) below.

Notes:

1. Salaries and wages, notional pension liability and administration costs and the grant-in-aid to the Chequers Trust are included. The salary of the Prime Minister and the cost of messengerial and cleaning services are excluded.

2. Billing delays prevent some costs from being shown in the financial year in which the goods and services were provided. The above figures, therefore, do not necessarily reflect when the expenditure was actually incurred.

3. The basis for the total costs changed in (i) 1981-82 when charging by Ministry of Defence for its aircraft was introduced; (ii) 1983-84, when the Property Services Agency introduced charging for buildings and services; and (iii) 1984-85, when Ministry of Defence introduced charging for the service staff at Chequers.

4. Following the abolition of the CPRS, the policy unit in the Prime Minister's Office was strengthened by four staff. In the last full year of its existence (1982-83) CPRS employed 35 people and cost £1,109,000 (£1,208,061 at 1984-85 prices). Thus, while the cost of the Prime Minister's Office increased as a result of the abolition of the CPRS, substantial net overall savings were made.

HOME DEPARTMENT

Water Cannon (Dye)

Mr. Chris Smith asked the Secretary of State for the Home Department whether he has arranged for any tests to be carried out on the use of dye in water cannon; and if he will make a statement.

Mr. Giles Shaw: I would refer the hon. Member to the reply given to a question from the hon. Member for Newham, North-West (Mr. Banks) on 27 March, at column 543.

Police Officers (Fingerprinting)

Sir Eldon Griffiths asked the Secretary of State for the Home Department if he will make a statement on gratuities for police officers who are required to search and fingerprint badly decomposed, mutilated and extensively burnt bodies.

Mr. Giles Shaw: Since 1972 a gratuity has been payable to police officers who are required to search or fingerprint dead bodies in an advanced state of decomposition. The present rates are £15.50 where a body is searched and fingerprinted by the same officer on the same occasion and £10.35 where the tasks of searching and fingerprinting have to be undertaken by different officers, or on separate occasions. My right hon. Friend recently approved a Police Negotiating Board agreement extending the payment of the gratuity to cases in which the body was mutilated, decomposed or extensively burnt.

Interception of Communications Act 1985

Mr. Neil Hamilton asked the Secretary of State for the Home Department what guidance has been issued to the police on the investigation of offences under the Interception of Communications Act 1985.

Mr. Hurd: I have placed in the Library a copy of guidance which I issued to the police on 8 April. This draws the attention of chief officers to the new offence, established by section 1 of the Act, of improperly intercepting communications in the postal and public telecommunications systems and emphasises the importance of this new offence. It also reminds chief officers that they may seek the specialised technical assistance of British Telecom and the Post Office in investigating reported offences. Similar guidance is being issued to Scottish forces and to the RUC by my right hon. and learned Friend the Secretary of State for Scotland, and my right hon. Friend the Secretary of State for Northern Ireland.

SOLICITOR-GENERAL FOR SCOTLAND

Family Law

Dame Judith Hart asked the Solicitor-General for Scotland when he expects the Court of Session to have defined new or amended procedural rules to meet the provisions of the Family Law (Scotland) Act 1985.

The Solicitor-General for Scotland: It is the duty of the rules councils for the Court of Session and the sheriff court to submit to the Court of Session proposals for the procedural rules needed to take account of the Family Law (Scotland) Act 1985. It is understood that the Court of Session rules council has now finalised its proposals and the Sheriff Court rules council expects to do so shortly. The Court of Session and the rules councils are aware of the need to avoid delay in the preparation and making of the necessary Acts of Sederunt so that the main provisions of the 1985 Act can be brought into operation in the near future. I should add that my noble and learned Friend, the Lord Advocate, intends to bring into operation on the same day as that fixed for the main provisions of the 1985 Act the provisions of part IV of the Matrimonial and Family Proceedings Act 1984, dealing with financial provision in Scotland after overseas divorce.

TRANSPORT

Roads

Mrs. Renée Short asked the Secretary of State for Transport which roads in the West Midlands county were found in the national road maintenance condition survey compiled by his department in co-operation with local authorities to have defects in respect of cracking, rutting and potholes; what was the level of participation by local authorities in the county in preparing this report; and what action he proposes to take as a result of the findings.

Mr. Peter Bottomley: County data for the national road maintenance condition survey are confidential. Results for the West Midlands region as a whole (five counties), and for metropolitan areas as a whole, will be published in a few weeks. Inspections for the West Midland county area in 1985 were carried out by the county council at 177 randomly selected sites on all-purpose trunk roads, principal roads, other classified roads, and unclassified roads.

At a national level, we have increased the public expenditure provision on both local and national road maintenance for 1986/87.

M25 (Traffic Flows)

Mr. Tim Smith asked the Secretary of State for Transport what information he has on five-day and seven-day average traffic flows on a 16 and a 24-hour per day basis on each section of the M25; and when such counts have been undertaken.

Mr. Peter Bottomley: The information is set out in the table. It relates to traffic flow in both directions. The figures for junctions 1-15 are the average flows for February 1986, and those for junctions 15-31 are the average flows for December 1985. In both cases the totals shown are the latest available. Figures marked with an asterisk are estimates.

The table has been compiled from information provided by continuous counting equipment installed in the road. The equipment is operational on 15 of the 30 sections of the motorway. A further eight installations will come into operation by the end of the year. In addition, the manual count undertaken in June 1985 on all open sections of the motorway is to be repeated this June. The Department also has access to the detailed information on traffic using the Dartford Tunnel.

Section	*Junction Numbers*	*5-Day Flows (000s)*		*7-Day Flows (000s)*	
		16 Hour Day	*24 Hour Day*	*16 Hour Day*	*24 Hour Day*
A225-A2	1-2	—	—	—	—
A2-M20	2-3	—	—	—	—
M20-A21	3-4	—	—	—	—
A21-M26/A21	4-5	—	—	—	—
M26/A21-A22	5-6	57	59	51	53
A22-M23	6-7	64	67	57	60
M23-A217	7-8	—	—	—	—
A217-A243	8-9	62	64	56	59
A243-A3	9-10	64	67	58	61
A3-A320	10-11	83	86	74	78
A320-M3	11-12	96	100	85	90
M3-A30	12-13	—	—	—	—
A30-Airport Spur	13-14	—	—	—	—
Airport Spur-M4	14-15	—	—	—	—
M4-M40	15-16	63	66	59	63
M40-A412	16-17	62	65	58	62
A412-A404	17-18	—	—	*58	—
A404-A405	18-19	69	73	66	72
A405-A41	†19-20	—	—	—	—
A41-M1	†20-21	—	—	—	—
M1-A6	†21-22	—	—	—	—
A6-A1 (M)	†22-23	—	—	—	—
A1 (M) A111	23-24	—	—	*54	—
A111-A10	24-25	—	—	*56	—
A10-A121	25-26	55	59	52	55
A121-M11	26-27	55	59	52	55
M11-A12	27-28	—	—	*58	—
A12-A127	28-29	—	—	*50	—
A127-A13	29-30/31	50	53	47	51
A13-Dartford Tunnel	31-1	56	59	54	58

† These sections not yet opened

National Bus Company

Mr. Colin Shepherd asked the Secretary of State for Transport whether he has received the National Bus Company's disposal programme; and if he will make a statement.

Mr. Ridley: At the request of the National Bus Company, I have today given them directions under section 48(5) of the Transport Act 1985 as to the manner in which the company is to carry out its main objective of promoting fair and sustained competition in the preparation of its disposal programme. A copy of the directions has been laid before each House.

These directions require NBC to provide for each of its local bus operating subsidiaries to be sold individually or as part of a group of companies which contains no other bus operating subsidiary. As many of these sales as possible, particularly of subsidiaries for which NBC staff have indicated that they wish to mount an early buy-out, should be completed by 26 October 1986, the date of deregulation of the bus industry.

Since the new chairman of NBC, Mr. Rodney Lund, took up his position on 7 April, I have decided to extend from 6 April to 16 May the date by which the Company must submit to me its disposal programme. This will enable him to consider the proposals before they are finalised.

However, this revised timetable will not delay the privatisation programme. I am glad that many local managements and employees are already preparing bids for their subsidiaries and NBC has recently advertised all its subsidiaries in the press inviting expressions of interest from other parties.

Cross-Channel Ferries (Belgian Ports)

Mr. Peter Rees asked the Secretary of State for Transport what progress has been made over BFS access to Belgian ports; and what are his conclusions about his possible use of section 14 of the Merchant Shipping Act 1974.

Mr. Ridley: I met the Belgian Minister of Communications together with representatives of the other

Belgian parties concerned in Brussels immediately before Easter to seek to resolve this question. This proved to be a constructive meeting at which a number of possibilities for an early BFS service to Belgium were discussed. BFS is free to start a service to the inner port of Zeebrugge immediately, and can start a service to the outer port as soon as new facilities have been completed. It was agreed that technical discussions between the commercial parties concerned were urgently required; and the Belgian Minister undertook to see how quickly BFS's requirements can be met. Both the Belgian Minister and I are confident that an acceptable solution can be found.

In these circumstances, I have concluded that it would not be appropriate to propose action under Section 14 of the Merchant Shipping Act, 1974.

EMPLOYMENT

Youth Training Scheme

Mr. Irving asked the Paymaster General how many people are currently on the YTS scheme in Cheltenham and Gloucestershire, respectively; and what will be the effect of the introduction of the recently launched two-year scheme in the same areas.

Mr. Trippier: At the end of February, the latest date for which statistics are available, there were 506 young people in training on YTS in the Cheltenham local authority district and 2,590 in training on the scheme in the county of Gloucestershire.

It is planned to provide 850 places in Cheltenham and 4,247 places in Gloucestershire for the new scheme. This will ensure opportunities for all eligible young people in the area.

Mr. Irving asked the Paymaster General how many people have completed the YTS in Cheltenham and Gloucestershire, respectively, since the scheme's inception; how many completers have found full or part-time employment; and if he will make a statement.

Mr. Trippier: Between the introduction of YTS in April 1983 and the end of February 1986, 3,856 young people in Gloucestershire completed schemes, including 782 in the Cheltenham local authority district. During the same period, a further 3,741 young people in Gloucestershire (and 800 in Cheltenham) left their schemes four or more weeks before the date on which they were due to complete.

The Manpower Services Commission conducts a regular follow-up survey of young people some three months after they leave YTS. The latest results cover young people who left YTS between April and September 1985. These show that of those completing schemes in Gloucestershire, 70 per cent. were in work. The comparable figure for the Cheltenham local authority district is 74 per cent.

Job Start Scheme

Mrs. Renée Short asked the Paymaster General whether he will take steps to attract higher numbers of unemployed applicants to the job start scheme.

Mr. Lang: Yes. I have asked the Manpower Services Commission to look at ways in which this might be done.

MSC (West Midlands)

Mrs. Renée Short asked the Paymaster General what proportion of the additional 2,000 staff who are to be recruited to the employment division of the Manpower Services Commission will be stationed in the west midlands region.

Mr. Lang: Regional employment managers of the Manpower Services Commission are still in the process of determining the allocation of additional staff between jobcentres, community programme offices, area offices and regional offices. There are, however, expected to be around 140 extra staff based in the west midlands.

Jobcentres

Mr. Tom Cox asked the Paymaster General what plans he has to allow local jobcentres funds for training within their area; and if he will make a statement.

Mr. Lang: The Manpower Services Commission's training budget is administered by the commission's training division, through its head office and network of local offices. In addition, the commission's employment division will be running restart courses for long-term unemployed people, which will be administered on a local basis.

Mr. Tom Cox asked the Paymaster General what is his policy on staff working in local jobcentres visiting firms and so on in their areas to keep staff aware of local employment; and how often such visits take place.

Mr. Lang: Jobcentre staff are required to visit firms in their area to keep aware of local market conditions. Visits are sometimes designed specifically for staff to enhance their industrial and occupational knowledge. More usually, however, visits are designed to combine the learning and information seeking processes with the opportunity to canvass current or future vacancies and to explain jobcentre services.

Jobcentre managers usually visit new firms as a priority and they respond to ad hoc requests to discuss individual queries or problems. The frequency of planned visits varies regionally as discretion is given to regional employment managers.

Mr. Tom Cox asked the Paymaster General what record is kept by jobcentres of all local industries in their areas.

Mr. Lang: Most jobcentres keep records of firms in their areas in the form of "business activity cards". These show information relating to the number and type of vacancies notified and placement figures. Additional information collected includes the type of business and product, the number of employees, the main occupations employed and where appropriate, the firms' position in relation to the employment of disabled people.

SOCIAL SERVICES

Computers and Software

Mr. Ashdown asked the Secretary of State for Social Services what is his policy on the purchase for the use of his Department or the recommendation for use in departmental establishments of computers or software

which are subject to extra-territorial constraints as to their use, movement or resale or export; and if he will make a statement.

Mr. Major: The Central Computer and Telecommunications Agency acts as contractual agent for almost all computer equipment purchased by the DHSS. The exceptions are generally minor hardware items worth less than £5,000, and software items worth less than £500.

Decisions about the purchase of these minor items are made on the basis of all the relevant circumtances at the time. This Department does not recognise the extra-territorial claim to jurisdiction implicit in the United States export control laws.

Sickle Cell Disease

Mr. Wheeler asked the Secretary of State for Social Services what action he is taking to sponsor research into the prevention and treatment of sickle cell disease; and what special initiatives the National Health Service has commenced in major cities to provide special screening and counselling facilities.

Mr. Whitney: The Department has recently funded a number of projects on disorders of haemoglobin, such as sickle cell disease. One, carried out at St. Batholomew's hospital, London, was concerned with the development of reference materials for the determination of haemoglobins. Another, at the Manchester Royal infirmary, was on evaluation of diagnostic kits for use in the identification of sickle cell. In addition, the Department is funding a national haemoglobinopathy reference service at Oxford.

Other work is being funded by the Medical Research Council, which receives its grant-in-aid from the science vote of Department of Education and Science.

We fully accept the need for screening and counselling facilities but their organisation must be a matter for individual health authorities taking full account of local needs and priorities. Information about such programmes is not collected centrally.

Care in the Community

Mr. Tom Clarke asked the Secretary of State for Social Services if he will list the initiatives, apart from those Care in the Community pilot projects funded under the 1983 Care in the Community initiative, set up by his Department to advance the development of community care for people suffering from mental illness and people with mental handicap, stating, in each case, the funds allocated for each scheme.

Mr. Hayhoe: Specific initiatives being taken are:

(i) the provision of small, homely units in the community for mentally handicapped children who will continue to need health care (£10½ million);

(ii) matching £1 for £1 money raised by voluntary organisations to provide care in the community for mentally handicapped children coming out of hospital (£1 million);

(iii) three projects at Hackney, Salford and Southampton to develop co-ordinated aftercare systems for mentally ill people in the community (£120,000);

(iv) an advisory service, provided by the British Institute of Industrial Therapy, to encourage and support the development of viable and potentially self-financing community industrial therapy units for mentally ill people (£60,000);

(v) a series of development projects to provide services in the community for mentally ill people is being launched currently (of the order of £6 million).

In addition to these central initiatives annual support is given to a number of voluntary organisations which, amongst other things, provide community care facilities for mentally ill and mentally handicapped people (£2 million in 1985-86).

Babies (Drug Withdrawal Symptoms)

Mrs. Renée Short asked the Secretary of State for Social Services how many babies have required medical treatment shortly or immediately after birth in each of the last seven years as a result of suffering from drug withdrawal symptoms.

Mr. Whitney: I am sorry I cannot give the hon. Member the information she seeks. It is not available centrally.

Heating Additions

Mrs. Renée Short asked the Secretary of State for Social Services what level of allowances has been made available to elderly and disabled people in respect of heating assistance in each of the last seven years.

Mr. Newton: The information requested is as follows:

Supplementary Benefit heating additions (£)
(rates operative from November of each year)

Type of heating addition	*1979*	*1980*	*1981*	*1982*	*1983*	*1984*	*1985*
Health:							
Basic rate	0·95	1·40	1·65	1·90	2·05	2·10	2·20
Middle rate*	1·90	—	—	—	—	—	—
Higher rate	2·85	3·40	4·05	4·65	5·05	5·20	5·45
Age-related:							
Basic rate†	0·95	1·40	1·65	1·90	2·05	2·10	2·20
Higher rate (householders over 85)	—	—	—	—	—	5·20	5·45
Disabled persons	—	3·40	4·05	4·65	5·05	5·20	5·45
Long-term sick and disabled householder	—	—	—	—	—	—	2·20

Notes:

* Combined with the higher rate in November 1980.

† Originally introduced for householders over 75. Age limit reduced to 70 in 1980 and to 65 in 1984.

Where a claimant is eligible for a more beneficial rate of heating addition on grounds other than age or disability this is paid instead of the additions listed above.

Pensions and Benefits

Mrs. Renée Short asked the Secretary of State for Social Services if he will list the increases in the rates of *(a)* the state retirement pension for single and married pensioners, *(b)* child benefit, *(c)* unemployment benefit and *(d)* supplementary benefits in each of the last seven years, and the total costs which have been incurred as a result of such increments in respect of each benefit.

Mr. Major: Details of the increases in the rates of benefit are contained in "Social Security Statistics 1985" (tables 13.01, 30.01, 1.01B and 34.01), a copy of which is in the Library. The costs of these increases are shown in the table:

All figures are in £ million

	April 1979	*November 1979*		*November 1980*		*November 1981*		*November 1982*		*November 1983*		*November 1984*		*November 1985*	
		1st year	*Full year*	*1st year*	*Full year*	*1st year*	*Full year*	*1st year*	*Full year*	*1st year*	*Full year*	*1st year*	*Full year*	*1st year*	*Full year*
Retirement pension	—	607	1,571	570	1,631	366	1,043	514	1,434	194	535	269	778	379	1,092
Child benefit	693	(no uprating)		179	510	122	343	146	407	150	430	78	227	33	96
Unemployment benefit	—	46	115	32	94	49	136	64	180	45	130	25	74	38	114
Supplementary benefit	—	106	276	139	399	85	233	121	351	85	235	82	237	84	231

Notes:
1st year cost: November to following April.
Full year cost: November to November.
The figures quoted for the November 1985 uprating are estimates.

Smoking (Health Risks)

Mrs. Renée Short asked the Secretary of State for Social Services if he has any plans to initiate a campaign aimed at publicising the dangers of smokers' habits to non-smokers.

Mr. Whitney: The Health Education Council has begun an advertising campaign on local independent radio drawing attention to the disadvantages and possible risks to health to non-smokers or breathing other people's tobacco smoke.

Nurses (General Manager Posts)

Mr. Straw asked the Secretary of State for Social Services how many nurses have been appointed to general manager posts within the North-Western regional health authority area; and if he will provide similar figures for each health district within this region.

Mr. Hayhoe: Five nurses have been appointed to unit general manager posts within the North-Western regional health authority, one in each of the districts listed; none has been appointed to the regional or district general manager posts.

	Number
Blackpool, Wyre and Fylde	1
Central Manchester	1
North Manchester	1
Trafford	1
Wigan	1

Limited List Prescribing

Mr. Tim Smith asked the Secretary of State for Social Services (1) if he will make it his policy in relation to the limited list to ensure that general practitioners may use the brand name of a drug on a prescription form when the use of its generic name might cause confusion;

(2) whether he will re-examine his policy to promote the prescribing of drugs on the limited list by a generic rather than a branded name where this policy has caused confusion amongst dispensing chemists;

(3) if he will permit general practitioners to prescribe drugs on the limited list by brand name where they enjoy patent protection;

(4) if he will make it his policy in relation to the limited list to ensure that general practitioners may use the brand name of a drug on a prescription form where the drug is the product of British research;

(5) whether he will permit general practitioners to prescribe drugs on the limited list by brand name where no generic equivalent exists.

Mr. Hayhoe: I am not aware of any instances of confusion through use of generic names in the selected list scheme. I am, however, currently reviewing the policy of requiring National Health Service prescription by generic name, where possible, in the light of representations made by pharmaceutical companies whose products have been affected.

Mr. Tim Smith asked the Secretary of State for Social Services if he will make it his policy in relation to the limited list to ensure that, where a dispensing chemist dispenses a drug on the authority of a prescription containing a brand name neither the dispensing chemist nor the prescribing general practitioner will be penalised.

Mr. Hayhoe: National Health Service contractors who write or dispense prescriptions for drugs listed in schedule 3A to the regulations are in breach of their terms of service and it is for their family practitioner committee to determine any action to be taken.

Board and Lodging

Mr. Meacher asked the Secretary of State for Social Services (1) how many persons aged under 26 years have now been moved on (i) after two weeks, (ii) after four

weeks and (iii) after eight weeks *(a)* nationally and *(b)* by each region, under the Board and Lodging Regulations since April 1985;

(2) how many hotels, bed and breakfast establishments or other board and lodging establishments are known to exist within the area of each Department of Health and Social Services office operating the two, four or eight-week rules under the Board and Lodging Regulations, and of these, how many in each case make charges currently within the Department of Health and Social Services board and lodging limits and how many outside it by (i) less than £5 per week, (ii) £5 to £10 per week, (iii) £10 to £20 per week, (iv) £20 to £40 per week and (v) more than £40 per week.

Mr. Newton: I shall let the hon. Member have replies as soon as possible.

Health Authorities (Chairmen)

Mr. Dykes asked the Secretary of State for Social Services if he will announce details of the appointment and reappointment of chairmen of special health authorities from 1 April.

Mr. Whitney: The term of office of six of the chairmen of the Special Health Authorities expired on 31 March 1986. Five have been reappointed and there is one new appointment, Mr. Tom Oakman, as chairman of the National Hospitals for Nervous Diseases. The details are as follows:

Special Health Authority	*Chairman*	*Term of appointment (years)*
The Hospitals for Sick Children	Mrs. Caroline Bond SRN SS St. J	2
National Hospitals for Nervous Diseases	Mr. Tom Oakman OBE	4
Moorfields Eye Hospital	Mr. Francis Cumberlege CBE	2
The Bethlem Royal Hospital and Maudsley Hospital	Dr. Ivan Clout CBE	2
The National Heart and Chest Hospitals	Mr. Tom Meyer	4
Hammersmith and Queen Charlotte's	Mr. Christopher Bland	4

NATIONAL FINANCE

Johnson Matthey Bankers

Mr. Tim Smith asked the Chancellor of the Exchequer what has been the outcome of Her Majesty's Customs and Excise investigations at Johnson Matthey Bankers.

Mr. Brooke: Her Majesty's Customs and Excise have completed their inquiries at Johnson Matthey Bankers in connection with possible VAT offences in relation to gold bullion. I am informed by the commissioners that there are no grounds for prosecuting Johnson Matthey Bankers or any of its employees.

EC Budget

Mr. Moynihan asked the Chancellor of the Exchequer when he intends to publish the White Paper on the 1986 Community budget.

Mr. Brooke: The Government's intention is to publish the statement on the 1986 Community budget as soon as practicable after the European Court of Justice has given judgment on the substance of the cases brought by the Council and certain member states against the European Parliament on the 1986 budget.

Government Contracts (Savings)

Mr. Dalyell asked the Chancellor of the Exchequer what is his policy regarding the payment of compensation to persons who have suffered significant financial loss as a result of supplying information to Her Majesty's Government which has led to Her Majesty's Government saving money on contracts.

Mr. MacGregor: Any proposal for such payment would be examined on its merits.

Tax Changes (Gains)

Mr. Meacher asked the Chancellor of the Exchequer (1) if he will specify the distribution of gains in the Budget from each item where tax changes were made other than normal indexation, according to income bands as follows: less than £5,000 per year, £5,000 to £7,500, £7,500 to £10,000, £10,000 to £12,500, £12,500 to £15,000, £15,000 to £20,000, £20,000 to £30,000, £30,000 to £50,000 and above £50,000; and if he will indicate the percentage of total tax changes accruing to each group and the percentage of the total numbers of taxpayers that each group comprises;

(2) what is the gain to taxpayers at less than half, half to three quarters, three quarters to one, one to one and a half, one and a half to two, two to three, three to five and five to 10, and more than 10 times average earnings from the 1p cut in income tax; if he will specify these bands in pound sterling per year at current earnings; how many taxpayers are in each of these bands; and what percentage of the total number of taxpayers each group comprises.

Mr. Moore: I shall let the hon. Member have a reply as soon as possible.

Tax and National Insurance

Dr. McDonald asked the Chancellor of the Exchequer if, pursuant to the answer given on 7 February, *Official Report*, columns *277-8*, about tax and national insurance contributions, he will show for 1986-87 those ranges of earnings within which the burden of income tax plus national insurance is less than in 1978-79.

Mr. Moore [*pursuant to his reply*, 8 April 1986]: The table shows the ranges of earnings within which income tax plus national insurance contributions form a smaller proportion of gross earnings in 1986-87 than in 1978-79, assuming that earnings have risen in line with the national average.

At all income levels those whose earnings have risen in line with the national average have seen a real increase in their take home pay since 1978-79.

Ranges of earnings in 1986-87 where income tax and NIC form a smaller proportion of gross earnings in 1986-87 than in 1978-79*

	(£ per week and per cent. average earnings)			
	up to (£)	*Per cent.*	*Above (£)*	*Per cent.*
Single	60.00	28	293	137
Married couple both† working, no children	139·75	‡39	554	‡156

	(£ per week and per cent. average earnings)			
	up to (£)	Per cent.	Above (£)	Per cent.
Married couple husband only working, two children under 11	77·00	36	326	152

* Less child benefit where appropriate.
† On the assumption that husband and wife each have the same multiple of the appropriate all occupations figure for average earnings (full time males and females respectively).
‡ Percentage of joint income.

Mortgage Interest Relief

Dr. McDonald asked the Chancellor of the Exchequer whether, in the manner of the answer given on 4 February 1985, *Official Report*, column *397*, he will publish and update the table on mortgage interest tax relief by income group for 1985-86.

Mr. Meacher asked the Chancellor of the Exchequer what is the current distribution of mortgage interest tax relief by income bands under £5,000 a year, £5,000 to £10,000, £10,000 to £15,000, £15,000 to £20,000, £20,000 to £25,000, £25,000 to £30,000, £30,000 to £40,000, £40,000 to £50,000 and over £50,000; what is the number of taxpayers in each income band receiving this relief; what is the total relief per mortgagor in millions of pounds and as a percentage; and what is the average relief per mortgagor in each income band.

Mr. Frank Field asked the Chancellor of the Exchequer if he will detail the value of mortgage interest relief at the latest available date, giving the average relief per mortgagor, the numbers claiming relief, the total value of relief and the total number of taxpayers per income range for those with incomes under £3,000, £3,000 to £5,000, £5,000 to £7,500, £7,500 to £10,000, £10,000 to £15,000, £15,000 to £20,000, £20,000 to £25,000 and above £25,000.

Mr. Moore [*pursuant to his replies*, 20 January, 14 February and 7 March 1986]: I regret the delay in providing this information. The latest estimates are given in the table. Following the introduction of the arrangements for giving mortgage interest relief at source from April 1983, it is no longer possible to estimate the distribution of mortgage interest relief from tax records (except for relief on mortgages outside the scope of MIRAS and relief given at rates in excess of the basic rate). The information by income range in the table is based on projections to 1985-86 of information in the 1983 family expenditure survey and the 1983-84 survey of personal incomes. The estimates include mortgages formerly under the option mortgage scheme (now subsumed under MIRAS). All estimates are provisional.

Due to small sample sizes some of the income ranges requested have been combined.

Taxpayers receiving mortgage interest relief by range of total income—1985-86

Range of total income (£'000)	*Numbers receiving mortgage relief* ('000)	*Average value of relief per mortgagor* (£)	*Total cost of relief* (£ million)	*Percentage of total cost* (per cent.)	*Total* taxpayers* (million)
Under 4	500	110	55	1	2,400
4 to 5	200	250	50	1	1,880
5 to 6	280	320	90	2	1,820
6 to 7	420	380	160	3	1,890
7 to 8	500	460	230	5	1,650
8 to 9	560	500	280	6	1,490
9 to 10	690	510	350	7	1,340
10 to 12	1,250	580	720	15	2,250
12 to 15	1,450	640	925	20	2,330
15 to 20	1,250	710	890	19	1,880
20 to 25	430	880	380	8	690
25 to 35	220	1,140	250	5	330
Over 30	250	1,480	370	8	430
ALL INCOMES	8,000	590	4,750	100	20,300

* Counting married couples as one.

ENERGY

Sizewell

Mr. Gareth Wardell asked the Secretary of State for Energy when he expects to announce his decision on the building of a nuclear power station at Sizewell.

Mr. Goodlad: The Sizewell B inquiry inspector has told my right hon. Friend that he hopes to deliver his report in September. My right hon. Friend then intends to reach his decision as soon as he possibly can.

Plutonium

Mr. Chris Smith asked the Secretary of State for Energy (1) whether any civil plutonium exported from Britain to the United States of America is to be used in the testing of the Excalibur X-ray nuclear-pulsed laser programme undertaken by the United States Department of Energy at the Lawrence Livermore laboratories at the University of California; and if he will make a statement;

(2) if, in the light of the plans set out in its 1987 fiscal appropriations by the United States Department of Energy to redesignate all plutonium in its civil programme as military, he intends to advise the United States Government that such a step in relation to the plutonium of British origin would be contrary to Her Majesty's

Government's policy on the use of civil material in military programmes; if he will draw up special arrangements under the 1959 amendment to the 1958 Mutual Defence Agreement to prohibit any such future transfer; and if he will make a statement.

Mr. Goodlad: The United States' authorities have said that none of the plutonium exported prior to 1971 under the Mutual Defence Agreement has been used in weapons, and this continues to be their policy. Her Majesty's Government remain content to rest on these statements by the United States.

SCOTLAND

Glasgow Garden Festival Project

Dame Judith Hart asked the Secretary of State for Scotland what extra allocation of finance had been made available to the Scottish Development Agency in the next financial year to enable it to assist the Glasgow garden festival project.

Mr. Rifkind: In common with previous national garden festivals, no additional funds have been allocated specifically for the Glasgow garden festival, but the need for expenditure on the garden festival has been taken into account in determining the agency's financial provision for 1986-87.

Dame Judith Hart asked the Secretary of State for Scotland what proportion of the expenditure of the Scottish Development Agency in the next financial year is directed towards the Glasgow garden festival project.

Mr. Rifkind: In the financial year 1986-87 the Scottish Development Agency anticipates spending on the Glasgow garden festival project about 8 per cent. of its gross provision for grant-in-aid expenditure.

Clydesdale

Dame Judith Hart asked the Secretary of State for Scotland what expenditure of the Scottish Development Agency was devoted in each of the last three years to projects in Clydesdale.

Mr. Rifkind: The Scottish Development Agency's expenditure in Clydesdale over the last three financial years was as follows:

1983-84	£200,000
1984-85	£893,000
1985-86	£532,000

Dame Judith Hart asked the Secretary of State for Scotland what allocation of expenditure by the Scottish Development Agency is planned for projects in Clydesdale for which support has been requested by Clydesdale district council in the next financial year.

Mr. Rifkind: The Scottish Development Agency is currently assessing the relative priority to be attached to a number of schemes presented by the district council for funding. It is not currently possible to identify specific projects which will be implemented in 1986-87, nor the total sum involved.

Housing

Mr. Maclennan asked the Secretary of State for Scotland what assessment he has made of the present extent of sub-standard housing stock in the local authority districts of the highland region; how this compares with the position in each of the preceding six years; what effect he anticipates the introduction of the proposals made in the consultation document "Home Improvement in Scotland — A New Approach" will have on the prevailing situation; and if he will make a statement.

Mr. Ancram: It is for housing authorities to assess the extent of substandard housing in their areas. Returns made by each district council in the Highland region show its estimates of the number of houses below the tolerable standard at 31 March to be:

	1979	*1980*	*1981*	*1982*	*1983*	*1984*	*1985*
Highland Region	5,902	5,728	5,453	5,515	5,143	5,538	*5,371
Districts:							
Badenoch & Strathspey	100	100	100	100	100	268	264
Caithness	517	509	559	507	479	464	448
Inverness	1,418	1,345	1,230	1,133	1,023	818	717
Lochaber	86	170	179	171	171	170	170
Nairn	114	100	87	78	69	57	52
Ross & Cromarty	2,057	1,882	1,738	2,043	2,050	2,696	2,690
Skye & Lochalsh	1,068	1,068	1,068	1,018	850	700	665
Sutherland	542	554	492	465	401	365	*365

* Latest available figure for Sutherland is as at 1984.

The proposals in the Green Paper "Home Improvement in Scotland — A New Approach" (Cmnd. 9677) are designed to strengthen the position of the householder by encouraging his responsibilities for his own property with help from others, including local authorities. The objective is to ensure that the resources available are directed to the people most in need of help and the properties most in need of attention. Progress in the improvement of the stock should continue. We are presently considering comments on the Green Paper.

DEFENCE

Auxiliary Oiler and Replenishment Ship

Mr. Gow asked the Secretary of State for Defence when he expects to announce the order for the auxiliary oiler and replenishment ship for the Royal Navy.

Mr. Lee: Tenders from Harland & Wolff and Swan Hunters are still being evaluated. I hope to announce a decision shortly.

Housing (Lincolnshire)

Mr. Austin Mitchell asked the Secretary of State for Defence what is the number of housing units in Lincolnshire transferred by his Department to the Property Services Agency for onward sale in each year since 1979.

Mr. Lee: The numbers of quarters in Lincolnshire passed to the PSA for disposal, including those in the sales to service men scheme, are as follows:

	Numbers
1979	167
1980	44
1981	150
1982	57
1983	84
1984	37
1985	201

AGRICULTURE, FISHERIES AND FOOD

EC (Frauds Inquiry)

47. **Mr. Skinner** asked the Minister of Agriculture, Fisheries and Food when he expects the European Economic Community inquiry into Mafia olive tree frauds and other illegalities in the European Economic Community to be concluded; and if he will make a statement.

Mr. Gummer: A report on the olive oil sector prepared by the European Court of Auditors was published in June 1985. Many of the recommendations contained in the report have been incorporated in revised rules on production and consumption aid and intervention arrangements.

Veal Crates and Stalls

Mr. Teddy Taylor asked the Minister of Agriculture, Fisheries and Food if, following the code of recommendations 1983, he will take steps to prevent the use of veal crates and stalls; and if he will make a statement.

Mrs. Fenner: The code of recommendations for the welfare of cattle already discourages producers from using veal crates. Loose housing systems are being increasingly used and most calves reared for veal are now kept in such systems.

The Government welcome this shift away from the veal crate system and will continue to encourage compliance with the recommendations of the welfare code. In these circumstances, I am not convinced that there is a need for the Government to take further steps.

Egg Production (Battery Cages)

Mr. Teddy Taylor asked the Minister of Agriculture, Fisheries and Food whether he will make a statement of his policy in regard to the battery cage system used for egg production.

Mrs. Fenner: My hon. Friend will be aware that the Council of Agriculture Ministers on 24-25 March adopted a directive setting minimum welfare standards for hens kept in battery cages. My right hon. Friend made it clear that, while it represented the best measure negotiable at the present time, it did not go far enough to protect the welfare of battery hens.

He also made it clear that the Commission's report on scientific developments, and appropriate amendments to the text, should if possible be submitted before the formal date in the directive of 1 January 1993.

Lancashire and Western Sea Fisheries Joint Committee

Mr. Wareing asked the Minister of Agriculture, Fisheries and Food what representations he has received about the consequences for the work of the Lancashire and Western sea fisheries joint committee of the abolition of the Merseyside county council; what steps he is taking to seek to ensure its work continues; and if he will make a statement.

Mr. Gummer: I have received representations from members and staff of the Lancashire and Western sea fisheries joint committee, from hon. Members and from noble Lords about the reduction in the committee's income and activities arising from the decisions by all but two of the district councils in Merseyside and Greater Manchester not to join the committee, following the abolition of the Merseyside and Greater Manchester county councils. While I am naturally concerned about the committee's problems, it is for the councils concerned to decide whether or not to join local sea fisheries committees and accept a share of the costs.

The basic work of the committee on enforcement of sea fisheries regulations will be maintained and it is re-assessing the scope for its other activities. An order to ensure the continued operation of the committee pending the determination of its long-term constitution was made on 7 March and came into operation on 1 April.

Salmon

Mr. Onslow asked the Secretary of State for Agriculture, Fisheries and Food if he will list the main threats to British salmon stocks, apart from illegal fishing, together with the measures his Department has taken, since 1979, to counter their effect.

Mr. Gummer [*pursuant to his reply*, 8 April 1986, c. *34*]: As I said in reply to my hon. Friend's question of 24 March, at column 344, the measures taken to regulate salmon fisheries in British waters and to promote the conservation and development of salmon stocks have prevented the decline in stock experienced by some other countries. Apart from illegal fishing, problems can be caused by a range of factors, including river pollution, barriers to the passage of salmon up the rivers, predation of migrating salmon by other creatures and the level of interception by high seas fisheries.

In England and Wales responsibility for the regulation, maintenance and development of salmon fisheries is placed on the water authorities by the Salmon and Freshwater Fisheries Act 1975. Since 1979 we have confirmed many byelaws and orders made by English water authorities to control salmon fishing and protect salmon stocks, and have approved 21 fish passes to assist adult salmon migrating upstream.

The enforcement of river pollution legislation is also the responsibility of water authorities. Since 1979 the Government have introduced provisions in part II of the Control of Pollution Act 1974 which strengthen these arrangements. Reduced pollution has led to improved water quality and the re-establishment of salmon stocks in

a number of rivers. Moreover, in January 1985 my Department and the Welsh Office jointly issued the "Code of Good Agricultural Practice" designed both to minimise the risk of water pollution from farming practices and to give guidance on good agricultural practice for the purposes of section 31(2)(c) of the 1974 Act.

I am aware of no evidence that predation by birds represents at present a significant threat to salmon stocks in England and Wales. So far as predation by seals is concerned, I would refer my hon. Friend to the written reply I gave to him yesterday on that issue.

This Department participated in international negotiations which led to the establishment in 1981 of a salmon catch quota for the Faroese salmon fishery. Since then, further negotiations have secured reductions of this quota and also of the Greenland salmon catch quota. We supported the establishment of the North Atlantic Salmon Conservation Organisation in 1984 and have worked for agreement in that forum on the limitation of high seas fisheries.

NORTHERN IRELAND

Car Parks

Sir John Biggs-Davison asked the Secretary of State for Northern Ireland how many car parks run by the Department of the Environment (Northern Ireland) remain to be privatised.

Dr. Boyson: The Department presently owns 331 car parks, of which 29 are privately operated. Of the remaining 302, a further 72 will be considered for private operation in 1986-87.

Wages Inspectorate

Mr. Nellist asked the Secretary of State for Northern Ireland if he will give for 1985 the information on wages councils for Northern Ireland in the same form as the answer to the hon. Member for Oldham, West (Mr. Meacher), *Official Report*, 4 April 1985, columns *779-86*.

Dr. Boyson: The information requested is given in the following table. In Northern Ireland all checks of pay are made during visits. The amount of arrears assessed and the amount actually paid were the same, No prosecutions or civil proceedings were taken to recover arrears of wages. There are no separate divisions of the Wages Inspectorate in Northern Ireland.

Wages Council	*Establishments Covered by Wages Councils on Register December 1985*	*Establishments checked*	*Per cent of register checked*	*Number of Establishments underpaying*	*Per cent of Establishments underpaying*
Baking	277	91	32·9	11	12·1
Boot and Shoe Repairing	37	22	59·5	0	0·0
Catering	3,290	407	12·4	28	6·9
Clothing Manufacturing	130	53	40·8	1	1·9
Laundry	11	9	81·8	0	0·0
Linen and Cotton Handkerchief	48	15	31·3	0	0·0
Paper Box	13	3	23·1	0	0·0
Road Haulage	1,322	107	8·1	5	4·7
Sugar Confectionery and Food Preserving	32	5	15·6	0	0·0
Total	5,160	712	13·8	45	6·3

Mr. Nellist asked the Secretary of State for Northern Ireland if he will publish for each year since 1979 information from the Wages Inspectorate broken down to show *(a)* the number of firms inspected and the number of workers whose pay was checked, showing those by visit and those by other method, *(b)* the number of firms found to be underpaying, *(c)* the number of workers underpaid, *(d)* the total arrears assessed and *(e)* the total arrears actually recovered.

Dr. Boyson: In Northern Ireland all pay is checked by a visit. Figures for the number of firms inspected and the number of workers whose pay was checked are not readily available for 1979 and 1980 and could be obtained only at disproportionate cost. With these exceptions, the information requested is given in the table.

	1979	*1980*	*1981*	*1982*	*1983*	*1984*	*1985*
Number of firms inspected	n/a	n/a	1,986	1,654	1,618	1,503	712
Number of workers whose pay was checked	n/a	n/a	12,917	12,122	12,059	9,091	9,716
Number of firms found to be underpaying	24	39	33	39	34	52	45
Number of workers underpaid	27	119	66	93	86	79	85
Total arrears assessed	£606	£7,242	£7,885	£35,538	£14,361	£14,283	£26,750
Total arrears actually recovered	£606	£7,242	£7,885	£35,538	£14,361	£14,283	£26,750

Mr. Nellist asked the Secretary of State for Northern Ireland if he will give a breakdown of Wages Inspectorate

staff, showing separately those who are outdoor inspectors, on an establishment and in post basis, for each year since 1979.

Dr. Boyson: Since 1979 there have been in post two outdoor wages inspectors and five other inspectorate staff who also provide the secretariat for the nine wages councils in Northern Ireland. This is the full establishment.

Mr. Nellist asked the Secretary of State for Northern Ireland if he will publish for 1970, 1974 and 1978 onwards *(a)* the number of wages councils establishments registered, *(b)* the proportion of these inspected by visits, *(c)* the proportion of firms inspected by visit found to be underpaying, *(d)* the total arrears assessed and *(e)* the total arrears paid.

Dr. Boyson: Figures for the proportion of establishments where pay was checked by visit and the proportion of such establishments found to be underpaying are not readily available for the years 1970, 1974 and 1978 to 1980 and could be obtained only at disproportionate cost. With these exceptions the information requested is given in the table.

	1970	*1974*	*1978*	*1979*	*1980*	*1981*	*1982*	*1983*	*1984*	*1985*
Establishments on Wages Inspectorate register	8,078	6,592	5,958	6,307	5,642	5,419	5,307	5,169	5,126	5,160
Proportion of establishments at which pay was checked by visit	n.a.	n.a.	n.a.	n.a.	n.a.	36·6	31·2	31·3	29·3	13·8
Proportion of establishments visited found to be underpaying	n.a.	n.a.	n.a.	n.a.	n.a.	*1·7	*2·4	*2·1	*3·5	*6·3
	£	£	£	£	£	£	£	£	£	£
Total arrears assessed	1,583	604	1,314	606	7,242	7,885	35,538	14,361	14,283	26,750
Total arrears paid	1,583	604	1,314	606	7,242	7,885	35,538	14,361	14,283	26,750

*Per cent.

Portadown

Mr. Peter Bruinvels asked the Secretary of State for Northern Ireland if he will make a statement on the recent violence in Portadown, County Armagh, on 31 March/1 April detailing the number of people injured and arrested.

Mr. Scott [*pursuant to his reply*, 8 April 1986, c. *40*]: during the disturbances in Portadown on 31 March/1 April 66 people (including 27 members of the Royal Ulster Constabulary) are known to have been injured. Ten people were arrested and the names of others were noted for possible prosecution.

Parades (Re-routeing)

Sir John Biggs-Davison asked the Secretary of State for Northern Ireland what proposals he has received from the Northern Ireland police authority, the Chief Constable of the Royal Ulster Constabulary and elsewhere, to seek to prevent any bans or re-routeing of traditional parades from becoming a vehicle of disorder.

Mr. Tom King [*pursuant to his reply*, 27 March 1986, c. *553*]: Representations are made to me on this topic from time to time. It is the responsibility for the RUC alone to decide whether to impose conditions such as re-routeing particular parades and marches and to consider the public order implications of such decisions. No one is better placed than the police to make such judgments. In deciding whether to use my power to prohibit a public procession, the likely impact on public order is among the factors which I consider and on which I am advised by the RUC.

FOREIGN AND COMMONWEALTH AFFAIRS

Mexico and Venezuela (Oil Prices)

9. **Mr. Tom Cox** asked the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has held with the Governments of Mexico and Venezuela concerning the effect of lower oil prices on their economies; and if he will make a statement.

Mrs. Chalker: Cheaper oil should in due course benefit the world economy, but its immediate impact on the export earnings of major oil exporting debtors such as Mexico and Venezuela is serious. We have discussed these concerns in the course of our contacts with the Governments of both countries.

Central America

11. **Mr. Patchett** asked the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has held with the Government of Costa Rica on the Contadora initiative concerning the situation in central America; and if he will make a statement.

Mr. Eggar: My right hon. and learned Friend last met the Foreign Minister of Costa Rica at the Luxembourg meeting on central America last November. Subsequently my right hon. and noble Friend held meetings with the Costa Rican Government in January when she visited San Jose. They made clear our strong and continuing support for the Contadora process.

34. **Mr. McTaggart** asked the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has held with the Contadora group concerning the situation in central America; and if he will make a statement.

Mr. Eggar: My right hon. and learned Friend last held discussions with the countries of the Contadora group at the meeting of Foreign Ministers of the European Community, central America and the Contadora countries which was held at Luxembourg last November. Our strong and continuing support for the Contadora peace process was reaffirmed.

42. **Mr. McNamara** asked the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has held with the United States concerning United States policy towards central America; and if he will make a statement.

Sir Geoffrey Howe: We have regular discussions with the United States on a wide range of issues, including central America.

Chile

19. **Mr. Hoyle** asked the Secretary of State for Foreign and Commonwealth Affairs what recent representations have been made to Chile concerning the human rights situation in Chile; and if he will make a statement.

Mr. Eggar: We continue to make clear our concern about the Chilean Government's human rights record.

We supported both the resolution at the United Nations Commission on Human Rights criticising Chile's record on 14 March and the EC presidency statement expressing concern about restriction of freedoms in Chile on the 18 March.

Disarmament

21. **Mr. Chapman** asked the Secretary of State for Foreign and Commonwealth Affairs if he will report progress at the various disarmament conferences.

Mr. Renton: The next round of the United States/Soviet nuclear and space talks will begin on 8 May. At the mutual and balanced force reductions talks in Vienna, we have made it clear to the East that their latest proposals represent an inadequate response to the major Western initiative of December 1985. At the conference on disarmament in Europe, we believe that agreement on substantial measures to build confidence and security will be possible if others are prepared to match our readiness to make progress. At the conference on disarmament in Geneva, work on the chemical weapons convention is proceeding under United Kingdom chairmanship.

China

22. **Mr. Ron Brown** asked the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement about relations with China.

Mr. Renton: Our relations with the People's Republic of China are excellent. Her Majesty The Queen will pay a State Visit to China in October; General Secretary Hu Yaobang will visit Britain in June. We are co-operating closely and effectively over the implementation of the joint declaration on Hong Kong. Exchanges in many fields including trade are at an unprecedented level and developing well.

European Economic Community (Foreign Affairs Council)

23. **Mr. Rogers** asked the Secretary of State for Foreign and Commonwealth Affairs what recent discussions have been held in the European Economic Community Foreign Affairs Council concerning expenditure in 1986; and if he will make a statement.

Mrs. Chalker: I refer the hon. Member to the reply I gave earlier to the hon. Member for Motherwell, North (Mr. Hamilton).

Diplomatic Posts (Japan)

24. **Mr. Philip Oppenheim** asked the Secretary of State for Foreign and Commonwealth Affairs how many personnel are employed on trade promotion activities in British diplomatic posts in Japan.

Mrs. Chalker: Thirty four. In Tokyo there are six United Kingdom-based and 20 locally engaged staff (of which eight are senior commercial officers and 12 are supporting staff). In Osaka there are two United Kingdom-based and six locally-engaged staff (of which three are senior commercial officers and three are supporting staff). Her Majesty's ambassador also devotes much of his time to trade prpmotion.

South Africa

25. **Mr. Alton** asked the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the progress of talks between the South African authorities and the Commonwealth representative group.

Sir Geoffrey Howe: Those taking part in the Commonwealth group are acting independently and not as representatives of Governments. We are encouraged by the fact that the group described its recent visit to South Africa as

"a useful and constructive first round of discussions".

We continue to regard this as an important initiative to which we are giving our full support.

Test Ban Treaty

26. **Mr. Tom Clarke** asked the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the latest progress towards conclusion of a test ban treaty.

Mr. Renton: The Conference on Disarmament at Geneva is currently holding its 1986 session. As last year, we are seeking agreement on a non-negotiating mandate for an ad hoc committee to examine problems which stand in the way of progress towards a comprehensive test ban treaty.

Meanwhile the ad hoc group of scientific experts met in Geneva in the week beginning 17 March.

Iran-Iraq War

27. **Mr. Mikardo** asked the Secretary of State for Foreign and Commonwealth Affairs what evidence he has as to the extent of the use of chemical weapons by either side in the Iran-Iraq war; and what information he has as to the sources of supply of such weapons.

Mr. Renton: The report of the United Nations Secretary-General, to which I referred in the answer I gave my hon. Friend the Member for York (Mr. Gregory) on 25 March at column *412* concluded that chemical weapons had been used by Iraq against Iranian forces.

We understand that the chemical weapons used by the Iraqi forces were manufactured in Iraq. The United Kingdom has at no time supplied chemical weapons to either side in the conflict.

Philippines

28. **Mr. Parry** asked the Secretary of State for Foreign and Commonwealth Affairs if he has any plans to visit the Philippines.

Mr. Renton: My right hon. and learned Friend has at present no plans to do so. But the United Kingdom will be represented at ministerial level at the annual dialogue meeting between the European Community and the Association of South-East Asian Nations to be held in Manila in mid-1986. We look forward to the opportunities this will present for exchanges with members of the new Philippines Government.

Nicaragua-Costa Rica (Border Patrols)

29. **Mr. James Lamond** asked the Secretary of State for Foreign and Commonwealth Affairs what discussions he has held with European Economic Community or Latin American countries concerning the make-up and financing of the proposed border patrol between Nicaragua and Costa Rica: and if he will make a statement.

Mr. Eggar: None.

Nicaragua

30. **Mr. Pavitt** asked the Secretary of State for Foreign and Commonwealth Affairs what representations have been made by the European Economic Community to the United States Administration about military aid to the Contra forces in Nicaragua.

31. **Mr. Ron Davis** asked the Secretary of State for Foreign and Commonwealth Affairs what representations have been made by the European Economic Community about the implications for the Contadora process posed by United States military aid to the Contras in Nicaragua.

Sir Geoffrey Howe: None.

41. **Mr. Deakins** asked the Secretary of State for Foreign and Commonwealth Affairs when the European Economic Community will next discuss its policy towards Nicaragua.

Sir Geoffrey Howe: Within the framework of European political co-operation there is regular discussion of questions relating to central America. The next meeting of Foreign Ministers is on 21 April.

European Community (Expenditure)

32. **Mr. Teddy Taylor** asked the Secretary of State for Foreign and Commonwealth Affairs if he will propose to the Council of Foreign Ministers that it holds a final meeting with the Council of Finance Ministers in terms of the 4 December 1984 agreement to review the spending of the Community; and if he will make a statement.

Mrs. Chalker: I have no such plans at present but will keep my hon. Friend's suggestion in mind.

Tamils

33. **Mr. Simon Hughes** asked the Secretary of State for Foreign and Commonwealth Affairs what encouragement has been given by Her Majesty's Government to the Sri Lankan Government to find a peaceful solution to the Tamil problem.

Mr. Eggar: We have taken every opportunity in our contacts with the Sri Lankan Government, as with Tamil leaders, to urge an end to the violence and settlement of Sri Lanka's problems through negotiation.

European Community (Policy Development)

35. **Mr. Knox** asked the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the development of Community policies in the European Community.

Mrs. Chalker: As I told my hon. Friend on 5 February we shall continue to work for early completion of the common market, improvements in world trade rules, reform of the common agricultural policy and strengthened co-operation in foreign policy.

Soviet-United States Summit

36. **Mr. Cartwright** asked the Secretary of State for Foreign and Commonwealth Affairs whether he has had any discussions with the United States Government or the Soviet Government concerning the proposed summit between President Reagan and Mr. Gorbachev; and if he will make a statement.

Sir Geoffrey Howe: The two Governments directly concerned are both aware of the importance we attach to successful high-level meetings between them, as a means of increasing confidence and achieving progress in arms control, over regional issues, and in respect by the Soviet Union for human rights. We share Mr. Reagan's hope that Mr. Gorbachev will make his expected visit to the United States this year.

Soviet Union

37. **Mr. Leigh** asked the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on current relations with the Soviet Union.

Mr. Renton: We continue to seek a more productive and soundly based relationship with the Soviet Union. My right hon. and learned Friend looks forward to welcoming Mr. Shevardnadze to London and to the full programme of bilateral exchanges with the Soviet Union for this year. This includes a visit to the Soviet Union by my right hon. Friend the Secretary of State for Energy later this month, and another by the British group of the Inter-Parliamentary Union, led by my right hon. Friend the Lord President of the Council.

Chile

38. **Mr. Stan Thorne** asked the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the United Kingdom's current relations with Chile.

Mr. Eggar: I refer the hon. Member to the answer I gave the hon. Member for Sheffield, Hillsborough (Mr. Flannery) on 5 March at column 175.

EC (Internal Market)

39. **Mr. Ryman** asked the Secretary of State for Foreign and Commonwealth Affairs what studies he has commissioned as to the effect on the United Kingdom of European Community proposals to complete the internal market; and if he will make a statement.

Mrs. Chalker: The Commission's 1985 White Paper lists over 300 proposals for the completion of the internal market. A substantial proportion of these have not yet been formally submitted to the Council.

The implications for the United Kingdom of each proposal already put forward are set out in the explanatory memoranda to Commission document No. 7674/85 a copy of which is in the Library of the House. These implications are fully explored as proposals are discussed. The best judge of the effect of completing the internal market is British industry itself which has strongly supported the fulfilment of this outstanding obligation under the EC Treaty.

EC (Political Co-operation)

40. **Mr. Bob Edwards** asked the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on progress towards political co-operation among European Economic Community countries; and if he will make a statement.

Mrs. Chalker: I refer the hon. Member to the evidence on European Political Co-operation which my right hon. and learned Friend gave the Foreign Affairs Committee of this House on 11 December, which has now been published. The House will have an opportunity to consider the new treaty provisions on European political co-operation when the Single European Act and the European Communities (Amendment) Bill are before it on the occasion of the Second Reading of the Bill.

Apartheid

43. **Mr. Pike** asked the Secretary of State for Foreign and Commonwealth Affairs what recent representations have been made by Her Majesty's Government to the South African Government on the policy of apartheid; and if he will make a statement.

Mrs. Chalker: On 25 February Her Majesty's ambassador raised with the South African Deputy Foreign Minister our concern at the enlargement and projected "independence" of KwaNdebele homeland; the shootings in Alexandra; the detentions of Venda community leaders and the case of the Sharpeville six.

EC (Policy Priorities)

44. **Mr. Allen Adams** asked the Secretary of State for Foreign and Commonwealth Affairs if he will outline the priorities which the Government intend to pursue during their Presidency of the European Economic Community; and if he will make a statement.

Sir Geoffrey Howe: I refer the hon. Member to the answer I gave to the hon. Member for Sheffield, Brightside (Miss Maynard) on 5 March, at column 176.

Falkland Islands

45. **Mr. Campbell-Savours** asked the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with representatives of the people of the Falkland Islands regarding schemes for compensation should any islanders wish resettlement outwith the islands.

Sir Geoffrey Howe: None. The attachment of the Islanders to their way of life has repeatedly been made clear to Ministers, most recently to my right hon. and noble Friend during her visit in February. The results of a recent survey of islander opinion conducted on behalf of the United Kingdom Falkland Islands Committee by Marplan confirms that the overwhelming majority of the islanders want to remain under British Sovereignty.

Sri Lanka

Dame Judith Hart asked the Secretary of State for Foreign and Commonwealth Affairs if he will publish in the *Official Report* the statement made on the position of Sri Lanka in the Human Rights Commission in Geneva in March by the British representative in the commission.

Mr. Eggar: Yes. Details are:

"Like other delegations who have spoken in this debate, Mr. Chairman, we are concerned by the situation in Sri Lanka and the human rights abuses that are being committed by the security forces. We have consistently pressed on the Sri Lankan Government the need for a political rather than a military solution to the ethnic tensions in Sri Lanka. We will continue to do so, and to discourage them from the idea that the Tamil insurgency can or should be dealt with by military means. We will also continue to urge on the Sri Lankan Government the urgent need to take firm action to stop human rights abuses by the security forces. Similarly we will continue to emphasise in our contacts with opposition leaders in Sri Lanka that a negotiated settlement is the only solution. We are disappointed that there have so far been no signs of progress towards such a settlement."

Palestine Liberation Organisation

Mr. Latham asked the Secretary of State for Foreign and Commonwealth Affairs whether he will make a statement on the meeting in March between officials of his Department and Faruk Quddumi in London; and what requests were made by his officials that the Palestine Liberation Organisation should explicitly accept United Nations Security Council resolutions 242 and 338.

Mr. Renton: Officials in the Foreign and Commonwealth Office met Mr. Quddumi informally on 19 March, in line with our long-standing policy of maintaining official level contact with the Palestine Liberation Organisation. The PLO are well aware of our view that they should accept SCRs 242 and 338.

Mr. Latham asked the Secretary of State for Foreign and Commonwealth Affairs what discussions he has held, or intends to hold, with King Hussein about his speech in Amman on 19 February about political co-operation with the Palestine Liberation Organisation.

Mr. Renton: My right hon. and learned Friend has not met King Hussein since his 19 February speech, but we continue to keep in close touch with him about developments in the Middle East.

Mr. Latham asked the Secretary of State for Foreign and Commonwealth Affairs what report he has received from Her Majesty's ambassador in Baghdad about the policy statement on United Nations Security Council resolutions 242 and 338 made by the Palestine Liberation Organisation on 12 March.

Mr. Renton: The Voice of Palestine, broadcasting from Baghdad on 12 March, reported rejection by "the Fatah organisation inside the occupied land" of United Nations Security Council resolutions 242 and 338.

Mr. Latham asked the Secretary of State for Foreign and Commonwealth Affairs what reports he has received from Her Majesty's ambassador in Tunisia regarding the statement of the executive committee of the Palestine

Liberation Organisation on 7 March in Tunis concerning Israel and Jordan; and whether his officials discussed this statement with Faruk Quddumi.

Mr. Renton: Her Majesty's Ambassador in Tunis reported fully on the PLO statement of 7 March; Foreign and Commonwealth Office officials discussed this and other recent developments with Mr. Quddumi on 19 March.

Mr. Latham asked the Secretary of State for Foreign and Commonwealth Affairs what report he has received from Her Majesty's ambassador in Iraq about the claim by the Palestine Liberation Organisation on 18 March in Baghdad that it had placed incendiary bombs in a factory near Tel Aviv, and killed Israeli civilians; and whether his officials raised this incident with Faruk Quddumi at the recent meeting in London.

Mr. Renton: None. The text of this claim, broadcast by the Voice of Palestine in Baghdad, was published in the BBC "Summary of World Broadcasts" on 20 March, the day after the Foreign and Commonwealth Office officials met Mr. Quddumi.

Middle East

Mr. Latham asked the Secretary of State for Foreign and Commonwealth Affairs whether Her Majesty's ambassador in Morocco will seek clarification from King Hassan about his proposal on 24 March that the Arab Heads of State should nominate one of their number to meet an Israeli official at summit level; and whether the United Kingdom will give support to this proposal.

Mr. Renton: King Hassan's proposal is quite clear, as is our support for realistic initiatives for a just and lasting settlement of the Arab/Israel dispute.

Syria

Mr. Latham asked the Secretary of State for Foreign and Commonwealth Affairs whether he protested to the Syrian Foreign Minister during his visit to Britain about the tone and content, and their effect on the peace process, of recent speeches by President Hafez Al Assad; and what response he received.

Mr. Renton: No. My right hon. and learned Friend underlined the need for all parties to exercise restraint and commit themselves to the negotiation of a just and lasting settlement of the Arab/Israel disputes. Mr. Shara' responded that Syria also sought a just and lasting settlement.

Yugoslavia

Mr. Wareing asked the Secretary of State for Foreign and Commonwealth Affairs if he will list his engagements during his recent visit to Yugoslavia; and if he will make a statement on his discussions whilst in that country.

Mr. Renton: My right hon. and learned Friend visited Yugoslavia on 23 and 24 March. He had talks with the Foreign Minister; called on the President of the Presidency, acting Prime Minister and Prime Minister designate; and met a broad cross-section of Yugoslavs. His talks were friendly and substantive, and reflected Yugoslavia's unique position in world affairs. They covered bilateral and international issues.

India

Mr. Wareing asked the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement of his recent visit to India.

Mr. Parry asked the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on his recent visit to India.

Sir Geoffrey Howe: I visited India from 31 March to 2 April at the invitation of the Indian Minister for External Affairs. As well as my host, Mr. Bhagat, I also met the Indian President Giani Zail Singh, the Prime Minister, Mr. Rajiv Gandhi, members of his Government and leading figures in various walks of Indian public life. Our discussions covered the full range of international and bilateral subjects; in particular our joint recognition of the need to deal severely with terrorism and to control international trafficking in narcotics. I reaffirmed our determination to continue to support India's economy and development through our aid programme, and our desire to maintain and develop our commercial relationship.

Pakistan

Mr. Wareing asked the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on his recent visit to Pakistan.

Sir Geoffrey Howe: I visited Pakistan from 2-5 April at the invitation of the Minister for Foreign Affairs. In addition to my host, Mr. Yaqub Khan, I met President Zia, the Prime Minister Mr. Junego, members of his Government and other leading figures in Islamabad, Lahore and Karachi. I was glad to be able to visit Pakistan so soon after the lifting of martial law and to see for myself the encouraging steps being taken towards the restoration of full democracy. My discussions with my hosts covered a wide range of international and bilateral issues; including in particular the joint action being taken by both our Governments to control drug trafficking. I also had a full exchange of views with the Pakistan Government on the situation in Afghanistan. We agreed that the key to a solution of that tragic problem is the early withdrawal of Soviet troops to allow self-determination for Afghanistan and the return of the refugees to their homeland, as called for in successive United Nations resolutions. I was able to reaffirm our commitment to supporting Pakistan's economic development through our aid programme and to the strengthening of our commercial relations.

ENVIRONMENT

Sports Sponsorship

Mr. Meacher asked the Secretary of State for the Environment what has been the level of sports sponsorship by *(a)* tobacco companies, and *(b)* all other companies for each of the last 10 years; and what percentage the level of sponsorship by tobacco companies represents of that of all other companies for each of those years.

Mr. Tracey: I shall answer this question shortly.

Derelict Land Grants

Mr. Mudd asked the Secretary of State for the Environment what schemes, totalling what sums, are to be

included in next year's programme of derelict land grant schemes in the Camborne-Redruth sector of Kerrier district.

Sir George Young: The 1986-87 grant programme for the south-west region will be decided shortly. I will then write to my hon. Friend.

Written Answers to Questions

Thursday 10 April 1986

EDUCATION AND SCIENCE

Numeracy

Mr. Baldry asked the Secretary of State for Education and Science what initiatives Her Majesty's Government have taken since 1979 to improve standards of numeracy of school leavers.

Mr. Chris Patten: The Government's policies are designed to secure improvements in the standards achieved by pupils of all abilities across the whole of the school curriculum. In mathematics, measures taken in the four years since the Cockcroft report was published include dissemination of the report's findings; the publication of the White Paper "Better Schools" in March 1985, chapter 2 of which sets out the Government's policies on the school curriculum 5 to 16, including mathematics; support from September 1985, under the education support grant scheme, for additional advisers and advisory teachers in almost all LEAs; the inclusion of mathematics in the in-service training grants scheme; and sponsorship of research and development work. The introduction of the GCSE examination will encourage further improvements in this subject.

Open University

Mr. Carter-Jones asked the Secretary of State for Education and Science what discussions he has had with the Open University regarding sustaining its range of courses; what action his Department is taking to maintain the science and technology areas of the work of the Open University; and if he will make a statement.

Mr. Walden: My right hon. Friend last met the vice chancellor and the chairman of the council of the Open University on 9 December 1985. The Government have demonstrated their commitment to increasing activity in the science and technology areas of the university's work by providing additional funds for that purpose, most recently as part of the engineering and technology programme.

Mr. Carter-Jones asked the Secretary of State for Education and Science to what he attributes recent increases in the number of people refusing the offer of a place on the undergraduate programme of the Open University; if he will consider introducing special grants where such refusals are caused by unavoidable poverty or disability, respectively; and if he will make a statement.

Mr. Walden: The number of applicants turning down the offer of a place on the Open University's undergraduate programme has decreased slightly in recent years. The university provides financial assistance from within its recurrent grant for those students who are most in need. Since 1982 the Government have earmarked sums (£0·6 million in 1986) to enable the university substantially to reduce the fees for unemployed students. In order to meet the additional costs of providing services to the increased numbers of disabled students the Government have, from 1986, made baseline additions to the university's recurrent grant.

Mr. Carter-Jones asked the Secretary of State for Education and Science if he will make it his policy to increase the grants to the Open University if there has been an underestimate in the grant assumptions about inflation; what assessment he makes of the implications of such underestimations on undergraduate programmes at the Open University; and if he will make a statement.

Mr. Walden: No. Decisions on the level of grants to the Open University and other centrally funded institutions take into account the availability of resources and include an allowance for inflation. Institutions must manage their operations within the moneys available to them from all sources.

Mr. Carter-Jones asked the Secretary of State for Education and Science what support his Department is giving to the work of the Open University in developing adult continuing and distance education; and if he will make a statement.

Mr. Walden: The Open University's recurrent grant for 1986 has been set at £59·325 million. This will be used primarily to maintain the undergraduate programme. The continuing education programme is intended to be self-financing by means of fee income and grants from sponsoring bodies, and has expanded rapidly in recent years. The Government welcome this development. In order to promote the further growth of its professional, industrial and commercial updating programme, loans totalling £2·5 million, made available to the university in the years 1982 to 1984, have, from the beginning of the financial year 1986-87, been converted to grant.

General Certificate of Secondary Education

Mr. Peter Bruinvels asked the Secretary of State for Education and Science what representations he has received from parents and teachers concerning the implementation of the general certificate of secondary education.

Mr. Chris Patten: The Department has received many representations about the GCSE from parents and teachers. The main concerns have been about the national programme of training for teachers, the provision of adequate resources for books and equipment and the availability of GCSE syllabuses. The measures which my right hon. Friend announced on 13 March met these concerns by enabling all teachers to take part in the training programme and by proposing to direct £20 million of expenditure to books and equipment for the GCSE. On the availability of syllabuses, the Secondary Examinations Council has approved some 170 draft syllabuses and is on course to approve the remainder by the end of this month. Some syllabuses have already been sent to schools and the GCSE examining groups plan to distribute the others as soon as possible. But the draft syllabuses, in schools for several months, and the GCSE national criteria, in schools for a year, have enabled teachers to plan sensibly for the first GCSE courses.

Government-run Schools

Mr. Peter Bruinvels asked the Secretary of State for Education and Science what consideration has been given to setting up schools run directly by central Government.

Mr. Dunn: The Government continue to consider all possibilities for improving school education. If and when decisions are made about possible changes, they will be announced and discussed with the partners in the education service in the usual way.

Student Grants

Mr. Austin Mitchell asked the Secretary of State for Education and Science what studies he has commissioned of the living costs of students at *(a)* universities and *(b)* polytechnics (i) in London and (ii) outside London, for the assessment of student grants.

Mr. Walden: None. As I said in my reply of 27 January to my hon. Friend the Member for Southend, East (Mr. Taylor), at column *366*, the level of student grant represents a balance between covering students' needs and the total expenditure which taxpayers and ratepayers can reasonably be asked to meet given other claims on scarce resources. The actual living costs of all students in and outside London are obviously kept clearly in mind.

Student Costs

Mrs. Renée Short asked the Secretary of State for Education and Science if he will publish the figures, in real terms, relating to the cost per full-time equivalent student, each year from 1979-80 to 1984-85 for nursery, primary, secondary and special schools, adult education, further education excluding polytechnics and universities and polytechnics, both separately.

Sir Keith Joseph: The information is as follows:

*Net institutional expenditure per pupil-FTE student**

(£ 1984-85 real prices)†

	1979-80	*1980-81*	*1981-82*	*1982-83*	*1983-84*	*‡1984-85*
Nursery schools	1,240	1,270	1,295	1,240	1,285	1,295
Primary schools	655	700	725	740	760	765
Secondary schools	930	990	1,015	1,030	1,060	1,090
Special education	2,940	3,150	3,220	3,335	3,405	3,565
Polytechnics	3,810	3,760	3,575	3,380	3,120	3,110
Other further education	2,345	2,330	2,345	2,315	2,325	2,345
Adult education	655	700	770	815	825	855
Universities	5,040	5,210	4,990	4,945	5,105	n.a.

* *Coverage*. Universities in Great Britain, otherwise England.
† *Price basis*. The cash figures for each year have been repriced to 1984-85 prices using the gross domestic product (market prices) deflator.
‡ The 1984-85 figures, where available, are provisional.

Scottish Universities

Mr. Norman Hogg asked the Secretary of State for Education and Science if he has any plans to privatise any of Scotland's universities.

Mr. Walden: It was made clear in "The Development of Higher Education into the 1990s" (Cmnd. 9524) that whilst an increase in universities' income from private sources would be desirable the Government had concluded, with regret, that no substantial part of established public funding responsibilities for higher education could be shed. That remains our view.

Speech Science

Mr. Rowe asked the Secretary of State for Education and Science (1) what information he has on the numbers of staff engaged in full or part-time teaching on courses leading to degrees in speech science, speech pathology or speech therapy and their places of employment;

(2) what information he has as to the number of students, and their place of study, sitting for examinations for degrees in speech science, speech pathology or speech therapy in 1983, 1984 and 1985 and the classification of honours awarded where appropriate;

(3) what information he has as to the numbers and location of courses at universities, polytechnics or other institutions leading to degrees in speech science, speech pathology or speech therapy.

Mr. Walden [*pursuant to his reply*, 13 January 1986, c. *444*]: The table published with my reply was incorrect. Revised information on the numbers of speech science, speech pathology and speech therapy graduates is as follows:

Speech science, speech pathology and speech therapy courses and numbers of graduates

Institution	*Course*	*All first degree graduates*			*Good honours graduates*		
		1983	*1984*	*1985*	*1983*	*1984*	*1985*
(a) Great Britain universities							
University College London	Speech sciences	43	46	42	18	16	14
Manchester	Speech pathology and therapy	22	18	19	16	10	13
Newcastle	Speech, Speech and psychology	16	11	19	4	7	8
Reading	Linguistics and Language pathology	10	13	11	9	4	8
Sheffield	Speech science	19	14	14	7	5	5

Institution	Course	All first degree graduates 1983	1984	1985	Good honours graduates 1983	1984	1985
(b) England polytechnics (full-time and sandwich students only)							
City of Birmingham	Speech pathology and therapy	—	20	26	—	7	9
Leicester	Speech pathology and therapy	*—	*—	26	—	—	—
Leeds	Speech therapy	22	30	25	—	—	—
Manchester	Remedial speech therapy	†	22	17	—	—	—
(c) England other institutions (full-time and sandwich students only)							
The Central School of Speech and Drama	Speech therapy	—	*—	20	—	—	8

— No graduates.
* Diploma course converted to 1st degree course in 1985.
† Course run at City of Manchester College in 1983.

ENERGY

"Plan for Coal"

Mr. Pawsey asked the Secretary of State for Energy what is the current status *(a)* as regards the National Coal Board and *(b)* as regards his policies towards the mining industry of the "Plan for Coal."

Mr. David Hunt: Developments within the coal industry since 1974 have overtaken the "Plan for Coal." The NCB's new approach is set out in its memorandum "New Strategy for Coal", made available to the unions in the coal industry last October. The Government welcome its approach.

TRADE AND INDUSTRY

Devon and Cornwall Development Bureau

Mr. Mudd asked the Secretary of State for Trade and Industry what level of support has been decided for the Devon and Cornwall development bureau for 1986-87; andhow this compares as a total and as a percentage with each of the years 1981-82, 1982-83, 1983-84, 1984-85 and 1985-86.

Mr. Peter Morrison: Subject to the voting of funds by Parliament, my Department will make available up to a maximum of £305,000 to the Devon and Cornwall development bureau for 1986-87. Grants paid in the preceding five financial years, as a total and as a percentage of £305,000, were as follows:

	£	Percentage
1981-82	55,000	18
1982-83	60,000	20
1983-84	110,000	36
1984-85	152,000	50
1985-86	210,000	69

Textiles and Clothing (Purchase Grants)

Mrs. Kellett-Bowman asked the Secretary of State for Trade and Industry whether he intends to introduce a scheme to assist universities and colleges to purchase textile and clothing equipment.

Mr. Channon: I intend within the next few months to introduce a £4½ million scheme to help centres of higher and further education to buy advanced textile and clothing machinery. Although all institutions running appropriate courses will be eligible to apply, we intend to concentrate assistance upon those universities, polytechnics and colleges which provide a particularly wide range of education in this area. The rate of grant will be 50 per cent. of equipment costs.

Preparations for the introduction of the scheme have yet to be completed; but centres of education will no doubt wish to start thinking about possible applications under the scheme and the likely availability of supporting finance from other sources.

British Leyland

Mr. Winnick asked the Secretary of State for Trade and Industry if he will make a statement on the latest position regarding the future of British Leyland.

Mr. Peter Morrison: I hope that the improvement in BL's performance in 1985 will continue. The Government will continue to support BL's efforts to increase competitiveness. The Government believe that the long-term future of the business is in private ownership and intend that the various operating companies be privatised at the appropriate time.

Discussions are taking place with potential purchasers of Land Rover and Freight Rover with a view to securing the best future for the businesses. The BL board also hopes to consider proposals relating to the future of Leyland Bus during April. For Leyland Trucks, the board will continue to examine possibilities for collaboration with other manufacturers and other ways to sustain its improving trend in performance.

There are no proposals at present to privatise Austin Rover and the company will continue to devote its efforts to the further development and growth of its business, building on the creditable progress already achieved.

Separate discussions are continuing with a view to the privatisation of Unipart by the early placement of shares with United Kingdom financial institutions.

Yugoslavia

Mr. Wareing asked the Secretary of State for Trade and Industry if he will give the value of each service which has entered into the United Kingdom invisible trade with Yugoslavia in each year since 1979.

Mr. Alan Clark: Estimates of the United Kingdom's invisible transactions with Yugoslavia are not available.

Mr. Wareing asked the Secretary of State for Trade and Industry if he will list the commodities which entered into the United Kingdom's import and export trade with Yugoslavia in each year since 1979 and the total value of each commodity.

Mr. Alan Clark: The information is as follows:

United Kingdom Imports from Yugoslavia: 1979-85

	Value: £ Millions
Division	1979
Petroleum, petroleum products and related materials (33)	4·5
Electrical machinery, apparatus and appliances nes (77)	4·1
Beverages (11)	3·9
Articles of apparel and clothing accessories (84)	3·5
Non-Ferrous metals (68)	3·4
Division	1980
Other transport equipment (79)	5·5
Beverages (11)	4·1
Non-ferrous metals (68)	3·9
Power generating machinery (71)	3·7
Articles of apparel and clothing accessories (84)	3·3
Division	1981
Beverages (11)	5·1
Furniture and parts (82)	4·0
Articles of apparel and clothing accessories (84)	3·7
Non-ferrous metals (68)	3·7
Electrical machinery, apparatus and appliances nes (77)	3·1
Division	1982
Non-ferrous metals (68)	5·8
Furniture and parts (82)	5·5
Articles of apparel and clothing accessories (84)	4·3
Beverages (11)	3·8
Electrical machinery, apparatus and appliances nes (77)	3·7
Division	1983
Non-ferrous metals (68)	12·9
Furniture and parts (82)	8·9
Articles of apparel and clothing accessories (84)	8·4
Road vehicles (78)	7·9
Beverages (11)	4·8
Division	1984
Furniture and parts (82)	13·7
Articles of apparel and clothing accessories (84)	10·4
Non-ferrous metals (68)	9·2
Road vehicles (78)	8·7
Textile yarn, fabrics and made-up articles nes (65)	7·1
Division	1985 (Jan-Dec)
Furniture and parts (82)	16·3
Road vehicles (78)	12·6
Articles of apparel and clothing accessories (84)	11·1
Textile yarn, fabrics made-up articles nes (65)	9·9
Non-ferrous metals (68)	8·5

Source:
Table II of the United Kingdom *Overseas Trade Statistics.*
Notes:
(i) Numbers in parenthesis after commodity descriptions refer to the Divisions of the Standard International Trade Classification (Rev 2.).
(ii) Imports are valued cif.

United Kingdom Exports to Yugoslavia: 1979—1985
Value: £ Millions

	£ millions
Division 1979	
Machinery specialised for particular industries (72)	23·5
General industrial machinery (74)	18·6
Power generating machinery (71)	14·6
Telecommunications and sound recording and reproducing apparatus (76)	11·4
Road vehicles (78)	9·6
Division 1980	
General industrial machinery (74)	20·6
Machinery specialised for particular industries (72)	19·4
Electrical machinery, apparatus and appliances nes (77)	14·7
Power generating machinery (71)	12·7
Iron and steel (67)	9·3
Division 1981	
Metalworking machinery (73)	47·7
General industrial machinery (74)	24·7
Iron and steel (67)	13·2
Machinery specialised for particular industries (72)	11·1
Organic chemicals (51)	9·8
Division 1982	
Metalworking machinery (73)	32·2
Power generating machinery (71)	17·1
General industrial machinery (74)	14·0
Machinery specialised for particular industries (72)	9·3
Iron and steel (67)	8·3
Division 1983	
Iron and steel (67)	17·0
General industrial machinery (74)	15·9
Power generating machinery (71)	9·2
Organic chemicals (51)	8·4
Professional, scientific and controlling instruments and apparatus nes (87)	7·3
Division 1984	
Metalworking machinery (73)	15·0
Iron and steel (67)	14·6
General industrial machinery (74)	14·5
Organic chemicals (51)	12·9
Office machines and automatic data processing equipment (75)	10·8
Division 1985 (January-December)	
General industrial machinery (74)	19·8
Organic chemicals (51)	19·0
Office machinery and automatic data processing equipment (75)	12·2
Professional, scientific and controlling instruments and apparatus nes (87)	11·5
Power generating machinery (71)	11·3

Source:
Table V of the United Kingdom *Overseas Trade Statistics.*
Notes:
(i) Numbers in parenthesis after commodity descriptions refer to the Divisions of the Standard International Trade Classification (Rev 2).
(ii) Exports are valued fob.

Bankruptcies (Merseyside)

Mr. Wareing asked the Secretary of State for Trade and Industry how many bankruptcies were handled by the county courts on Merseyside during each of the years 1980 to 1985 inclusive.

Mr. Howard: Bankruptcies handled by the county courts on Merseyside were as follows:

	Number
1980	108
1981	135
1982	153
1983	179
1984	210
1985	218

The figures include receiving orders and administration orders and the total is the net number of cases administered after consolidations and rescissions.

British Shipbuilders (Pensions)

Mr. Chope asked the Secretary of State for Trade and Industry what changes have been proposed to him for British Shipbuilders pension arrangements.

Mr. Peter Morrison: British Shipbuilders has made its pension arrangements open to any company in the shipbuilding industries. Accordingly, it has appointed Hadrian Trustees Ltd. as the independent trustee of its scheme, renamed the shipbuilding industries pension scheme. The Secretary of State has given his consent to British Shipbuilders to transfer the share capital of British Shipbuilders Pension Trustee Ltd. to Hadrian Trustees Ltd. This change will not affect the pension rights of British Shipbuilders' pensioners or continuing employees or the rights of the employees of those privatised yards that opt to remain in the scheme.

Conference Trade (Dutch Subsidies)

Mr. Butterfill asked the Secretary of State for Trade and Industry whether he proposes to refer to the European Commission the subsidies being offered to the conference trade in the Netherlands by the Dutch Government; and if he will make a statement.

Mr. Alan Clark: We have received representations about these subsidies. We are considering the possibility of asking the Commission to investigate them.

HOUSE OF COMMONS

Welsh Business

Mr. Best asked the Lord Privy Seal if he will state for each of the last six years the number of *(a)* Welsh debates, *(b)* meetings of the Welsh Grand Committee and *(c)* statements on matters relating to Wales; and if he will give similar information in respect of Scotland.

Mr. Biffen [*pursuant to his reply*, 4 March 1986, c. *96*]: Since my earlier reply, a number of other debates have also been identified. The figures for the period 1979-80 to 1984-85 should now read as follows:

Session	*Welsh debates**	*Scottish debates**
1979-80	14	22
1980-81	5	24
1981-82	10	21
1982-83	5	13
1983-84	12	23
1984-85	14	23

* Excluding debates on various stages of legislation, ten-minute Bills, money resolutions, SO No. 10 applications and PNQs, but including inter alia daily Adjournment debates, debates on statutory instruments and Consolidated Fund Bill debates.

It should be noted, however, that in view of the difficulty of defining precisely what constitutes "Welsh debates" and "Scottish debates", this table may not be comprehensive.

HOME DEPARTMENT

CS Gas

Mr. Chris Smith asked the Secretary of State for the Home Department whether he has arranged for any tests to be carried out to establish the extent of any carcinogenic properties of CS gas; and if he will make a statement.

Mr. Giles Shaw: No. Following the "Report of the Enquiry into the Medical and Toxicological Aspects of CS (Orthoclorobenzylidene malononitrile) (Cmnd. 4775), a number of scientific studies in this area have been published. I understand that no positive correlation between CS and cancer has been demonstrated.

Independent Broadcasting Authority

Mr. Dormand asked the Secretary of State for the Home Department what control he exercises over the work of the Independent Broadcasting Authority.

Mr. Giles Shaw: The Independent Broadcasting Authority is a body corporate established by Parliament to provide broadcasting services within the United Kingdom. The Home Secretary is responsible for appointing the chairman and members of the authority, and has various reserve powers with regard to the operations of the authority. He does not exercise day-to-day control over the work of the authority.

Farriers (Registration) Acts

Mr. Ryder asked the Secretary of State for the Home Department if he has any plans to seek to repeal the Farriers (Registration) Act 1975 and 1977; and if he will make a statement.

Mr. Mellor: We have at present no plans for legislation in this field.

Strip Searches, Brixton Prison

Mr. Irving asked the Secretary of State for the Home Department if he will make a statement on the frequency of strip searches of women prisoners in Brixton prison, London.

Mr. Mellor: Strip searching is a routine security measure to which all prisoners—male and female (and including those on remand) — are subject. Such searching is essential to detect small items of contraband —such as weapons and drugs—which can easily be concealed about the person and which cannot be detected by other means of searching. Because of the nature and circumstances of the offences with which they have been charged, the three women prisoners on remand in Brixton prison have been provisionally placed in the highest security category, category A, which is reserved for those prisoners whose escape would be highly dangerous to the public, or to the police, or to the security of the state. In accordance with standard practice, they are strip searched before and after court appearances, after visits, at the time of cell changes, and during wing and cell searches. They

are being treated no differently from male category A prisoners. My right hon. Friend has taken a personal interest in the cases of the three women. He is satisfied that they have not been subject to an unreasonable number of strip searches; and that they are being treated fairly and reasonably and in accordance with the prison rules.

Easter Day (Draft Orders)

Mr. Shersby asked the Secretary of State for the Home Department if, in the light of the weather conditions experienced over the Easter weekend, he will now undertake the necessary consultation with the Churches with a view to laying draft orders before both Houses of Parliament to invoke the provisions of the Easter Act 1928 providing that Easter Day shall be the first Sunday after the second Saturday in April.

Mr. Mellor: No. Inquiries undertaken by the Government in 1984 showed that there was no early prospect of the orthodox Churches adopting a common date for Easter. It would not be desirable to act without consensus on this issue.

Youth Community Forums

Mr. Lawler asked the Secretary of State for the Home Department if, when he next meets Her Majesty's Inspectors of Constabulary to discuss police and community forums, he will suggest that separate youth community forums be set up to improve relations between young people and the police.

Mr. Giles Shaw: Under section 106 of the Police and Criminal Evidence Act 1984 responsibility for obtaining the views of the local community on matters concerning policing rests with the police authority in consultation with the chief constable. Home Office guidelines contained in circular 2/1985 provide for the inclusion of representatives of youth organisations in consultation arrangements. The establishment of separate forums is a matter for local decision, and I am glad to inform my hon. Friend that consideration is being given to this by the group in north Bradford.

Winson Green Prison

Mr. Corbett asked the Secretary of State for the Home Department whether he will detail the number of educational classes at Her Majesty's prison, Winson Green *(a)* due to be held and *(b)* cancelled, giving reasons for any such cancellations, in each week from September 1985 to February 1986 and stating the number of prisoners in each week due to undertake educational classes.

Mr. Mellor: The information is as follows:

Week commencing	*Day classes*		*Evening classes*	
	Planned	*Cancelled*	*Planned*	*Cancelled*
9 September 1985	50	50	27	18
16 September 1985	50	40	27	0
23 September 1985	50	50	27	0
30 September 1985	50	25	27	0
7 October 1985	50	50	27	0
14 October 1985	50	20	27	0
21 October 1985	50	40	27	0
28 October 1985	*	*	*	*
4 November 1985	50	40	27	0
11 November 1985	50	5	27	0
18 November 1985	50	10	27	0
25 November 1985	50	0	27	0
2 December 1985	50	40	27	0
9 December 1985	50	15	27	0
16 December 1985	50	20	27	0
23 December 1985	†	†	†	†
30 December 1985	†	†	†	†
6 January 1986	50	40	27	9
13 January 1986	50	35	27	0
20 January 1986	50	20	27	0
27 January 1986	50	20	27	0
3 February 1986	50	10	27	0
10 February 1986	50	40	27	0
17 February 1986	50	40	27	0
24 February 1986	50	10	27	0

*Half term (no classes planned).
†Christmas break (no classes planned).

In all cases day classes were cancelled because of a shortage of prison officers to perform escort and supervisory duties. Evening classes were cancelled on 9 September 1985 as a precaution in response to riots in Birmingham and on 6 January 1986 because teachers were absent as a result of adverse weather conditions.

In common with other local prisons, the transient nature of the population at Birmingham influences the day-to-day size of education classes, and the precise number of prisoners who were due to attend classes in each week could be obtained only at disproportionate cost. it is estimated that, in a normal week with a full schedule of classes, an average total of 60 prisoners would attend day classes and 150 prisoners would attend evening classes.

Oxford Air Training School (Libyan Nationals)

Mr. Peter Bruinvels asked the Secretary of State for the Home Department if he will list the names of those Libyans currently training at the Oxford air training school, Kidlington.

Mr. Waddington: Immigration Department records do not normally identify individuals by place of study or employment, but I understand that there are 27 Libyan nationals at the Oxford air training school, Kidlington. It would be contrary to normal practice on disclosure of personal information to publish their names.

Immigration Rules

Mr. Winnick asked the Secretary of State for the Home Department when the amendments to the immigration rules (HC 503) will be incorporated with the other immigration rules (HC 169).

Mr. Waddington: The Government have no plans at present to incorporate these changes in a new statement of the immigration rules. But following the undertaking given by my noble Friend during the debate on the statement of changes in immigration rules in another place on 23 October 1985, what is in effect a consolidated version of the immigration rules has been placed in the Library.

WALES

District Health Authorities

Mr. Wigley asked the Secretary of State for Wales whether the Welsh Office makes any inquiries as to the possible membership of, or identification with, any political parties when making appointments to district health authorities in Wales.

Mr. Mark Robinson: Such inquiries are not made. In making appointments to district health authorities our policy is to select the best person for the job. Sometimes a nominee's curriculum vitae includes political affiliations, but more often these are not known.

Mr. Wigley asked the Secretary of State for Wales if he will publish a table showing the percentage increase between the actual outturn expenditure of each of the nine district health authorities in Wales in 1984-85 and their provisional forecast of outturn for 1986-87.

Mr. Mark Robinson: The information requested is as follows:

	Percentage increase
Clwyd	12·57
East Dyfed	9·32
Gwent	10·63
Gwynedd	7·72
Mid Glamorgan	12·34
Pembrokeshire	13·43
Powys	10·77
South Glamorgan	9·08
West Glamorgan	20·41

The figures for 1986-87 used to produce these percentage increases are provisional forecasts of outturn, since they do not take account of all the income which might be generated locally, possible movements in balances, and a further £13 million which will be allocated for centrally funded developments during the course of the year.

From 1 April 1985 the responsibility for family practioner services was transferred from health authorities to independent family practitioner committees. Expenditure on these services has therefore been excluded from the calculations.

These figures cannot be taken as indicative of the increase in discretionary provision made available to the authorities over the period in question, since they include recurrent revenue provision in respect of centrally funded developments and non-recurrent capital expenditure associated with major capital schemes.

PRIME MINISTER

York

Q12. **Mr. Gregory** asked the Prime Minister if she has any plans to make an official visit to York.

The Prime Minister: I have at present no plans to do so.

Engagements

Mr. Peter Bruinvels asked the Prime Minister if she will list her official engagements for Thursday 10 April

Mr. Greenway asked the Prime Minister if she will list her official engagements for Thursday 10 April.

Mr. Pike asked the Prime Minister if she will list her official engagements for Thursday 10 April.

Mr. Ron Davies asked the Prime Minister if she will list her official engagements for Thursday 10 April.

The Prime Minister: This morning I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in this House I shall be having further meetings later today.

Strategic Defence Initiative

Mr. Dalyell asked the Prime Minister what Her Majesty's Government's involvement was in the meeting in Washington on 25 March involving 50 British companies and the strategic defence initiative organisation at the Pentagon.

The Prime Minister: I have nothing to add to the answer I gave to the hon. Member on 26 March 1986, at columns 494-95.

EC (Intergovernmental Agreement)

Mr. Austin Mitchell asked the Prime Minister who signed the 1985 European Economic Community intergovernmental agreement on Britain's behalf.

The Prime Minister: The 1985 intergovernmental agreement was concluded at the Foreign Affairs Council on 17-21 March 1985. The United Kingdom was represented by my right hon. and learned Friend the Secretary of State for Foreign and Commonwealth Affairs. In accordance with practice at such meetings the assent of the member states was given not by formal signature but by by their acceptance of the undertaking during the meeting.

ATTORNEY-GENERAL

Land Registry

Mr. Wigley asked the Attorney-General if he will publish an analysis of, and an explanation for, the increase in the number of persons employed by the Land Registry between 1979 and 1985.

The Attorney-General: The number of staff employed by the Land Registry between 31 March 1979 and 31 March 1985 increased by 1,607 (29 per cent.). This increase has been necessary to deal with a 52 per cent. increase in applications and transactions during that period. This increase arose primarily owing to the continuing growth in owner-occupation, increased property market activity and the further extension of compulsory registration of title in England and Wales.

9 Signals Regiment (Prosecution)

Mr. Dalyell asked the Attorney-General on what date he decided to bring a prosecution against junior airmen and Army service men from 9 Signals Regiment based in Cyprus, who were subsequently acquitted in October 1985.

The Attorney-General: I consented to the prosecution of 7 service men on 11 April 1984 and to the prosecution of an eighth service man on 1 June 1984.

EMPLOYMENT

Enterprise Allowance

Mr. Irving asked the Paymaster General what has been the total number of entrants to date to the enterprise allowance scheme in the Cheltenham area; and at what cost to his Department.

Mr. Trippier: The figures are not available in the form requested. However, in the Gloucestershire and Wiltshire area, which includes Cheltenham, 1,838 people entered the enterprise allowance scheme between its inception in August 1983 and the end of March 1986 at an estimated cost of £2·865 million in allowances.

Job Release Scheme

Mr. Mudd asked the Paymaster General if he has any plans for the phasing out or termination of the job release scheme; and if he will make a statement.

Mr. Lang: There are currently no plans to phase out or terminate the full-time job release scheme, which in common with all employment measures is kept under review.

Redundancies (Coventry)

Mr. Nellist asked the Paymaster General if he will list the redundancies which occurred in Coventry of which his Department was notified from April 1983 to the latest date for which information is available.

Mr. Lang [*pursuant to his reply*, 8 April 1986, c. *17*]: A provisional total of 8,155 redundancies were confirmed by the Manpower Services Commission as due to occur in the Coventry jobcentre area between April 1983 and February 1986.

The names of the firms suffering redundancies cannot be disclosed, as this information is treated in confidence by the Department.

TRANSPORT

Blind Persons (Pedestrian Crossing)

Mr. Carter-Jones asked the Secretary of State for Transport if he has yet received a report assessing, in the light of experience, the suitability for blind persons of the surface area of the pavement at the pedestrian crossing in Abingdon street near Parliament square; if he will institute consultations on the suitability of this surface and publish the outcome in the *Official Report;* and if he will make a statement.

Mr. Peter Bottomley: Assessment of the textured surface at the pedestrian crossing in Abingdon street and at other sites around the country has now been completed. The trials have demonstrated that the surface is helpful in assisting visually handicapped people to locate and use pedestrian crossings at which the kerb has been ramped for the benefit of people in wheelchairs. A report on the trials is being prepared and a copy will be placed in the Library when it is published.

Following consultation with local authority associations the Department will be issuing advice to highway authorities on the purpose, design and layout of the surface.

M40 (Traffic Flows)

Mr. Tim Smith asked the Secretary of State for Transport what information he has as to traffic flows on the following sections of the M40 motorway: *(a)* between the M25 motorway and Beaconsfield, *(b)* between Beaconsfield and Wycombe East, *(c)* between Wycombe East and Handy Cross and *(d)* between Handy Cross and Stokenchurch; what information he has in particular as to five-day and seven-day average traffic flows; and what counts have been undertaken.

Mr. Peter Bottomley: The information is set out in the table. For the sections from Wycombe East to Stokenchurch, it is derived from either continuous count equipment or manual traffic counts in December 1985. For the other sections, where no counts have been taken since March 1984 at the latest, an estimate has been made of the average daily flow in December 1985 on a seven-day, 24-hour basis.

Average daily two-way flow

Section of M40	5-day flows		7-day flows	
	16-hour	24-hour	16-hour	24-hour
M25 to Beaconsfield	—	—	—	*39,000
Beaconsfield to Wycombe East	—	—	—	*38,000
Wycombe East to Handy Cross	38,000	40,000	36,000	38,000
Handy Cross to Stokenchurch	29,000	31,000	28,000	30,000

* Estimate.

Mr. Tim Smith asked the Secretary of State for Transport what forecasts he has made of traffic flows on the M40 motorway in the year 2000 *(a)* without and *(b)* with the extension of the motorway to Birmingham.

Mr. Peter Bottomley: The forecasts for the existing lengths of M40 in the year 2000 are given in the table. They are based on forecasts made in the context of the extension proposals and up-dated to reflect subsequent developments. The ranges show flows on the basis of both low and high growth assumptions.

Two-way average daily flow
(5-day 24-hour flows)

Section of M40	Without M40 extension	With M40 extension
Denham to Beaconsfield	50,000 to 60,000	64,000 to 77,000
Beaconsfield to Wycombe East	49,000 to 58,000	64,000 to 76,000
Wycombe East to Handy Cross	49,000 to 58,000	64,000 to 76,000
Handy Cross to Stokenchurch	39,000 to 46,000	56,000 to 67,000
Stokenchurch to Lewknor	44,000 to 53,000	62,000 to 75,000
Lewknor to Milton Common	33,000 to 40,000	54,000 to 66,000
Milton Common to A40	31,000 to 37,000	53,000 to 64,000

Test Certificates

Mr. Peter Bruinvels asked the Secretary of State for Transport how many Department of Transport test certificates were printed in 1985; and how many tests were undertaken in each of the past three years and to date.

Mr. Peter Bottomley: About 14 million test certificates are printed annually.

I refer my hon. Friend to the answer on the number of tests undertaken given to him on 25 March, at column 419.

Mr. Peter Bruinvels asked the Secretary of State for Transport what contingency plans there are to enable Department of Transport vehicle tests to be undertaken in the absence of certificates: and if he will make a statement on the availability of test certificates.

Mr. Peter Bottomley: Authorised garages know that they should apply for certificates at least 14 days before their existing stock runs out.

Although regrettably there has been some delay recently in the issue of test certificates to garages, the turnround in the Department has now been reduced to about two days from receipt of application.

If, for any reason, an authorised garage is unable to issue an MoT certificate, a motorist should take his vehicle to another of the 17,000 test centres distributed throughout the country.

Mr. Peter Bruinvels asked the Secretary of State for Transport when he expects that all licensed garage testing centres will be in possession of MoT certificates.

Mr. Peter Bottomley: Now and always.

FOREIGN AND COMMONWEALTH AFFAIRS

Greek Cypriots

Mr. John Fraser asked the Secretary of State for Foreign and Commonwealth affairs what representations he has made to the Turkish Government about the Greek Cypriots missing after the events of 20 July 1974.

Mr. Eggar: I refer the hon. Member to the answer I gave the hon. Member for Caernarfon (Mr. Wigley on 24 February at column *441*.

Greece

Mr. John David Taylor asked the Secretary of State for Foreign and Commonwelath Affairs whether he raised the refusal of the Greek authorities to allow entry into Greece by United Kingdom citizens carrying British passports, which had been stamped by the authorities of the Turkish Republic of Northern Cyprus, during his recent visit to Athens; and if he will make a statement.

Mr. Eggar: The Greek authorities have indicated that this practice has now been discontinued.

Mr. John David Taylor asked the Secretary of State for Foreign and Commonwealth Affairs if the Greek authorities will now allow entry into Greece by United Kingdom citizens carrying British passports previously stamped by the authorities of the Turkish Republic of Northern Cyprus; and if he will make a statement.

Mr. Eggar: That is our understanding. We welcome this development.

Falkland Islands (Fishing)

Sir John Biggs-Davison asked the Secretary of State for Foreign and Commonwealth Affairs (1) what stage has

been reached in the study by the United Nations Food and Agriculture Organisation of fishing in the south-west Atlantic; what is the United Kingdom part in this study; and whether he will make a statement;

(2) if he will make a statement about the agreement with the Japanese to limit their fishing of Falkland islands and South Georgia waters; and whether he intends to seek other such agreements.

Mr. Eggar: It is encouraging that all the Governments concerned have agreed to participate in the FAO study. FAO experts are compiling data and have recently visited capitals for discussions. The United Kingdom is making a major contribution; we have provided technical data and held talks with FAO officials. We have urged all nations involved to co-operate fully.

Pending completion of the study we have asked fishing nations to take account of our conservation concerns by exercising self-restraint, limiting their 1986 operations to 1985 levels. There has been a positive response. The Japanese authorities have undertaken to keep their fishing effort at the 1985 level by reducing their fishing season and limiting the number of their vessels fishing within the Falkland Islands Protection zone.

Mr. Austin Mitchell asked the Secretary of State for Foreign and Commonwealth Affairs what check is kept, and what records are maintained, of the nationality and numbers of fishing vessels in the exclusion zone around the Falklands.

Mr. Eggar: Daily patrols of the Falkland Islands Protection Zone are carried out by the RAF and the Royal Navy. These provide fisheries surveillance reports which incorporate information on the nationalities and numbers of fishing vessels sighted. These reports are analysed regularly by the Falkland Islands Development Corporation in Port Stanley and by the Ministry of Agriculture, Fisheries and Food and the Foreign and Commonwealth Office.

Gibraltar (Naval Incident)

Mr. McQuarrie asked the Secretary of State for Foreign and Commonwealth Affairs (1) if he will make a statement on the incident which occurred in United Kingdom territorial waters off the Dependent Territory of Gibraltar on 20-21 March involving the Spanish aircraft carrier Dedalo;

(2) what representations were made to the Spanish Government regarding the entry into United Kingdom territorial waters off the Dependent Territory of Gibraltar by the Spanish aircraft carrier Dedalo on 20-21 March; and what reply was received.

Mr. Peter Bruinvels asked the Secretary of State for Foreign and Commonwealth Affairs if he will report on the encroachment into Gibraltar's territorial waters by the flagship of the Spanish navy Dedalo on 20 March; if he will detail the extent of representations made by Her Majesty's Government to the Spanish Government; and if he will make a statement.

Mr. Eggar: The Spanish aircraft carrier Dedalo entered Gibraltarian waters at 2344 hours on the night of 20-21 March and departed 15 minutes later at 2359 hours. During that time two helicopters were launched from the vessel. Her Majesty's embassy in Madrid was instructed to protest to the Spanish Government about this incident. This was done after the Easter holiday on 2 April. A Spanish reply was received on 3 April. I am satisfied that the United Kingdom's position has been properly safeguarded.

Libya (Bombing Threat)

Mr. Peter Bruinvels asked the Secretary of State for Foreign and Commonwealth Affairs what representations have been *(a)* made by Her Majesty's Government to Libya and *(b)* received by Her Majesty's Government from the United States, following the recent threat by a Libyan trainee pilot that American bases in the United Kingdom might be bombed.

Mr. Renton: None.

Zimbabwe (Release of Funds)

Dr. Glyn asked the Secretary of State for Foreign and Commonwealth Affairs if, pursuant to his answer of 10 March, *Official Report*, column *361*, he will make a statement on the concrete outcome of the discussions he held with the Zimbabwean Foreign Minister on the release of funds of former Zimbabwe residents.

Mrs. Chalker: When my right hon. and learned Friend discussed the problem of the blocked funds of former Zimbabwe residents with the Zimbabwean Foreign Minister in February he asked for cases involving blocked remittances to be handled sympathetically, especially when hardship had occurred. The Minister expressed the hope that favourable developments in Zimbabwe's balance of payments could lead to some improvement in the situation.

Pakistan (Visit)

Mr. Parry asked the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on his recent visit to Pakistan.

Mr. Eggar: I refer the hon. Member to the answer my right hon. and learned Friend gave to the hon. Member for Liverpool, West Derby (Mr. Wareing) on 9 April, at column *142*.

UNITA (Angola)

Mr. Wareing asked the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on Her Majesty's Government's policy towards UNITA in Angola.

Mrs. Chalker: We recognise the state of Angola and have diplomatic relations with its Government. Officials have had contact with UNITA for humanitarian purposes, most recently in March to facilitate the release of four British citizens taken captive by UNITA in Angola.

Afghanistan

Mr. Wareing asked the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with representatives of other states concerning the situation in Afghanistan; if he has any plans aimed at seeking to bring about an end to foreign interference in the internal affairs of that country; and if he will make a statement.

Mr. Eggar: My right hon. and learned Friend has frequent and detailed discussions about the Soviet occupation of Afghanistan with our European Community partners and NATO allies and with many other countries. Most recently he discussed the subject in depth with the Government of Pakistan during his recent visit there. My right hon. and learned Friend made clear to them that we fully support their firm and principled stand and the hospitality and help they are providing to the Afghan refugees who have sought refuge in their country. We are in full agreement that the key to peace in Afghanistan is the withdrawal of Soviet troops. To that end we fully support the United Nations Secretary General's efforts to find a solution on the basis of the principles set out in successive United Nations resolutions.

Sri Lanka

Mr. Wareing asked the Secretary of State for Foreign and Commonwealth Affairs what plans he has to assist in mediation moves to seek to bring a peaceful solution to the conflict between the communities in Sri Lanka; and if he will make a statement.

Mr. Eggar: We have not been asked, neither would we wish, to become involved in Sri Lanka's internal problems. But we fully support any efforts which encourage direct talks between the Sri Lankan Government and representatives of the Tamil separatist movements. We have continued to make clear to all the parties involved that a negotiated settlement offers the best route to lasting peace and reconciliation in Sri Lanka.

Mongolia

Mr. Soames asked the Secretary of State for Foreign and Commonwealth Affairs what are the main features of Anglo-Mongolian relations.

Mr. Renton: The promotion of trade and cultural exchanges. Recent visits by the chairman of the Mongolian state bank and by a Mongolian state buying mission have improved the prospects for increased bilateral trade. The Anglo-Mongolian cultural exchange programme was renewed in April 1985 for a further two years.

Mr. Soames asked the Secretary of State for Foreign and Commonwealth Affairs for what purpose the United Kingdom maintains a mission in the Mongolian People's Republic; how many people are in post; and what is the annual cost of the mission.

Mr. Renton: The United Kingdom maintains a mission in Ulan Bator to conduct political relations with the Mongolian People's Republic, to promote trade, to help to implement the cultural exchange programme, and to provide consular assistance to British tourists. The embassy has four United Kingdom-based staff and seven locally-engaged staff, and cost £203,000 in 1984-85.

Diplomatic Service

Mr. Wareing asked the Secretary of State for Foreign and Commonwealth Affairs if he will provide a breakdown of the universities from which staff were recruited into the administrative group of the diplomatic service during each of the years 1984 and 1985.

Mr. Eggar: The breakdown is as follows:

	Number
1984	
Cambridge	7
Dundee	1
Leeds	2
London	1
Oxford	12
Stirling	1
	24
1985	
Aberdeen	2
Bath	1
Bristol	1
Cambridge	7
Edinburgh	1
London	1
Newcastle	1
Oxford	6
St. Andrews	1
Southampton	1
Sussex	1
	23

Irish Sailors and Soldiers Land Trust

Mr. Jackson asked the Secretary of State for Foreign and Commonwealth Affairs if, pursuant to his answer of 12 November, *Official Report*, column *146*, he will make a further statement on the future of the Irish Sailors and Soldiers Land Trust.

Mr. Eggar: In view of increased pressure of Parliamentary business, it has been decided to drop the Bill from the current legislative programme.

ENVIRONMENT

Touring Caravans

Mr. Wigley asked the Secretary of State for the Environment if, pursuant to the answer of 20 January, *Official Report*, column *47*, concerning the licensing controls on touring caravans, he will now state what will be the form and timescale of further public consultation on this issue.

Mrs. Rumbold: Further public consultation would be on the proposals for a future Bill, but this is unlikely to happen this year.

Sewage Plants

Mr. Boyes asked the Secretary of State for the Environment (1) what information he has as to the effluent discharge standard at each sewage treatment plant in the Thames water authority;

(2) what information he has as to the number of occasions on which sewage plants failed to achieve their set standards in 1984-85 and as to which plants were involved.

Mr. John Patten: I shall answer these questions shortly.

Thames Water Authority

Mr. Boyes asked the Secretary of State for the Environment how many items or projects by the Thames

water authority fell into the following investment or expenditure categories in the last year for which figures are available : *(a)* £2,000 to £10,000, *(b)* £10,000 to £20,000, *(c)* £20,000 to £30,000, *(d)* £30,000 to £40,000, *(e)* £40,000 to £50,000, *(f)* £50,000 to £60,000, *(g)* £60,000 to £70,000, *(h)* £70,000 to £80,000, *(i)* £80,000 to £90,000, *(j)* £90,000 to £100,000 and *(k)* £100,000 or more.

Mr. John Patten: The information requested is not held by my Department. Thames water authority has some 50 schemes in progress which cost over £1 million.

Merseyside Residuary Body

Mr. Wareing asked the Secretary of State for the Environment if he will list the current members of the Merseyside Residuary Body, indicating each member's occupation.

Mr. Tracey: The current membership of the Merseyside Residuary Body comprises the following:

Mr. Norman Brodrick *(Chairman)*—Retired local agent for Bank of England
Mr. Duncan Forbes—Retired chairman of shipping line
Mr. John Hill—Retired local government officer
Mr. William Hughes—Retired local government officer
Mr. Leslie Jones—Retired civil servant
Councillor James Lloyd—Manager in industry: leader of Knowsley Borough Council
Mr. Barry Marsh—Solicitor
Mr. Kenneth Medlock—Retired businessman

Nuclear Waste

Mr. Austin Mitchell asked the Secretary of State for the Environment what discussions he has had with NIREX about the proposals for nuclear dumps since the receipt of the list of recommendations.

Mr. Waldegrave: I refer the hon. Gentleman to the reply I gave on 11 March at columns 431-32, to my hon. Friend the Member for Brigg and Cleethorpes (Mr. Brown).

Mr. Austin Mitchell asked the Secretary of State for the Environment what relevant geological exploratory work he is aware of on the Killingholme Central Electricity Generating Board site supported by NIREX as a possible nuclear dump.

Mr. Waldegrave: I understand that earlier geological exploratory works undertaken by the CEGB in connection with the possible development of a power station on the Killingholme site were insufficient for NIREX's purposes. The site investigations now proposed by NIREX will establish whether the site would be geologically suitable for development as a disposal facility.

Mr. Austin Mitchell asked the Secretary of State for the Environment what is his policy towards replying to correspondence, meeting deputations and receiving representations from those in the areas affected by the proposals for nuclear waste disposal before the special development order is published; and whether he intends to set any final date for this process.

Mr. Waldegrave: My ministerial colleagues and I have made it clear that we are willing to meet representatives of the areas concerned to discuss the draft special development order. With my hon. Friend the Parliamentary Under-Secretary of State I have already met such delegations led by my hon. and learned Friend the Member for Mid-Bedfordshire (Mr. Lyell) and my hon. Friends the Members for Bedfordshire, South-West (Mr. Madel) and for Glanford and Scunthorpe (Mr. Hickmet) and the hon. Member for Great Grimsby (Mr. Mitchell). Matters of civil nuclear policy in general are, of course, largely a matter for my right hon. Friend the Secretary of State for Energy. It is clear that the proper occasion for the detailed examination of proposals for any particular site must await the public inquiry.

Meanwhile, my right hon. Friend and I will consider on their merits all representations concerned with the planning and other implications of the proposals now the subject of the draft SDO.

Mr. Austin Mitchell asked the Secretary of State for the Environment when he intends to publish the special development order for exploratory work on nuclear dumps.

Mr. Waldegrave: As soon as all the matters raised during the consultation period have been fully considered.

Mr. Austin Mitchell asked the Secretary of State for the Environment what population lives within a *(a)* five-mile radius and *(b)* 10-mile radius of each of the four sites supported by NIREX for nuclear dumps; and what are the drainage boards, the water authorities and the district authorities into which they fall.

Mr. Waldegrave: Population levels for these precise areas are not readily available. However the following approximate population levels are derived from the 1981 census:

	Radius	
	5 km	*15 km*
South Killingholme	10,000	288,000
Elstow	40,000	130,000
Fulbeck	3,500	76,000
Bradwell	8,000	75,000

All four sites are within the area of the Anglian water authority. South Killingholme falls within the area of Glanford borough council and North East Lindsey internal drainage board.

Elstow falls within the areas of Mid Bedfordshire district council, North Bedfordshire borough council and the Bedfordshire and River Ivel internal drainage board.

Fulbeck falls within the areas of South Kesteven district council, North Kesteven district council and Witham internal drainage board.

Bradwell falls within the area of Maldon district council. This site is not within the area of any drainage board.

Mr. Austin Mitchell asked the Secretary of State for the Environment what budget is allocated to NIREX for informing public opinion on nuclear dumping; and from what sources the money is allocated.

Mr. Waldegrave: I understand from UK NIREX Ltd. that it has allocated £896,000 to its publicity budget for 1986-87. NIREX is funded by the four shareholders: British Nuclear Fuels Ltd., the United Atomic Energy Authority, the Central Electricity Generating Board and the South of Scotland Electricity Board. My right hon. Friend the Secretary of State for Energy holds a special share, nominally valued at £1.

Merseyside Task Force

Mr. Wareing asked the Secretary of State for the Environment what is the present size and establishment of the Merseyside task force; and what its cost has been to central Government in each year since it was appointed.

Mr. Kenneth Baker: The number of staff employed at the Department of the Environment's Merseyside task force is 49. The task force was set up in October 1981. On 8 July 1983 the then Secretary of State announced that a more permanent office would be established on Merseyside. This new establishment became operative on 3 January 1984.

The costs to my Department of salaries and accommodation, including telephone expenses in each year, have been as follows:

Financial Year	*£000s*
*1981-82	82·5
1982-83	181·9

* Part.

For subsequent years I am able to give more comprehensive costs. These are as follows:

Financial Year	*£000s*
1983-84	243·7
1984-85	608·7
1985-86	*647·6

* Projected outturn.

Voluntary Organisation, Merseyside

Mr. Wareing asked the Secretary of State for the Environment how many representations he has received from voluntary organisations on Merseyside with regard to their funding following the abolition of the Merseyside county council; and if he will list those organisations.

Mr. Tracey: We have not received any representations from voluntary organisations on Merseyside with regard to their future funding since abolition of the Merseyside county council.

Fish (Mercury Levels)

Mr. Wareing asked the Secretary of State for the Environment what plans he has to seek a reduction in the European Community's environmental quality standard for mercury levels in fish; and if he will make a statement.

Mr. John Patten: I shall answer this question shortly.

Sports Sponsorship

Mr. Meacher asked the Secretary of State for the Environment what has been the level of sports sponsorship by *(a)* tobacco companies, and *(b)* all other companies for each of the last 10 years; and what percentage the level of sponsorship by tobacco companies represents of that of all other companies for each of those years.

Mr. Tracey [*pursuant to his reply*, 9 April 1986, c. *142*]: Under the terms of the voluntary agreement on the sponsorship of sport by tobacco companies, the industry informs my Department of its annual expenditure on sports sponsorship on a confidential basis. I cannot, therefore, make these figures available.

The level of sports sponsorship by all companies has been estimated by the Sports Council only for the last five years; the figures are £35 million (1980), £50 million (1981), £84·7 million (1982), £100·2 million (1983), £112 million (1984) and £128 million (1985).

Since the voluntary agreement limits the tobacco companies' expenditure to the 1976 in real terms, the increase in the overall level of commercial sponsorship means that the tobacco industry's expenditure is decreasing each year as a proportion of all sponsorship. Current independent estimates place that proportion at less than 10 per cent.

SCOTLAND

Forestry Commisson

33. **Mr. Barnett** asked the Secretary of State for Scotland if he will make a statement on the Government's future plans for the management and ownership of the Forestry Commission.

Mr. John MacKay: I refer the hon. Member to the reply which I gave to the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) on this subject on 20 February 1986, at column 347.

Afforestation

34. **Mr. McKelvey** asked the Secretary of State for Scotland if he will introduce legislation to prohibit private forestry companies undertaking afforestation without Forestry Commission approval.

Mr. John MacKay: There have only been two significant cases of planting without approval since the Forestry Commission's present consultation procedures were introduced in 1974. We would have to think very carefully, therefore, before imposing further controls on forestry.

Primary Schools

Mr. Craigen asked the Secretary of State for Scotland what is the number of open-plan designed primary schools in Scotland; and what assessment has been made of the success of this design.

Mr. Allan Stewart: Information on the number of open-plan designed primary schools in Scotland is not held centrally. The Scottish Council for Research in Education and various colleges of education have carried out assessments of aspects of teaching and learning in open-plan primary schools in Scotland, of which the most recent is contained in SCRE's "Management and Organisation in a Variety of Open-Plan Primary Schools" (1982).

Joint Liaison Committees

Mr. Dewar asked the Secretary of State for Scotland (1) which joint liaison committees between health boards and local authorities have amended their constitutions in response to the proposals for changes contained in the April 1985 Scottish Office circular, "Community Care: Joint Planning and Support Finance";

(2) which joint liaison committees now have meetings which are open to the press and to the public;

(3) which joint liaison committees now have voluntary sector representatives as a full and regular part of their membership; and which committees have them in membership but only on a partial or restricted basis;

(4) what are the various mechanisms which joint liaison committees have adopted for contact with, and for seeking representations from, the voluntary sector.

Mr. John MacKay: Information on the practices and constitution of individual joint liaison committees is not collected centrally. We have no reason to believe, however, that such committees are not following the guidance set out in the April 1985 circular.

Mr. Dewar asked the Secretary of State for Scotland if he will list the statutory authority for the proposals in his recent circular that *(a)* specify that joint liaison committees should be established and in what circumstances, *(b)* specify the overall role and functions that should be given to the joint liaison committees, *(c)* specify the membership of joint liaison committees, *(d)* specify the methods of operation of joint liaison committees, including the publishing of committee papers and the holding of meetings open to the public and *(e)* require that reports on the work of joint liaison committees be submitted to the Scottish Office at regular intervals to facilitate the monitoring of progress.

Mr. John MacKay: Section 13 of the National Health Service (Scotland) Act 1978 imposes a statutory responsibility on health boards and local authorities to co-operate with one another in order to secure and advance the health of the people of Scotland. The proposals in the 1985 circular give administrative guidance to the bodies concerned as to how such co-operation should operate in the areas of joint planning and support finance.

Community Care

Mr. Dewar asked the Secretary of State for Scotland which joint liaison committees had prepared any of the four joint 10-year plans requested in the April 1985 Scottish Office circular, "Community Care: Joint Planning and Support Finance," by the deadline of 31 March 1986 specified in the circular;

(2) if he will list by the four priority categories, and by health board area, the joint plans that had been submitted to the Scottish Office by 31 March 1986.

Mr. John MacKay: Both Shetland and Orkney health boards have prepared the plans requested. Health boards were not formally required to submit copies of their plans to the Secretary of State, but Shetland health board has sent a copy of its plan, which covers all four priority groups, to the Scottish Home and Health Department.

The majority of the remaining boards have indicated informally that the plans for their areas are well advanced or nearing completion.

Privatisation

Mr. Norman Hogg asked the Secretary of State for Scotland what representations he has received from Sir James Goold, chairman of the conservative party in Scotland, concerning the privatisation of functions currently carried out by his Department; and if he will make a statement.

Mr. Rifkind: None.

DEFENCE

IBM Computers

Mr. Ashdown asked the Secretary of State for Defence whether he has agreed the terms and conditions attached to the purchase of IBM computers and expressed in the document entitled "Supplement to Agreement for Sale of IBM machines (on order) form 7-242 (7/80)", whether he will comply with the movement restriction in the United Kingdom this imposes on IBM 3083 main frames; and if he will make a statement.

Mr. Norman Lamont: No. The document does not form part of the terms and conditions negotiated with IBM by the Central Computer and Telecommunications Agency governing aquisition of computer equipment for administrative and general scientific purposes for the Ministry of Defence.

Gibraltar (Naval Incident)

Mr. McQuarrie asked the Secretary of State for Defence when he received a report that the Spanish aircraft carrier Dedalo entered United Kingdom waters off the dependent territory of Gibraltar on 20-21 March; and what action he instructed.

Mr. Stanley: I received a report on the incident on Friday 21 March. On the Government's response to the incident, I refer my hon. Friend to the answer given to him by my hon. Friend the Under-Secretary of State for Foreign and Commonwealth Affairs today.

Mr. McQuarrie asked the Secretary of State for Defence (1) what action was taken by the deputy fortress commander of the British forces in Gibraltar when the Spanish aircraft carrier Dedalo entered United Kingdom territorial waters on 20-21 March off that dependent territory; and if he will make a statement;

(2) what action was taken by the Royal Air Force commander at North Front, Gibraltar, when the Spanish aircraft carrier Dedalo entered United Kingdom territorial waters off Gibraltar on 20-21 March;

(3) what steps were taken by Royal Air Force Gibraltar to intercept the helicopters which took off within United Kingdom waters off Gibraltar from the Spanish aircraft carrier Dedalo on 20-21 March; what assessment he has made of the dangers this incursion could have caused; and if he will make a statement.

Mr. Stanley: It would not be in the public interest to provide operational information of this nature. The flight safety implications have been assessed and conveyed to the Spanish Government.

China

Mr. Wareing asked the Secretary of State for Defence what discussions his Department has recently had with the People's Republic of China; and what results he expects to flow from these discussions.

Mr. Norman Lamont: I visited the People's Republic of China from 2-6 April 1986. The prime objective of my visit was to explore the scope for increasing collaboration on defence procurement matters. My discussions in China provide a useful basis for the continuing dialogue with the Chinese on procurement related topics.

Foreign Service Allowance

Mr. Hargreaves asked the Secretary of State for Defence how much the foreign service allowance was in 1978, 1981 and 1985, respectively, at 1985 prices; and what was the equivalent in deutschmarks at the forces fixed rate of exchange.

Mr. Brooke: I have been asked to reply.

I assume that the hon. Member is interested in rates of foreign service allowance paid to United Kingdom-based civilian staff in Germany who work in support of the British forces Germany. There are different rates of FSA for staff serving in other countries and other parts of Germany.

The rates of FSA paid to such staff in each year in question are as follows with their equivalents in deutschmarks at the average of the forces fixed rates of exchange which were effective in each of those years. The figures have been adjusted to 1985 prices to reflect inflation in Germany. The rates of FSA are for United Kingdom-based civilian staff at clerical officer (FSA band 5) level and at principal level and above (FSA band 1) who are single, or married and accompanied by their spouse and one child.

	1978		*1981*		*1985*	
	£	*DM*	*£*	*DM*	*£*	*DM*
Band 5						
Single	1,753	7,275	1,047	4,554	155	597
Married	2,949	12,238	2,163	9,409	1,420	5,467
Band 1						
Single	2,099	8,711	1,047	4,554	155	597
Married	4,914	20,393	3,512	15,277	1,420	5,467

However, FSA is calculated as a supplement to Civil Service pay and ought not to be viewed in isolation. Comparable figures showing what has happened to Civil Service pay plus FSA in Germany over the period in question are as follows:

	1978		*1981*		*1985*	
	£	*DM*	*£*	*DM*	*£*	*DM*
Band 5						
Single	4,901	20,339	5,075	22,076	5,532	21,298
Married	6,401	26,564	6,651	28,932	7,480	28,798
Band 1						
Single	8,831	36,649	9,455	41,129	12,375	47,644
Married	12,057	50,037	12,382	53,862	14,323	55,144

AGRICULTURE, FISHERIES AND FOOD

Milk Quotas

24. **Mr. Nicholas Baker** asked the Minister of Agriculture, Fisheries and Food if he will make a statement about the current state of distribution of milk quotas between landlords and tenants.

Mr. Soames asked the Minister of Agriculture, Fisheries and Food if he will make a statement about the position of tenant dairy farmers in respect of milk quotas when they leave their farms.

Mr. Jopling: Under Community rules, when a tenancy ends, the milk quota passes to the new occupier. There is at present no provision under which the outgoing tenant can claim any compensation for the money, time and effort which he may have put into building up the level of milk production on which the quota is based. Tenants' representatives argue that this is unfair. Against this, it has to be recognised that landlords' interests have also been directly affected by the introduction of quotas.

I have had intensive discussions about this problem with representatives of both landlords and tenants. It has not proved possible to find an agreed solution. Individual circumstances range from the case where the tenant has started dairying and done everything to build up the enterprise, through to the situation where he has taken over an established dairy farm and let the level of production run down. With the introduction of quotas, tenants' potential profits and landlords' expectation of future rents have both been diminished and there is no ready-made formula to determine their respective rights.

My colleagues and I have decided to introduce a measure of statutory compensation for tenants and I am today tabling amendments to the Agriculture Bill which make provision for this. So far as England and Wales are concerned, the arrangements will be as follows:

Compensation will normally be payable at the end of the tenancy and if there is a statutory succession will be deferred until the end of the chain of such successions.

Tenants will be eligible if they occupy the land to which the tenancy relates when the proposed arrangements come into force and have been allocated quota already. Landlords will be free to recover the payment from incoming tenants who know what they are accepting.

The calculation of compensation will be based upon the concept of a standard quota. This is the quota which a tenant of reasonable competence might have been expected to achieve. Therefore, any quota allocated over this figure will be credited entirely to the tenant. This will recognise the special efforts which some farmers have made in maintaining a high level of milk production and attracting quota.

The standard quota will have been earned both by the tenant and by the landlord. The tenant's share will be based on the value of tenant's improvements and the rent will provide the measure of the landlord's contribution.

If the tenant has less than standard quota, his share of the value will be reduced proportionately. The purpose here is to avoid over-compensating those who failed to maintain, before the introduction of quotas, the level of milk production that might reasonably have been expected.

I have listened carefully to the arguments of all parties and believe that this is as fair an arrangement as can be devised.

Where the landlord and tenant do not agree on the compensation payable, the question will go to arbitration. The amount of compensation will then be a matter for the arbitrator's professional judgment, within the framework of the general rules laid down.

My right hon. and learned Friend the Secretary of State for Scotland will be laying comparable amendments in time for consideration in the other place.

Home Grown Cereals Authority

12. **Mr. Terry Lewis** asked the Minister of Agriculture, Fisheries and Food if he will take steps to introduce an increased environmental dimension into the responsibilities of the Home Grown Cereals Authority; and if he will make a statement.

Mr. Gummer: The Government have included a provision in the Agriculture Bill to give statutory backing to the integration of environmental and other objectives into agricultural policy. This will confirm the need, which I already recognise, for environmental concerns to be taken into account in our dealings with the authority.

Environmentally Sensitive Areas

13. **Mr. Sean Hughes** asked the Minister of Agriculture, Fisheries and Food when he proposes to announce his decision on the selection of environmentally sensitive areas.

Mr. Jopling: We are currently consulting the Countryside Commission and the Nature Conservancy Council over the selection of areas. We expect to receive their final advice by the end of this month. Announcements will be made as soon as possible after that following consultation with the Secretary of State for the Environment and other interested parties.

Intervention Stores

14. **Mr. Strang** asked the Minister of Agriculture, Fisheries and Food what representations he has received that the addresses of stores holding surplus food financed by the Intervention Board should be published; and if he will make a statement.

Mr. Gummer: I have received a number of requests from hon. Members and members of the public. In reply I have explained that this information is restricted on grounds of commercial confidence.

EC Price Review

15. **Mr. Teddy Taylor** asked the Minister of Agriculture, Fisheries and Food what progress has been made in the EEC discussions on the price review; and if he will make a statement.

17. **Mr. Colvin** asked the Minister of Agriculture, Fisheries and Food if he will make a statement about negotiations relating to agricultural prices following the meeting of the European Council of Agriculture Ministers scheduled for 24 March.

Mr. Jopling: I refer my hon. Friends to the reply I gave to the hon. Member for Caithness and Sutherland (Mr. Maclennan) on 26 March.

Confectionery Industry

16. **Mr. Gregory** asked the Minister of Agriculture, Fisheries and Food on what aspects of the confectionery industry he answers parliamentary questions.

Mrs. Fenner: My right hon. Friend is responsible for questions relating to his sponsorship of the confectionery industry, including product labelling and compositional standards.

Outgoers Scheme

18. **Mr. Heathcoat-Amory** asked the Minister of Agriculture, Fisheries and Food what further progress he has made in allocating compensation between landlord and tenant under the European Economic Community outgoers scheme for dairy farmers.

Mr. Livsey asked the Minister of Agriculture, Fisheries and Food if he will make a statement on the progress of his discussions with the Country Landowners Association and farmers organisations concerning the allocation of quotas on the milk outgoers scheme.

25. **Sir Hector Monro** asked the Minister of Agriculture, Fisheries and Food if he has come to an agreement with the National Farmers Union and the Country Landowners Association on the milk outgoers scheme.

Mr. Gummer: We have discussed with the representatives of landlords and tenants how compensation payable under an eventual Community outgoers scheme might be apportioned between landlord and tenant. We have also considered the circumstances in which it might be reasonable for a landlord to withhold his consent to a tenant wishing to enter the scheme. The final outcome will depend on the result of discussions in the Council of Ministers, but I do not consider that the Commission's present proposal balances the interests of landlord and tenant proposals. We shall be seeking during the negotiations to persuade our Community colleagues of the need to amend the proposal so that it allows for the differing land tenure systems in member states.

Fisheries Protection

19. **Mr. Torney** asked the Minister of Agriculture, Fisheries and Food what proportion of the total boardings of the British fishery protection fleet for the month of January 1986 was on British fishing vessels.

Mr. Gummer: A little under half. Britain is constantly demanding that other countries keep tight control on their own nationals' fishing activities, and therefore we have a duty to set a good example.

Farmers (Less-favoured and Marginal Areas)

20. **Mr. Maclennan** asked the Minister of Agriculture, Fisheries and Food what new proposals he has received from the European Commission under the structures and less-favoured areas directives to enhance the incomes of farmers in less-favoured and marginal areas; and if he will make a statement.

Mrs. Fenner: The Commission is expected to publish a new package of structures measures shortly.

Hill Livestock Compensatory Allowances

21. **Mr. Ron Davies** asked the Minister of Agriculture, Fisheries and Food what advice he has sought from the Nature Conservancy Council while reviewing the hill livestock compensatory allowances.

Mr. Gummer: The Nature Conservancy Council was one of the organisations consulted about the Government's proposals for giving effect to the new European Community structures regulation (797/85) under which the hill livestock compensatory allowances are paid. In so far as the Council's comments related to the HLCAs, these were taken into account in the review which preceded the determination of the 1968 rates, the outcome of which my right hon. Friend announced on 28 November 1985.

Farm Woodlands

22. **Mr. Ernie Ross** asked the Minister of Agriculture, Fisheries and Food when he plans to implement the findings resulting from his consultations on farm woodlands.

Mrs. Fenner: My right hon. Friends are considering the very full, detailed and largely positive responses which we received on our consultation paper at the end of last

year. Developments in the wider context also need to be taken into account, in particular the EC Commission's discussion paper on Community action in the forestry sector which deals with some of the issues covered in the "Woodland as a Farm Crop" report.

Sea Fish Industry Authority (Grants)

26. **Mr. Weetch** asked the Minister of Agriculture, Fisheries and Food what proportion of Sea Fish Industry Authority grants is allocated to English and Welsh ports.

Mr. Gummer: As I said in reply to the hon. Member for Carmarthen (Dr. Thomas) on 6 March, at column 259, these grants are not proportionally allocated but are available for approved projects throughout the United Kingdom. In the financial year 1985-86 a total of 682 projects in England and Wales were approved, and this represents 42 per cent. of the total.

Falkland Islands

27. **Mr. Wallace** asked the Minister of Agriculture, Fisheries and Food whether he intends to make any alteration to the incentives available to United Kingdom fishing vessels to fish in the waters around the Falkland Islands; and if he will make a statement.

Mr. Gummer: The Government will be seeking the views of the United Kingdom fishing industry on whether the Community incentive to those embarking on joint ventures or exploratory voyages which are available under regulation 2909/83 should continue unaltered beyond the end of this year.

Cereals

28. **Mr. Deakins** asked the Minister of Agriculture, Fisheries and Food what was the scale of the price cut he proposed on 24 February for cereals under the common agricultural policy, in order to reduce surplus production.

Mr. Jopling: As I told the House on 10 March, I am pressing for a price cut of 3 per cent. in place of the Commission's proposed co-responsibility levy. This is in the context of a range of measures proposed by the Commission that would indirectly reduce cereal prices by considerably more.

Agricultural Development and Advisory Service

29. **Mr. Clelland** asked the Minister of Agriculture, Fisheries and Food what current responsibility the Agricultural Development and Advisory Service has for giving conservation advice to farmers.

Mrs. Fenner: Under section 41(1) of the Wildlife and Countryside Act 1981 we are required to make provision for advice on the conservation and enhancement of the natural beauty and amenity of the countryside to be given free of charge to persons carrying on agricultural businesses. This advice is provided by the Agricultural Development and Advisory Service.

In addition, section 11 of the Countryside Act 1968 imposes on Ministers and Government Departments a general duty to have regard to the desirability of conserving the natural beauty and amenity of the countryside. The Agricultural Development and Advisory Service is required to have this duty in mind when giving advice to farmers.

Sheepmeat

30. **Mr. Colin Shepherd** asked the Minister of Agriculture, Fisheries and Food what discussions he is having in the Council of Agriculture Ministers of the European Economic Community in respect of the future of the sheepmeat producing sector of the agriculture industry.

Mr. Gummer: In the Council discussions of the Commission's proposals for this year's price fixing I have made it clear that we are opposed to the proposal that eligibility for sheep annual premium should be restricted to the first 500 ewes in any flock (or 1,000 in the less-favoured areas) which would not only unfairly discriminate against the United Kingdom, but would tend to penalise efficiency and inhibit progress towards structural improvements within the Community. I have also expressed our opposition to the proposal to amalgamate Northern Ireland and the Republic of Ireland into one region for the purposes of the regime.

Milk Marketing Board

31. **Sir Peter Mills** asked the Minister of Agriculture, Fisheries and Food if he is yet in a position to say what plans the Government have for the future of the Milk Marketing Board; and if he will make a statement.

Mr. Gummer: As indicated in my right hon. Friend's reply of 28 January to my hon. Friend the Member for Wantage (Mr. Jackson), we have received the management consultant's report on Dairy Crest, the Milk Marketing Board's commercial arm. We are still discussing the consultants' findings with interested parties and an announcement will be made in due course.

Herds and Flocks (Disease Surveillance)

Sir David Price asked the Minister of Agriculture, Fisheries and Food what effects he estimates the reductions of staff and funding in the Agricultural Development and Advisory Service, the State Veterinary Service and the Veterinary Investigation Service will have upon the level of disease surveillance of Britain's animal herds and flocks.

Mrs. Fenner: The overall economies and post losses in the Agricultrual Development and Advisory Service which my right hon. Friend the Minister announced on 27 February 1986 are not such as to call into question the viability of present policies on the prevention and eradication of the major animal diseases.

Liverpool Bay (Mercury Levels)

Mr. Wareing asked the Minister of Agriculture, Fisheries and Food what steps he is taking to seek to ensure that mercury levels in Liverpool Bay fish are held within the European Economic Community's environmental quality standard; and if he will make a statement.

Mr. Gummer: I would refer the hon. Member to the reply I gave to the hon. Member for Liverpool, Riverside (Mr. Parry) on 17 February 1986, at column *3*.

NORTHERN IRELAND

Derelict Housing

Mr. Budgen asked the Secretary of State for Northern Ireland what is his policy in relation to derelict flats and other similar single-use units built by the Housing Executive in the 1960s which have proven to be unsuitable in design, materials and method of construction; whether that policy has recently been changed or modified; and if he will make a statement.

Mr. Needham: Proposals for dealing with unoccupied Housing Executive dwellings of whatever type, age or condition are considered on their individual merits by the Housing Executive and by the Department of the Environment for Northern Ireland where Departmental approval is necessary. In considering individual cases a full range of options is examined including rehabilitation, disposal by sale to the private sector or a housing association or, as a last resort, demolition.

Training Centres

Mr. Mallon asked the Secretary of State for Northern Ireland (1) how many of the chief instructors employed within Government training centres are Catholics; and if he will make a statement;

(2) how many of the seven assistant managers employed within Government training centres at TS03 grade are Catholics; and if he will make a statement;

(3) how many of the managers and assistant managers employed at TS01 and TS02 grades within Government training centres are Catholics; and if he will make a statement;

(4) how many of those promoted to the rank of chief instructor within Government training centres at the last promotion boards were Catholics; and if he will make a statement;

(5) how many of the six senior posts in the Newry Government training centre are held by Catholics; and if he will make a statement.

Dr. Boyson: Information on the religious affiliation of non-industrial staff in Northern Ireland Civil Service was collected last year to enable equality of opportunity to be monitored. I shall be considering, in accordance with the code of practice agreed with the trade unions, how far the data should be disaggregated to provide information on groups such as the staff of Government training centres.

I would ask the hon. Gentleman to await the publication of the first monitoring report which I expect to be available before the summer recess.

Royal Ulster Constabulary

Sir John Biggs-Davison asked the Secretary of State for Northern Ireland how many officers of each rank have applied for transfer from the Royal Ulster Constabulary, or for early retirement, since November 1985.

Mr. Scott: I shall reply to my hon. Friend as soon as possible.

Anglo-Irish Agreement

Mr. Winnick asked the Secretary of State for Northern Ireland what criteria are used to establish which Ministers in his Department take part in radio and television programmes relating to current Government policy towards the Anglo-Irish agreement; and how many Ministers in his Department have taken part in such programmes in the last three weeks and how frequently.

Mr. Tom King: I shall reply to the hon. Member as soon as possible.

Firearms

Mr. A. Cecil Walker asked the Secretary of State for Northern Ireland what is the level of fees applicable in Great Britain to the holding of firearms in comparison with what is proposed for Northern Ireland.

Mr. Scott [*pursuant to his reply*, 8 April 1986, c. *39-40*]: Firearms fees payable in Great Britain are:

		£
(a)	For the issue of a firearm certificate	25
(b)	For the renewal, variation or replacement of a firearm certificate	20
(c)	For the issue of a shotgun certificate	12
(d)	For the renewal or replacement of a shotgun certificate	8
(e)	For registration as a firearms dealer	58
(f)	For renewal of registration as a firearms dealer	36

In Northern Ireland, a firearm certificate is required before any firearm may be held and the scale of fees, which was introduced with effect from 1 January 1986, is:

		£
(a)	For the issue of a firearms certificate	33
(b)	For the renewal, variation or replacement of a firearm certificate	21
(c)	For registration as a firearms dealer	126
(d)	For renewal of registration as a firearms dealer	41

SOCIAL SERVICES

Food (Irradiation)

Mr. Dorrell asked the Secretary of State for Social Services if he is yet in a position to publish the report on the safety and wholesomeness of irradiated foods by the advisory committee on irradiated and novel foods; and if he will make a statement.

32. **Mr. Litherland** asked the Secretary of State for Social Services if he will make a further statement on his consideration of proposals to seek to change the law relating to irradiation of food.

Mr. Hayhoe: The Advisory Committee on Irradiated and Novel Foods, chaired by Sir Arnold Burgen, has presented to Health and Agriculture Ministers its "Report on the Safety and Wholesomeness of Irradiated Foods". I should like to place on record our appreciation of the thorough reviews which have been carried out by the advisory committee, by those specialist bodies which it consulted, and by the Food Advisory Committee which dealt with the labelling aspects of irradiated foods.

The report advises that ionising irradiation up to an overall average dose of 10 kilogray, correctly applied, provides an efficacious food preservation treatment which will not lead to a significant change in the natural radioactivity of the food or prejudice the safety and wholesomeness of the food; that there is no justification on public health grounds for the process not to be

permitted within the dose range advised; and that the benefits offered by the process present strong grounds for a general clearance to be granted to this extent. The Food Advisory Committee recommends that irradiated foods and food containing irradiated ingredients should be clearly indicated as such throughout manufacture and at the point of sale.

My colleagues and I have decided that, in order to stimulate public debate on the subject, the report should be published. Copies are available from Her Majesty's Stationery Office and booksellers from today (price £4·50). A copy has been placed in the Library of the House. Interested organisations and individuals wishing to make comments on the report should send them in writing to my Department to arrive not later than the end of July. Comments received will be taken fully into account when Ministers formally consider the advice contained in the report.

Mr. Tony Lloyd asked the Secretary of State for Social Services what recent representations he has received about the irradiation of food; and if he will make a statement.

Mr. Hayhoe: A few representations about food irradiation have been received recently from hon. Members, organisations and members of the public. These and the representations to be received on the "Report on the Safety and Wholesomeness of Irradiated Foods," the publication of which I announced today will be fully considered in the light of the report.

Schoolchildren (Diet)

Mr. Coombs asked the Secretary of State for Social Services when he expects to publish the report on the dietary intake of schoolchildren.

Mr. Whitney: A preliminary report of the nutritional findings of the survey is being published today. Copies have been placed in the Library, and are available from the Department (price £4·50). The large amount of dietary data collected in the survey has still to be fully analysed and the results interpreted before a final report can be produced.

Mr. Coombs asked the Secretary of State for Social Services when he intends to reply to the question asked by the hon. Member for Swindon on 17 February on the publication of the report on the dietary intake of schoolchildren.

Mr. Whitney: I replied to my hon. Friend today.

Departmental Staff

Mr. Wigley asked the Secretary of State for Social Services if he will publish an analysis indicating, in relation to the decrease in staff of his Department between 1979 and 1985, how this loss of posts was distributed between *(a)* his Department's central offices and local offices and *(b)* between the various standard regions in which these local offices are located; and if he will indicate what changes in functions or services there have been in his Department as a result of this loss of jobs.

Mr. Newton: Changes in the staffing levels in the Department from 1979 to 1985 indicating the distribution between central and local offices and between the various regions in which local offices are located are set out in the following tables.

TABLE 1
Numbers of staff in central offices and local offices

	1979	*1980*	*1981*	*1982*	*1983*	*1984*	*1985*
North Fylde Central Office	4,061	3,952	3,912	3,935	3,923	4,036	4,035
Newcastle Central Office	13,159	12,719	12,733	12,225	11,623	10,814	10,385
Local Offices	65,207	64,037	65,047	64,161	63,650	60,861	63,136

TABLE 2
Numbers of staff in local offices by region (1979 to 1982)

Regions	*1979*	*1980*	*1981*	*1982*
Northern	4,345	4,153	4,325	4,175
Yorkshire and Humberside	6,179	5,926	6,024	5,905
East Midlands and East Anglia	5,638	5,490	5,824	5,633
London North	5,623	5,743	5,667	5,768
London South	6,268	6,320	6,380	6,562
London West	5,652	5,853	5,632	5,717
South Western	4,564	4,322	4,447	4,333
Wales	4,039	3,983	4,054	3,950
West Midlands	6,047	5,743	5,974	5,774
North West (Manchester)	4,893	4,635	4,693	4,605
North West (Merseyside)	4,756	4,546	4,547	4,378
Scotland	7,205	7,324	7,484	7,365

TABLE 3
Numbers of staff in local offices by region (1983 to 1985)

Regions	*1983*	*1984*	*1985*
North Eastern	9,449	9,178	9,389
London North	10,018	9,449	9,838
London South	10,043	9,375	9,927
Wales and South Western	8,000	7,696	8,068
Midlands	9,603	9,251	9,413
North Western	9,234	8,699	8,798
Scotland	7,304	7,215	7,706

Notes:

(1) All figures are as at 1 April for each year shown, rounded to nearest whole-time equivalent.

(2) A major restructuring of the regional organisation which included boundary changes and a reduction in the number of regions from 12 to seven took place during 1982-83. The figures in tables 2 and 3 are therefore not wholly and directly comparable with each other.

Staffing levels are kept under continuous review so that resources available match the requirements of the work load. The main factors which influenced staffing levels between 1979 and 1985 were changes in the levels of claims to social security benefits, improvements in

procedural and organisational efficiency including computerisation, the results of periodic staff inspections, changes in the structure of benefits and for 1985 the recovery work arising from an industrial dispute at Newcastle central office. The implementation of statutory sick pay and housing benefit in April 1983 together with the introduction of postal claim forms represent the main changes in functions and services from which staff savings arose.

London South Region

Mr. Barnett asked the Secretary of State for Social Services if he will publish a table setting out the percentage annual turnover of staff in each office of his Department located in the London south region for the latest year for which figures are available and the three previous years.

Mr. Major: The detailed information requested can be obtained only at disproportionate cost. The following is the breakdown of percentage of total staff in the grades of clerical assistant, local officer I and local officer II who left the Department or the London south region (including those who retired) by office, for the year ending 30 September 1985, and a regional summary of the percentage of leavers in the same grades for the three years 1983, 1984 and 1985.

1 October 1984—30 September 1985

Office	*Leavers per cent.*
Aldershot BO	16·15
Aldershot ILO	24·44
Andover ILO	10·91
Ashford ILO	20·34
Balham ILO	15·13
Basingstoke ILO	15·75
Battersea ILO	22·56
Bexley ILO	13·70
Bloomsbury AO	49·25
Bognor Regis ILO	17·14
Bracknell ILO	22·34
Brighton ILO	15·18
Brixton ILO	17·91
Broadstairs BO	10·16
Bromley ILO	20·67
Camberwell AO	28·42
Canterbury AO	9·09
Canterbury NIO	9·46
Chatham ILO	10·71
Chelsea ILO	16·67
Chichester ILO	12·50
City NIO	19·40
Crawley ILO	16·09
Croydon ILO	21·76
Croydon LAAO	27·10
Crystal Palace ILO	29·36
Dartford ILO	12·65
Dover ILO	9·87
Eastbourne ILO	17·06
Eltham AO	38·64
Eltham NIO	8·00
Epsom ILO	34·76
Fareham ILO	10·71
Folkestone ILO	12·67
Gravesend ILO	16·44
Greenwich Park ILO	20·86
Greenwich West AO	23·81
Guildford ILO	29·20
Hastings ILO	15·45
Havant AO	9·15
Havant NIO	8·33
Haywards Heath NIO	11·54
Hounslow ILO	14·37
Hove ILO	11·36
Kennington AO	24·10
Kennington Park ILO	10·47
Kensington ILO	17·80
Kingston ILO	18·18
Lewes ILO	24·26
Lewisham ILO	13·04
Littlehampton NIO	17·65
Maidstone ILO	10·17
Morden AO	15·79
Newbury ILO	20·90
New Forest ILO	19·10
Newport (IOW) ILO	5·61
Orpington ILO	15·43
Peckham ILO	11·02
Portsmouth ILO	11·36
Portsmouth CONTS	18·18
Reading ILO	30·48
Redhill ILO	21·11
Richmond NIO	4·35
Rochester AO	10·23
Sittingbourne ILO	9·88
Slough ILO	30·30
Southampton LAAO	20·29
Southampton ILO	12·67
Southwark ILO	21·67
Streatham ILO	13·72
Surbiton AO	38·75
Sutton AO	26·67
Sutton NIO	25·00
Thames South AO	22·41
Thanet ILO	14·12
Twickenham ILO	26·25
Tunbridge Wells ILO	16·07
Wandsworth ILO	21·36
West End NIO	25·40
Westminster ILO	9·28
Wimbledon AO	31·67
Wimbledon NIO	50·00
Winchester ILO	18·06
Woking ILO	21·10
Woolwich ILO	16·29
Worthing ILO	13·31

Abbreviations: ILO—Integrated Local Office; AO—Area Office; NIO—National Insurance Office; BO—Benefits Office; LAAO—Legal Aid Assessment Office; CONTS—Contributions.

Regional Summary 1983-85

	Leavers per cent.
1983	16·08
1984	14·53
1985	18·62

Autistic Children (Mobility Allowance)

Mr. Thurnham asked the Secretary of State for Social Services if he has any plans to amend regulation 3 of the Mobility Allowance Regulations (SI No. 1573, 1975, as amended) following recent cases involving severely autistic children seeking mobility allowances; and if he will make a statement.

Mr. Newton: We have no plans to do so. Entitlement to mobility allowance is related to walking ability and not to specific disabilities. Recent decisions by the House of Lords and a tribunal of social security commissioners have clarified the law in various respects and should help the adjudicating authorities in their assessment of walking ability.

Supplementary Benefit

Mr. Thurnham asked the Secretary of State for Social Services if he has any plans to seek to amend section 6 of the Supplementary Benefits Act 1976 to allow a school leaver to claim supplementary benefit for the initial period of first employment, for which remuneration is paid, retrospectively.

Mr. Newton: A young person cannot receive supplementary benefit in his own right until fixed dates at the end of the holiday following the term in which his non-advanced education was completed. We have at present no plans to amend the legislation governing the supplementary benefit entitlement of school leavers.

Mr. Wareing asked the Secretary of State for Social Services how many supplementary benefit appeals are outstanding in the Merseyside region; to what extent the number of tribunal sittings has increased; and if he will make a statement on the current position.

Mr. Major: At the end of March 1985, the latest date for which national statistics are available, there were 5,216 supplementary benefit appeals in the north-western region which had been lodged but not yet heard by a tribunal. The local DHSS offices had forwarded submissions to the tribunal clerk in respect of 3,854 of these appeals. I understand that since then the number of tribunal sittings has been increased and are now running at some 130 sittings a week in the region. The president of Social Security Appeal Tribunals is responsible for the administration of these tribunals, and any further information may be obtained from his office.

Family Credit

Mr. Thurnham asked the Secretary of State for Social Services if he will itemise the extra work projected to fall on employers as a result of the introduction of family credit.

Mr. Newton: Any extra work falling on employers will be broadly as follows:

1. Providing information to DHSS about earnings, when a claim is made for family credit. Such inquiries are already made in the vast majority of claims under the existing family income supplement scheme.

2. Paying the family credit by adding it to net wages and including it in the pay packet. DHSS will deal with the claims and will notify employers who is to be paid, the weekly amount, and for what period.

3. Obtaining reimbursement of the family credit paid out by making appropriate recoveries, each month, from the total amount of national insurance contributions collected from all the employees. Employers already use this arrangement to recoup payments of statutory sick pay.

4. Stopping payment of family credit if the payee leaves the employment before the end of the period of entitlement, and notifying DHSS of this. Withholding payment for particular weeks in certain situations where the payee is absent from work.

5. Record keeping. Family Credit will become a further item to be shown on deduction records and in the associated returns made to the Collector of Taxes.

Nurse Practitioners

Dr. Roger Thomas asked the Secretary of State for Social Services if he will make a statement on the roles and responsibilities being adopted by nurse practitioners; and what guidance his Department has given on duties undertaken by nurse practitioners.

Mr. Hayhoe: The concept of a nurse practitioner performing an extended nursing role originated in the United States of America, but this form of specialisation is rare in the United Kingdom. No guidance has been issued by my Department.

The report of the community nursing review which is to be issued shortly will provide the opportunity for a full discussion on the best way of using nursing skills within the community.

Limited List Prescribing

Mr. Tim Smith asked the Secretary of State for Social Services how many pharmaceutical dispensing errors have occurred since the introduction of the limited list of products on the list arising from confusion over the names of drugs.

Mr. Hayhoe: I am not aware of any such errors.

Mr. Tim Smith asked the Secretary of State for Social Services in what circumstances the regulations governing the limited list of drugs permit general practitioners to use a brand name on a prescription form; and if he will make a statement.

Mr. Hayhoe: Drugs are available on the National Health Service by their brand names if those names are not shown in schedules 3A and 3B to the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974 (as amended) which have been compiled on the basis of expert medical and pharmaceutical advice.

Prescription Charges

Sir Peter Emery asked the Secretary of State for Social Services whether he will list the total number of prescriptions filled in each of the last four years; and set out those categories of persons who are exempt from paying prescription charges and analysing in percentage terms the number of prescriptions where no contribution to prescription charges is made by the patient in the exempted categories.

Mr. Hayhoe: The information requested for the last four years is in the following tables.

Table 1
Percentage of all items supplied to exempt categories

	1985 (January-September)	*1984*	*1983*	*1982*
Number of items dispensed (millions)	237	320	315	311
Percentage of items that are exempt	73	70	70	68
Women aged 60 or over, men aged 65 or over	40	38	37	36
Under age 16	12	12	12	13
DHSS exempt	10	10	9	8
FPC exempt	5	5	5	5
War/Service pensioners	*	*	*	*
No declaration or declaration not specific	6	5	6	5

Notes:

(i) * Figure would be less than ½ per cent.
(ii) Percentages are based on sample data and rounded to the nearest figure where appropriate.
(iii) No charge contraceptives are not included; these account for around another 2 per cent. of all items.
(iv) The category "FPC Exempt" covers those exempt on medical grounds, pregnant women and women who have had a child within the preceding 12 months;
(v) The category "DHSS exempt" includes people receiving supplementary benefit or family income supplement and their dependants and people exempt on low income grounds.
(vi) Another 5 to 6 per cent. of all items go to holders of "Season Tickets" (prescription pre-payment certificates).

Table 2

Exemptions from prescription charges is available to people in the following categories. The list includes those medical conditions which confer entitlement to exemption.

1. Children under 16.
2. Men aged 65 or over and women aged 60 or over.
3. Pregnant women or women who have had a baby within the preceding 12 months.
4. People who get supplementary benefit, family income supplement or housing benefit supplement, their partners and dependants.
5. War or service pensioners (for items for their accepted disablement only).
6. People who qualify on low income grounds, their partners and dependants.
7. People who have—
   i. a permanent fistula (including caecostomy, colostomy, laryngostomy or ileostomy) requiring continuous surgical dressing or an appliance;
   ii. one of the following disorders for which specific substitution therapy is essential:
   Addison's disease and other forms of hypoadrenalism,
   diabetes insipidus and other forms of hypopituitarism,
   diabetes mellitus,
   hypoparathyroidism,
   myasthenia gravis,
   myxoedema;
   iii. epilepsy requiring continuous anti-convulsive therapy;
   iv. a continuing physical disability which prevents the patient from leaving his residence without the help of another person.

Opren

Mr. Ashley asked the Secretary of State for Social Services if he will place in the Library a copy of CSMF06S Adverse Reactions on Opren.

Mr. Hayhoe: Yes. I have included with it a copy of a note from the Committee on Safety of Medicines on points which must be taken into account when considering the FO6s computer print out.

Medicinal Products (Tests)

Mr. Corbett asked the Secretary of State for Social Services whether he will set down the criteria used to test the safety, efficacy and quality of medicinal products under section 19 of the Medicines Act 1968.

Mr. Hayhoe: The licensing authority does not carry out tests of samples in connection with applications for medicinal product licences but requires applicants to submit data on the safety, efficacy and quality of their products in accordance with comprehensive guide lines. These data are evaluated by the licensing authority. It is not possible to set down precise criteria for this evaluation as they will depend on proposed use and and the conditions they are intended to treat, ranging from minor ailments to life-threatening conditions. In reaching decisions on particular applications, the licensing authority is able to call upon the advice of one of the specialist advisory committees established under section 4 of the Medicines Act.

Aristolochia

Mr. Corbett asked the Secretary of State for Social Services why the homeopathic remedy Aristolochia was refused a licence at a dilution of 1 part in 1 million.

Mr. Whitney: There is clear evidence that Aristolochia can cause cancer in animals, even in high dilutions of one part in a million. The Medicines Commission carefully considered the available evidence and concluded that the potential risks of Aristolochia were such that dilutions of one part in a million posed a significant safety hazard. This safety hazard had to be set against the lack of proven evidence of benefit for these products. For these reasons the Department decided that Medicines Act product licences should be refused for all strengths except those of a very much higher dilution.

NHS Hospitals (Smoking Restrictions)

Dr. Glyn asked the Secretary of State for Social Services whether there are any areas utilised by patients in National Health Service hospitals in which there are no restrictions on smoking; and if he will make a statement.

Mr. Whitney: It is for health authorities to establish their own policies about smoking in their hospitals. Guidance issued last year by the Department suggests that non-smoking should be normal practice on health service premises, but that if smoking areas are permitted they should be arranged so that non-smoking patients, staff and visitors can be assured a smoke-free environment.

Benefits

Mr. Boyes asked the Secretary of State for Social Services how much a single 22-year-old male *(a)* living with parents and *(b)* living in a council flat received in benefit if he was unemployed on 1 April in each year between 1979 and 1986; and if he will express these payments in real terms, taking 100 as the base for 1 April 1979.

Mr. Major: I shall let the hon. Member have a reply as soon as possible.

Disabled Persons (Services, Consultation and Representation) Bill

Mr. Wareing asked the Secretary of State for Social Services how many letters he has so far received in support of the Disabled Persons (Services, Consultation and Representation) Bill; how many he has received opposing the Bill; and how many he has received *(a)* supporting and *(b)* opposing the Government's proposed amendments to the Bill.

Mr. Hayhoe: About 200 letters have been received about the Bill. About 100 of these were sent in response to the Government's consultation paper about possible amendments, and many expressed no specific view on the provisions of the Bill as it stands. In any case, correspondents were selective in their comments and it is not possible to draw a clear distinction between those supporting and those opposing either the Bill or the Government's proposals as a whole. Of those who commented on the consultation paper, however, most expressed reservations about some or all of the Government's proposals for amendments. A number of the points made have been taken into account in the Government amendments which have now been tabled, and others are still under consideration.

Cancer

Mr. Wareing asked the Secretary of State for Social Services if he will list the cancer rates for each of the health authority areas in the United Kingdom *(a)* by age, *(b)* by sex and *(c)* by type of cancer.

Mr. Hayhoe: The latest available information on registrations of newly diagnosed cases of cancer in England and Wales is published in "Cancer Statistics: registrations, England and Wales, 1982, Series MB1 Number 14", a copy of which is in the Library. This gives registration rates per 100,000 population and (for ages under 75) standardised registration ratios for specific sites of cancer for regional health authorities. These data are not published by age or for smaller health areas; such data could be produced only at disproportionate cost.

Data on cancer registrations in Scotland are published in "Scottish Health Statistics 1984", a copy of which is in the Library. This publication gives cancer registration data for specific sites of cancer, for 1982 for Scotland as a whole.

Information on cancer registrations in Northern Ireland is not published.

Board and Lodging

Mr. Boyes asked the Secretary of State for Social Services what information he has about action taken by local authorities in Tyne and Wear on cases referred to them in accordance with his Department's circular S12/85 on substandard board and lodging accommodation during the period September 1985 to March 1986.

Mr. Newton: I understand that local authorities in the Tyne and Wear area have taken action in one case following reference to them in accordance with the Department's circular S12/85 during the period of September 1985 to March 1986. The details of any such action are, of course, the responsibility of the local authority concerned—Newcastle city council—and the hon. Member may therefore wish to consult it directly.

Mr. Meacher asked the Secretary of State for Social Services how many persons aged under 26 years have now been moved on (i) after two weeks, (ii) after four weeks and (iii) after eight weeks *(a)* nationally and *(b)* by each region, under the board and lodging regulations since April 1985.

Mr. Newton [*pursuant to his reply*, 9 April 1986, c. *122-23*]: I assume the hon. Member is referring to those boarders who are subject to a reduction in benefit after a given period: it does not follow that they have moved. Information is not available in the form requested. The number of ordinary boarders in the relevant age groups during the period April to July 1985 drawn from special returns submitted by local offices is set out in the table. It is estimated that about a quarter of the under 26-year-olds overall were exempt from the restrictions on payment as a boarder. Similar special returns have not been maintained for later periods.

Ordinary boarders age 16 to 25
Cases subject to the Board and Lodging Regulations between 29 April and 30 July 1985

Region	*Total cases*
London North	11,600
London South	13,300
Wales and South West	12,000
Midlands	9,200
North West	6,000
North East	6,400
Scotland	5,900
TOTAL	64,300

Mr. Meacher asked the Secretary of State for Social Services how many hotels, bed and breakfast establishments or other board and lodging establishments are known to exist within the area of each Department of Health and Social Security office operating the two-, four- or eight-week rules under the board and lodging regulations, and, of these, how many in each case make charges currently within the Department of Health and Social Security board and lodging limits and how many

outside it by (i) less than £5 per week, (ii) £5 to £10 per week, (iii) £10 to £20 per week, (iv) £20 to £40 per week and (v) more than £40 per week.

Mr. Newton [*pursuant to his reply*, 9 April 1986, c. *122-23*]: I regret that comprehensive information on the number and charges of board and lodging establishments in each local social security office area is not available centrally and could be obtained only at disproportionate cost. The charges made in a sample of different types of boarder accommodation throughout the country are currently being analysed as part of the review of board and lodging limits.

Spastic Children (Education)

Mrs. Renée Short asked the Secretary of State for Social Services what active measures he is taking to introduce the Peto's conductive education system for spastic children and to increase collaboration in this field between the British and Hungarian National Health Service administrations.

Mr. Whitney: The Department has received an application from the Spastics Society for funds to support a study of current provision of conductive education and an evaluation of the implications of wider development of the system in this country. Our officials and officials from the Department of Education and Science will be discussing this application with the Spastics Society in the near future. If this project comes to fruition, we would then consider in the light of the outcome what, if any, steps were desirable to develop conductive education further in this country.

Housewives (Invalidity Benefits)

Mr. Wareing asked the Secretary of State for Social Services (1) how many disabled married women became entitled to receive the housewives' non-contributory invalidity pension in each of the years since its inception; and how many of these are currently in receipt of severe disablement allowance;

(2) how many disabled married women have become entitled to receive the severe disablement allowance since November 1984 who did not have reserved rights because of their entitlement to the housewives' non-contributory invalidity pension before that date.

Mr. Newton: I shall let the hon. Member have replies as soon as possible.

NATIONAL FINANCE

Taxation

Sir Peter Hordern asked the Chancellor of the Exchequer if he will update his reply of 11 December 1984, *Official Report*, columns *456-8*, to show for 1985-86 the number of people who paid tax at the standard rate and each of the higher rate bands.

Mr. Moore: The information is as follows. The figures relate to tax units, that is counting married couples as one. Estimates for 1983-84 onwards are provisional. Due to rounding, the individual figures in the table do not in all cases sum to the total.

Taxpayers

Thousands

**Rate per cent.*	*1982-83*	*1983-84*	*1984-85*	*1985-86*
30	19,800	19,600	19,500	19,300
40	435	355	350	390
45	245	245	250	270
50	155	140	145	160
55	65	55	60	70
60	80	65	75	90
Total	20,800	20,500	20,400	20,300

* Ignoring any liability to investment income surcharge.

Acts (Printing)

Mr. Wheeler asked the Chancellor of the Exchequer what is the average waiting time before the publication of Acts of Parliament after Royal Assent by Her Majesty's Stationery Office; how is the quantity to be published judged; and, when reprinting is required, how long a time elapses before the publication is available to the public.

Mr. Brooke: In 1985 waiting time averaged nine working days. The HMSO decision on the number of copies to be published is based on their experience of sales of similar legislation and of sales of the Bills leading up to the Act. Where demand is outstripping current stocks HMSO aims to obtain reprints before stocks are exhausted so that the Act remains available to the public.

Personal Income

Mr. Wigley asked the Chancellor of the Exchequer if he will publish the latest figures for the personal income per capita before taxation for Wales, Scotland, Northern Ireland, for England as a whole, and for each of the standard regions of England.

Mr. MacGregor: The latest estimates were published in table 4 (page 92) of the appendix to the article "Regional Accounts 1984" in the November 1985 issue of Economic Trends (No. 385).

Bankruptcy

Mr. Dykes asked the Chancellor of the Exchequer if he will give the number of bankruptcy proceedings instituted through the courts at the request and instigation of the Inland Revenue Department in the last two full years for which figures are available; how many of these actions involved private individuals as opposed to companies; and in how many cases the Inland Revenue applied for compulsory disposal of the taxpayers' matrimonial home.

Mr. Moore: The last two full years for which figures are available are 1984 and 1985. The number of bankruptcy and company winding-up orders obtained by the Inland Revenue was:

	1984	*1985*
Receiving orders following petition (individuals)	1,099	734
Winding-up orders following petition (companies)	277	263

These figures do not include orders where the Inland Revenue did not institute the proceedings but supported another creditor in his action.

The disposal of the assets of a bankrupt's estate is a matter for the appointed trustee in bankruptcy and the Inland Revenue have no entitlement to apply for disposal of such assets.

Value Added Tax

Mr. Wareing asked the Chancellor of the Exchequer (1) what is his latest estimate of the loss to the Exchequer in each financial year since 1978-79 arising from value added tax evasion; and what has been the size of the staff employed on control duties in each of these years;

(2) if he will estimate the cost of collecting value-added tax in each financial year since 1978-79; and if he will express the cost as a percentage of value added tax revenue raised in each of these years.

Mr. Brooke: I shall let the hon. Member have replies as soon as possible.

Personal Taxation (Gains)

Mr. Meacher asked the Chancellor of the Exchequer what has been the gain from all the measures contained in the Budget statements from 1979 to 1986, inclusive, for the top 1 per cent., 5 per cent., 10 per cent., 20 per cent., 50 per cent., and the remaining 50 per cent., of the population; how many taxpayers are in each of these categories; and what has been the gain per taxpayer in each category.

Mr. Moore: I shall let the hon. Member have a reply as soon as possible.

Income Tax

Mr. McCrindle asked the Chancellor of the Exchequer if he will estimate the cost of reducing the standard rate of income tax to 25 per cent., and if he will make a statement.

Mr. Moore [*pursuant to his reply*, 25 March 1986, column *428*]: The direct revenue cost would be about £4·7 billion in a full year at 1986-87 income levels.

Taxation

Mr. Frank Field asked the Chancellor of the Exchequer if he will express, in percentage terms, changes in the combined effect of tax and national insurance contributions in 1978-79, and the latest available date, taking 1956-57 tax year as the base for those on two-thirds average earnings, average earnings, twice, five and 10 times average earnings.

Mr. Moore [*pursuant to his reply*, 7 March 1986, c. *284*]: Information is given in the following tables.

Income Tax and Income Tax + NIC as percentages of gross earnings

	Multiples of average earnings				
	⅔	*1*	*2*	*5*	*10*
SINGLE					
1956-57					
Tax	10·4	16·6	24·8	40·5	55·2
Tax + NIC	14·0	18·9	26·0	41·0	55·4
1978-79					
Tax	21·0	25·0	29·5	50·5	66·6
Tax + NIC	27·5	31·5	33·7	52·2	67·5
*1986-87**					
Tax	20·4	22·9	27·3	43·3	51·6
Tax + NIC	29·4	31·9	33·3	45·7	52·8
MARRIED					
1956-57					
Tax	5·1	11·2	22·0	38·9	54·2
Tax + NIC	8·6	13·5	23·1	39·4	54·4
1978-79					
Tax	15·4	21·3	27·2	48·8	65·7
Tax + NIC	21·9	27·8	31·4	50·5	66·5
*1986-87**					
Tax	15·0	19·5	24·9	41·8	50·9
Tax + NIC	24·0	28·5	30·9	44·2	52·1

Changes in real net earnings after Income Tax and NIC (1956-57=100)

	Mulitples of average earnings				
	⅔	*1*	*2*	*5*	*10*
SINGLE					
1978-79	124·9	125·3	132·8	120·1	108·3
1986-87*	146·4	148·0	158·9	162·2	186·6
MARRIED					
1978-79	126·8	123·9	132·4	121·1	109·0
1986-87*	147·9	145·9	158·5	162·1	185·3

* Provisional

THE ARTS

Music Festivals (London)

Mr. Chris Smith asked the Minister for the Arts if he will list all the annual international music festivals held in London.

Mr. Luce: Festivals held on a regular basis are:

The Almeida festival
The BBC Henry Wood promenade concerts
The City of London festival
The Early music centre festival
The English Bach festival
The Spitalfields festival

National Youth Orchestra

Mr. Freud asked the Minister for the Arts if he will make a statement on the financial resources available to the National Youth Orchestra for the forthcoming financial year; and if he will list the representations he has received in respect of the future of the orchestra.

Mr. Luce [*pursuant to his reply*, 27 March 1986, c. *589*]: The amdministrator of the orchestra wrote to me in February to ask for my support, because one of its sponsors had ceased to trade. I have brought the orchestra's difficulties to the attention of my right hon. Friend the Secretary of State for Education and Science, who provides some funding to the orchestra.

Written Answers to Questions

Friday 11 April 1986

HOME DEPARTMENT

Mr. Gerry Gable

Mr. Dubs asked the Secretary of State for the Home Department if he will make a statement on any action taken by the Metropolitan Police to protect Mr. Gerry Gable of *Searchlight* magazine in the light of threats to intimidate, kidnap or murder him.

Mr. Giles Shaw: These allegations relate to an incident which occurred in 1984. No direct threats were made against Mr. Gable and in the light of police investigations it was not considered necessary to provide him with personal protection.

Entry Refusals

Mr. Tony Banks asked the Secretary of State for the Home Department how many people attempting to enter the United Kingdom who were refused entry and detained were subsequently given admission, temporary or otherwise, on production of cash security by themselves or a sponsor in each of the past five years.

Mr. Waddington: On production of cash security, none.

The hon. Member may, however, have in mind the power of an adjudicator to grant bail, on entering into a recognizance, or in Scotland a bail bond, to a person who has been detained pending examination. Statistics of the number of such cases are not maintained.

Prison Officers Houses (Culcheth and Risley)

Mr. Hoyle asked the Secretary of State for the Home Department how many prison officers' houses there are in Culcheth and Risley area; where they are located; how many are empty and where they are located; how long they have been empty; and what action is being taken in relation to them.

Mr. Mellor: The total stock of prison officers' quarters held by Risley remand centre at the present time numbers 184. These are located at Woolston (five miles from the establishment), Culcheth (two miles), Croft (three miles) and Leigh (seven miles). Forty-nine of these quarters, all located at Culcheth, are currently empty and the bulk of these have been empty for four to five years. Negotiations are in hand to dispose of between 34 and 40 properties to a private developer and the remainder are to be refurbished for use by prison officers posted to Risley. The quarters have not been placed on the market earlier than this for a variety of reasons. Firstly, the prison department had to determine whether any of the properties would be required for staff appointed to the new prison at Thorn Cross. Secondly, it was necessary to await the outcome of negotiations with the Prison Officers' Association on the question of "discount sales" to their members and finally there were problems to overcome concerning the sewage pumping station and the adoption of certain roads on the estate. Now that all these problems appear to have been resolved, the sale of these properties can go ahead.

Water Cannon

Mr. Tony Banks asked the Secretary of State for the Home Department, pursuant to the reply of 27 March, *Official Report*, column *543*, what additives are currently under consideration for use in the two prototype water cannon currently being assessed by the Metropolitan police.

Mr. Giles Shaw: There are no current plans to use water cannon operationally with or without additives. But as part of the assessment coloured markers are to be added to show water distribution patterns.

Metropolitan Police (Complaints)

Mr. Tony Banks asked the Secretary of State for the Home Department, pursuant to the answer of 20 March, *Official Report*, column *270*, if he will detail the nature of each successful complaint against the Metropolitan Police involving civil action by the complainant.

Mr. Giles Shaw: I shall reply as soon as possible.

Mr. Joseph Bennett

Mr. Soley asked the Secretary of State for the Home Department (1) if he will make a statement on the manner in which court appearances of Mr. Joseph Bennett are timed and arranged;

(2) if he will make it his policy that future appearances in court of Mr. Joseph Bennett are announced in the normal way and arranged for days when the court normally sits; and if he will make a statement.

Mr. Mellor: Arrangements for court hearings, including arrangements for public notice of such hearings, are the responsibility of the courts, and it would not be right for my right hon. Friend to intervene in matters of kind.

EDUCATION AND SCIENCE

Social Work Training

Mrs. Renée Short asked the Secretary of State for Education and Science what consultations took place between his Department and the National Advisory Body for Higher Education prior to the guidance issued by the latter to polytechnics and colleges to give courses in social work training low priority status.

Mr. Walden: Pending ministerial decisions on the level of funding for public sector higher education (due later this year) my right hon. Friend, the Secretary of State invited NAB to plan on the basis of a range of assumptions about the level of resources likely to be available. The NAB declined to do this, proceeding instead on the basis of a single assumption—initially that the total would be 1 per cent. higher than in 1986-87 and then, in response to a suggestion from my right hon. Friend, that the total might rise by some 3·5 per cent., in line with the forecast GDP deflator.

Using this figure of a 3½ per cent. increase in funding, NAB has argued that intakes should be reduced on average

by 7 per cent. in 1987-88 and has instructed its secretariat to discuss possible student target numbers with institutions on that basis. Within the overall reduction of 7 per cent, some programmes have been identified for a relatively greater and other for a relatively smaller reduction than the average. The programme area that includes social work training is among those that would reduce by more than the average.

The assumptions adopted by NAB for its planning exercise, including the categorisation of programmes, have been the subject of discussion by the NAB board, on which officials of the Department and members of Her Majesty's Inspectorate are represented, and by the NAB committee, which I chair as the Department's sole representative. They have not, however, been submitted to my right hon. Friend for his approval. Formal recommendations on the disposition of academic provision in 1987-88 will be formulated by NAB later this year in the light of the resources actually available (to be announced in the autumn) and should be submitted to my right hon. Friend for decision in December 1986.

It will be for institutions, within the target numbers eventually allocated to them for individual programmes, to decide what priority to give to particular courses, including social work training courses.

Schools (Management)

Mr. Baldry asked the Secretary of State for Education and Science what initiatives Her Majesty's Government have taken since 1979 to improve the government and management of schools in England and Wales.

Mr. Dunn: The Education Act 1980 introduced elected parent and teacher governors and provided for school governing bodies generally to be more effective by bringing an end to the previously widespread practice of grouping many schools together under a single governing body. Building on this base, the Education Bill currently before Parliament aims fully to re-establish governing bodies as the force for good in the life of individual schools always intended under the 1944 Act. It proposes to remove the present scope for local education authorities to dominate governing bodies by appointing a majority of the members. Instead there will be a more balanced membership, with a stronger voice for parents. At the same time, the Bill provides a clear framework of functions to enable the governing body to play its full part in the running of its school.

Schools (Examinations System)

Mr. Baldry asked the Secretary of State for Education and Science what initiatives Her Majesty's Government have taken since 1979 to improve the examination system in schools.

Mr. Chris Patten: Since 1979, the Government have taken the following initiatives designed to improve the examinations system in schools:

— in 1983 they established the Secondary Examinations Council as a source of independent and authoritative advice on school examinations which is charged inter alia with the tasks of approving syllabuses and monitoring examination standards;

— in March 1983 they announced the introduction from September 1985 of the certificate of pre-vocational education as an additional option in the range of courses preparing young people for the world of work. CPVE is available in both schools and colleges.

— in April 1984 they announced their objective to introduce records of achievement for all school leavers by the end of the decade. To that end, they are currently financing nine pilot schemes under the oversight of a national steering committee;

— in June 1984 they announced the introduction of the general certificate of secondary education from September 1986 to replace GCE O-level, CSE and joint 16-plus examinations. The new examination system is designed to support the Government's overall objective of raising all pupils' standards of attainment. All syllabuses and examination procedures will comply with nationally agreed criteria which build upon best practice in present examining;

— in March 1985 they announced the introduction of advanced supplementary levels designed to broaden the education of students taking A-levels. The first courses will begin in September 1987;

— in April 1985 they established the working party on criteria for pre-vocational courses pre-16 under the chairmanship of Mr. R. S. Johnson, director of education, Leeds. It is intended that the resulting criteria will enable SEC to approve and monitor all pre-vocational and vocationally oriented courses offered to pupils in the compulsory years of secondary education;

— in April 1985 they announced that the certificate of extended education and alternative ordinary levels should be replaced by specifically designed GCSE mature syllabuses or, in a few instances, by AS levels where that form of provision is more appropriate;

— in March of this year they announced the reform of A-level grading, based upon recommendations from the SEC, designed to resolve the long-standing problems arising from the narrow range of marks spanning grade C. The new system will be used for the first time in summer 1987 and will be fairer than the existing one.

Core Curriculum

Mr. Baldry asked the Secretary of State for Education and Science what initiatives Her Majesty's Government have taken since 1979 to promote a core curriculum throughout all secondary schools.

Mr. Chris Patten: The Government's policies for the primary and secondary curriculum are set out in the White Paper "Better Schools" (Cmnd. 9469), which also describes the actions taken in pursuit of those policies since 1979.

Science Teaching

Mr. Baldry asked the Secretary of State for Education and Science what steps Her Majesty's Government have taken since 1979 to ensure that science teaching will have potential applications to industry.

Mr. Chris Patten: "The School Curriculum", published in March 1981, announced the Government's objective of securing more effective science teaching in primary schools, and of making the main areas of science a component of the education of all pupils through the first five years of secondary education. The White Paper "Better Schools" (Cmnd. 9469) and the policy statement "Science 5-16", published in March 1985 set out the Government's policies for achieving that objective; these emphasise the need for the science curriculum to be relevant, so that what is included is of value to pupils in their adult life.

Science is an aspect of the curriculum in which there is particularly close co-operation between industry and education. The Department of Trade and Industry's Industry education unit seeks to encourage more of the country's young people, including the more able, to

develop an interest in manufacturing careers and in the subjects and further and higher education courses that can lead to them; and it grant-aids the Standing Conference on Schools Science and Technology which promotes developments in schools to enhance young people's understanding of science, engineering, industry and technology. The standing conference also sponsors the science and technology regional organisations (SATROS) which promote closer links between schools and the outside world at a local level; the Department of Education and Science funds the post of SATRO national co-ordinator.

Schools (Violence and Disorder)

Mr. Weetch asked the Secretary of State for Education and Science (1) what steps he is taking, and what advice he has given to local authorities, to seek to counteract and to minimise violence against teaching staff in maintained schools;

(2) whether he will initiate discussions with the National Association of Schoolmasters/Union of Women Teachers to seek to identify measures to minimise violence and disorder in maintained schools in England and Wales;

(3) if he will collect statistics of violent incidents resulting in injuries to teachers arising from violence and disorder in state schools;

(4) if he will make a statement on his policy towards the maintenance of discipline in schools, in the light of the report of the National Association of Schoolmasters and Union of Women Teachers entitled, "Pupil Violence and Serious Disorder in Schools," a copy of which has been sent to him.

Mr. Chris Patten: It is essential that good order is maintained in schools. The Government's White Paper "Better Schools" drew attention to the poor standards of behaviour found in a small minority of schools and urged local education authorities and schools to tackle this problem urgently. My right hon. Friend has frequent meetings with the teachers' associations but, since effective action can only be taken by those responsible at local level, has no plans to convene a meeting with the National Association of Schoolmasters and Union of Women Teachers on this matter, nor to collect national statistics on injuries to teachers. Swift and firm action at local level is preferable to a statistical exercise by central Government.

Huntcliff School, Cleveland

Mr. Holt asked the Secretary of State for Education and Science what is his policy towards the decision by the Cleveland county council to resubmit proposals for the closure of Huntcliff school; and if he will make a statement.

Mr. Dunn: I understand that the Cleveland local education authority has not yet decided whether to publish proposals for the closure of Huntcliff school. If such proposals are published and subsequently come before my right hon. Friend, he will consider them on their merits in accordance with his powers under section 12 of the Education Act 1980.

Student Grant

Mr. Stuart Holland asked the Secretary of State for Education and Science (1) how much of the current student grant is scheduled for purchases of books by students;

(2) what percentage increase is being made in the share of student grants for book purposes in 1986-87.

Mr. Walden: In the current academic year there is a notional sum of £181 within the student grant for books and equipment. The equivalent figure for 1986-87 has not yet been decided. A notional sum for books is not identified separately.

Town Planning

Mr. Allen McKay asked the Secretary of State for Education and Science what effects on the profession of town planning he expects to result from the cuts in town planning education.

Mr. Walden: In 1985 the University Grants Committee, the National Advisory Body for Public Sector Higher Education and the Scottish Education Department set up a transbinary town and country planning working group to review the incidence, nature and scale of degree and postgraduate courses in town and country planning in the United Kingdom. The working group's final report has recently been published. It will be considered by the UGC and the NAB, which will in due course advise the Secretary of State for Education and Science on the allocation of resources and student numbers in the universities and the public sector of higher education.

Intakes for 1986 were determined at a level consistent with the maintenance of levels of provision in 1985. No decisions have been taken in relation to provision for town planning education from 1987.

Hungary

Mr. Pawsey asked the Secretary of State for Education and Science what visits have been made *(a)* by Ministers and *(b)* by officials in his Department to Hungary to see conductive education projects in the last five years; what was the outcome in each case; and if he will make a statement.

Mr. Dunn: No such visits have been made.

Spastics Society (Conductive Education)

Mr. Pawsey asked the Secretary of State for Education and Science (1) what discussions he has had with the Spastics Society about conductive education; what financial support it has *(a)* asked for and *(b)* been given for work in this area; and if he will make a statement;

(2) what steps he is taking to evaluate the Hungarian experience of conductive education for mentally and physically handicapped children; and if he will make a statement.

Mr. Dunn: A proposal has been put forward by the Spastics Society for a study of current provision of conductive education in England and Wales and an evaluation of the educational and other implications which would result if the system were to be developed in this country. A meeting to discuss possible central Government funding of this research project is expected to be held in the near future between representatives of the society and officials of the DES and DHSS.

Conductive Education

Mr. Pawsey asked the Secretary of State for Education and Science how many children currently receive conductive education in the United Kingdom; what assessment he makes of the total numbers who might be expected to benefit; and if he will make a statement.

Mr. Dunn: Information about children currently in receipt of conductive education is not collected centrally. There is thus no basis on which my right hon. Friend could make a reliable estimate of the total numbers who might be expected to benefit from this method.

Mr. Pawsey asked the Secretary of State for Education and Science why he has not hitherto taken steps to introduce further conductive education projects; and if he will make a statement.

Mr. Dunn: It is not the responsibility of my right hon. Friend to initiate developments in particular forms of educational provision. These are essentially matters for decision by local education authorities and individual schools.

Mr. Pawsey asked the Secretary of State for Education and Science if he will instruct officials in his Department to seek to visit Hungary to study progress being made on conductive education for mentally and physically handicapped children; and if he will make a statement.

Mr. Dunn: The need for further information on this method will be taken into account in the course of the consideration currently being given to the Spastics Society's proposed study.

Science Budget

Mr. Key asked the Secretary of State for Education and Science when he will respond to the report of the Education, Science and Arts Committee on the science budget published in July 1985.

Mr. Walden: My right hon. Friend hopes to respond to the report around the end of May.

ENERGY

Radioactive Material

Mr. Frank Cook asked the Secretary of State for Energy if he will place in the Library copies of the relevant British Nuclear Fuels Ltd., operating instructions for certifying the transfer or diversion of radioactive liquors relating to the discharge made from Sellafield on 23 January.

Mr. Goodlad: I am informed by BNFL that the material discharged on 23 January followed a malfunction in the uranium finishing plant which includes equipment to monitor the amount of uranium in the effluent. I have asked BNFL to provide the hon. Member with an extract of the relevant operating instructions.

Mr. Frank Cook asked the Secretary of State for Energy if he will place in the Library copies of the accountancy records for the reprocessing batch from which the liquor discharged from Sellafield on 23 January originated.

Mr. Goodlad: No.

Sellafield

Mr. Frank Cook asked the Secretary of State for Energy what was the value to British Nuclear Fuels Ltd. of the uranium contained in the discharge made from Sellafield to the Irish Sea on 23 January.

Mr. Goodlad: I am advised by BNFL that the material discharged to sea on 23 January had an intrisic uranium value of about £5,000.

WALES

Action on Alcohol Abuse

Mr. Michael Brown asked the Secretary of State for Wales if he has received any application for public funds from Action on Alcohol Abuse; what has been his response; and if he will make a statement.

Mr. Mark Robinson: The Welsh Office has not received an application for funding from Action on Alcohol Abuse but we do have under consideration an application for grant aid from Alcohol Concern Wales. In addition I refer my hon. Friend to the reply given to my hon. Friend the Member for Cardiff, Central (Mr. Grist) on 24 March, at column *600-1*.

Beef Premium Scheme

Mr. Wigley asked the Secretary of State for Wales what estimate he has made of the effect on the stability of beef prices if currently discussed changes in the beef premium scheme are undertaken.

Mr. Mark Robinson: It is not possible to quantify the effect on the stability of beef prices if EC proposals to end the beef premium scheme are implemented.

Mr. Wigley asked the Secretary of State for Wales what is his estimate of the number of farmers in Wales who will be affected by the proposed changes in the beef premium scheme.

Mr. Mark Robinson: All beefl producers in Wales would be affected to some extent by the proposed discontinuation of the beef premium scheme. The June 1985 annual census recorded 11,093 main holdings in Wales with beef cows of which 2,320 were predominantly involved in a beef production enterprise. The Government fully recognise the importance of the beef variable premium scheme to both producers and consumers and will press in the common agricultural policy price negotiations for continuation of the scheme.

Community Health Councils

Mr. Ashley asked the Secretary of State for Wales what are the average budgets of community health councils in Wales; and if he will estimate the change in the value of these budget allocations, in real terms, over the last five years.

Mr. Mark Robinson: The overall allocation for 1986-87 is £550,000 which represents an average budget of £25,000 per community health council in Wales. This provides growth of 7·9 per cent. over the last five years after adjustment for inflation.

AGRICULTURE, FISHERIES AND FOOD

European Community (Spanish Accession)

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food, further to his reply to the hon. Member for Great Grimsby on 8 April what accelerated rate of reduction of import duties is available under the provisions of article 75(4) of the treaty of Spanish accession; how quickly the procedure could reduce duties on frozen vegetables to their previous level if it is invoked; what reply he has received to his representations for activating the clause; and whether he considered requesting that duties be restored to their previous level.

Mrs. Fenner: Article 75(4) of the treaty of accession allows, inter alia, for Spanish import duties on certain products including frozen vegetables from the Ten to be abolished or reduced by management committee procedure, but only if Spain agrees. In principle, action could be taken very quickly, but so far, while the Commission has been sympathetic, Spain has not accepted the case for action. The principal objective must be to place United Kingdom exporters on at least as favourable terms as those in other countries.

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food, further to his reply to the hon. Member for Great Grimsby of 8 April, when the British Government first made representations to the Spanish Government to reduce the duty on frozen vegetables from Britain into Spain to its pre-accession level of 4·1 per cent.; whether the need for urgency to protect jobs was impressed on the Spanish Government; and what reply has been received.

Mrs. Fenner: Representations for a reduction in the Spanish import duty on frozen peas imported from the Ten were made to Spanish officials in Madrid on 3 April. All relevant economic considerations were stressed. No definite explicit reply was received.

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food further to his reply to the hon. Member for Great Grimsby of 8 April why duty on frozen foods from Britain to Spain was increased by the Spanish treaty of accession; what representations were made to Spain and the Commission by Her Majesty's Government to resist that increase before it was accepted; and what other items covered by that Treaty were also increased in duty.

Mrs. Fenner: For certain products for which Spain had previously applied import restrictions in addition to tariffs, including frozen vegetables, the Common Customs Tariff was adopted as the starting point for tariff dismantlement rather than the rate actually in force before accession. As I previously informed the hon. Member a United Kingdom objection was registered to tariff increases during the accession negoltiations. however, this was not successful. The full list of food items subject to the system described above is set out in Annex VIII to the 1985 treaty of Spanish accession.

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food whether the United Kingdom can export frozen peas to Spain under the European Free Trade Association tariff of 4·5 per cent. instead of under the tariff of 15·7 per cent. which applies to fellow European Economic Community members.

Mrs. Fenner: The United Kingdom is not a member of the European Free Trade Association so this possibility does not arise.

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food what has been the level of British exports of frozen peas, quantity and value, to Spain in each of the last three available years.

Mrs. Fenner: The figures requested are as follows:

Year	*Quantity Thousand tonnes*	*Value £ Thousand*
1983	6,604	2,428
1984	5,094	2,237
1985	5,782	2,564

Source: United Kingdom Overseas Trade Statistics.

NATIONAL FINANCE

Data Protection

Mr. Cohen asked the Chancellor of the Exchequer what records will be kept by the Inland Revenue when personal data are disclosed to it via the non-disclosure provisions of the Data Protection Act; and what written statement will be sent to the data user by the Inland Revenue to show that the disclosure of personal data was by that route.

Mr. Moore: Disclosure to the Inland Revenue may take place if either that Department is shown in the registration entry of a data user as an organisation to which data might be disclosed or the data are exempt from the non-disclosure provisions. It is not intended to retain statistical records of receipts of such data. The data user will be aware of the circumstances under which a disclosure is made.

Computers and Software

Mr. Ashdown asked the Chancellor of the Exchequer what is the policy of the Central Computer Telecommunications Agency regarding the purchase or the receipt of tenders for computers and software from companies which seek to impose extraterritorial controls on the movement and re-sale of their products; and if he will make a statement.

Mr. Brooke: I refer the hon. Member to the reply I gave to his similar question on 8 April at column 95.

Income Tax

Mr. McCrindle asked the Chancellor of the Exchequer if he will estimate the cost of raising personal tax allowances by 10 per cent., 20 per cent. and 30 per cent. respectively; and if he will make a statement.

Mr. Moore [*pursuant to his reply*, 25 March 1986, c. *428*]: The direct revenue costs in a full year at 1986-87 income levels would be about £2,150 million, £4,200 million and £6,200 million, respectively.

Structural Funds

Mr. Gordon Brown asked the Chancellor of the Exchequer if he will list the payments received from the United Kingdom for each of the structural funds from 1975 for each year for *(a)* the United Kingdom and *(b)* Scotland.

Mr. Brooke [*pursuant to his reply*, 27 March 1986, c. *605*]: The information requested is as follows. Scotland benefits considerably from the European social fund, but the bulk of receipts are in respect of national employment and training schemes and information on them cannot be readily provided on a regional basis.

Receipts from the Community budget

£ million

	1975	*1976*	*1977*	*1978*	*1979*	*1980*	*1981*	*1982*	*1983*	*1984*	*1985*
United Kingdom Receipts											
Agricultural Guidance and Guarantee Funds (Guidance)	5	16	26	22	32	62	55	32	83	65	69
Social Fund	19	11	49	65	84	99	137	168	108	296	269
Regional Development Fund	8	37	49	40	107	136	143	119	176	214	286
Scotland											
Agricultural Guidance and Guarantee Fund (Guidance)	1	6	10	8	11	21	21	11	20	17	19
Social Fund	—	—	—	—	—	—	—	—	—	—	—
Regional Development Fund	2	6	16	10	21	27	40	27	41	69	80

Source: Departmental records of MAFF; DEmp; Scottish Office; DTI.
Notes:
(1) Regional breakdown of European Social Fund receipts cannot be readily provided.
(2) The figures for Guidance do not include expenditure on non-marketing of milk. Nor do they include expenditure relating to Training Guidance Directive 161 of 1972.

EC Budget

Mr. Gordon Brown asked the Chancellor of the Exchequer if he will list the most up-to-date figures for the United Kingdom contribution to the EEC budget in each year from 1975 *(a)* at current prices and *(b)* at 1985 prices.

Mr. Brooke [*pursuant to his reply*, 27 March 1986, c. *605*]: The information requested is set out in the table. The figure of £1,871 million for 1985 compares with the estimate of £1,212 million given in my reply to the hon. Member on 11 December 1985 at column *653*. The figure of £1,871 million is an outturn figure. The main reason why it is higher than the earlier estimate is that most (£493 million) of the 1,000 mecu (£605 million) abatement payable in respect of our excessive net contribution to the 1984 Community budget was received in the first few days of 1986 rather than in December 1985, as assumed in the earlier answer. Further information on the 1985 outturn is contained in my answer of 3 March 1986 at columns *31-2* to the hon. Member for Dulwich (Mr. Bowden).

Net contribution to the EEC Budget

	Current prices	*1985 prices*
1975	−56	−155
1976	167	402
1977	369	780
1978	822	1,561
1979	947	1,571
1980	706	977
1981	397	491
1982	606	698
1983	647	709
1984	656	689
1985	1,871	1,871

Treasury

Mr. Wareing asked the Chancellor of the Exchequer (1) what is his latest estimate of the loss to the Exchequer in each financial year since 1978-79 arising from value added tax evasion; and what has been the size of the staff employed on control duties in each of these years;

(2) if he will estimate the cost of collecting value added tax in each financial year since 1978-79; and if he will express the cost as a percentage of value added tax revenue raised in each of these years.

Mr. Brooke [*pursuant to his replies*, 10 April 1986]: By the very nature of tax evasion, it is not possible to give a reliable estimate of the tax lost. Customs and Excise has, however, indicated that undetected underdeclarations of value added tax may total between £300 million and £500 million a year. Given this imprecision, a statistical series of the kind requested would not be meaningful. Details of the staff employed on the collection and control of VAT and of the cost of collection are contained in the table on page 13 of the report of the Commissioners of Her Majesty's Customs and Excise for the year ended 31 March 1985. There is a copy in the Library of the House.

ENVIRONMENT

Chief Planning Adviser

Mr. Alan Howarth asked the Secretary of State for the Environment how many candidates from the private sector applied for the post of chief planning adviser in his Department.

Mr. Tracey: Eleven.

Mr. Alan Howarth asked the Secretary of State for the Environment what is the job specification of the newly-appointed chief planning adviser in his Department.

Mr. Tracey: The Civil Service Commission's recruitment regulations for this post described the job as follows:

The principal function will be assist in the formulation of planning policies and in the review of the planning system,

and to bring to those tasks practical experience of land use planning and the operation of the planning system by local planning authorities.

The person appointed will be designated "Chief Planning Adviser" and would have administrative charge of two headquarter divisions (dealing with planning research and information and minerals planning respectively), and of the departmental cartographic services.

Key Departmental tasks in the next two years, where the availability of advice from the Chief Planning Adviser will be of great benefit, will be in the implementation of the new arrangements for planning in Greater London and the metropolitan county areas following the abolition of the Greater London council/metropolitan county councils; and the carrying forward of the Government's further consideration of the planning aspects of the White Paper on deregulation. The Chief Planning Adviser's advice will also be relevant to the implementation of Departmental policies on inner cities, urban renewal and derelict land reclamation.

Chief Planning Inspector

Mr. Alan Howarth asked the Secretary of State for the Environment, what is the job specification of his Department's chief planning inspector.

Mr. Tracey: The chief planning inspector's duties comprise:

—responsibility for the efficient and effective processing of planning appeals made under sections 36 and 37 of the Town and Country Planning Act 1971 and listed building consent appeals under section 56 of the same Act, including the administration procedures, the arrangements for hearings and site visits, the issue of decision letters where appeals are decided by Inspectors or the submission of reports where jurisdiction rests with the Secretary of State, and work arising from post-decision challenges to planning appeal decisions;

—arrangements for and conduct of public inquiries and site visits for all other casework undertaken by Inspectors and the subsequent submission and content of reports and decision letters. This includes casework under the planning acts (eg enforcement appeals, Section 35 'call-in cases' local plans) housing acts (slum clearance orders), Wildlife and Countryside Act (eg rights of way orders, nature conservation orders), highway acts (eg trunk and classified road schemes);

—setting and maintaining standards of professional conduct for Inspectors, their training and career development;

—contributing to the development and implementation of improved procedures and practice in connection with planning appeals and other casework;

—management of the Inspectorate with a total staff of 373, approximately 50 per cent. of whom are Inspectors and 50 per cent. administrative staff. 10 salaried Inspectors working for the Welsh Office also come under the control of the Chief Planning Inspector. In addition to salaried Inspectors, there are about 200 part time fee-paid Inspectors.

Planning Appeals

Mr. Alan Howarth asked the Secretary of State for the Environment what guidance is given to the planning inspectorate about the need to expedite planning appeals: and what steps are being taken to monitor the performance of individual inspectors in this regard.

Mr. Tracey: The planning inspectorate's first objective is to ensure that planning appeals are dealt with fairly and thoroughly, but as quickly and efficiently as possible. Inspectors are issued with all Governmemt Circulars which stress the need for promptness in dealing with planning applications and appeals. They are fully aware of the need to impose times for handling appeals. However, we continue to seek a significant improvement in overall performance, and in May 1985 set up an efficiency scrutiny to examine ways of accelerating handling times. An action plan will soon be published, in which an objective will be set of reducing median times for handling appeals dealt with by written representations. This median time has already been reduced from 22 weeks in the last quarter of 1984 to 19 weeks in the same period in 1985. By administrative and legislative action, and the introduction of modern technology, the aim is to reduce the median time to 11 weeks by 1988. A complementary study of the handling of appeals dealt with by local inquiries is expected to result in similar improvements in performance.

Individual inspectors' performance is monitored by the scrutiny of weekly returns submitted by every inspector. A computer-based management information system is currently being established which, among other things, will facilitate regular checks on the attainment of pre-set targets by individual inspectors.

London Residuary Body

Mr. Cohen asked the Secretary of State for the Environment (1) what is the estimated value of the services that will be provided to the London Residuary Body from April 1986 until April 1987 for which his Department receives no money;

(2) what is estimated to be the total cost to the Exchequer of providing goods and services to the London Residuary Body from April 1986 to April 1987.

Mr. Tracey: The Department has provided office furniture on free loan until the end of April 1986. The cost of this loan cannot be quantified. The Property Services Agency provides office accommodation at St. Vincent house, for which the LRB will pay a net rental of £85,000 in 1986-87.

Mr. Tony Banks asked the Secretary of State for the Environment (1) how much has been allowed in the budget of the London Residuary Body for consultants' fees associated with the disposal of county hall;

(2) how much has been spent on consultants' fees by the London Residuary Body since its creation; and how many consultants were involved;

(3) what proposals are currently being considered by the London Residuary Body for the removal of Greater London council insignia from buildings, vehicles and publications;

(4) how many staff have given notice of their intention to terminate employment with the London Residuary Body since 1 April;

(5) what arrangements are being made by the London Residuary Body to keep entrances and car parks at county hall free from rubbish and fly-tipping;

(6) how much has been spent by the London Residuary Body in removing the insignia of the Greater London council from county hall; what has been removed; and where the items removed are now located.

Mr. Tracey: These are matters for the London Residuary Body.

Mr. Tony Banks asked the Secretary of State for the Environment by what means members of the public may gain information regarding decisions of the London Residuary Body.

Mr. Tracey: Subject to statutory requirements, including those governing public access to their annual

reports and accounts, it is a matter for residuary bodies to decide the information they make available to members of the public.

Mr. Tony Banks asked the Secretary of State for the Environment what instruction or advice he has issued to the chairman of the London Residuary Body regarding statements by the chairman of a party political nature.

Mr. Tracey: None.

Mr. Tony Banks asked the Secretary of State for the Environment by what means decisions of the London Residuary Body are conveyed to his Department.

Mr. Tracey: The Department is in regular contact with the London Residuary Body about the discharge of its functions.

Mr. Tony Banks asked the Secretary of State for the Environment what directions he has given to the London Residuary Body since 1 April.

Mr. Tracey: None.

Mr. Tony Banks asked the Secretary of State for the Environment if he has given any instructions to the London Residuary Body regarding the future of county hall; and if he will make a statement.

Mr. Tracey: No such instructions have been given.

Mr. Tony Banks asked the Secretary of State for the Environment if he will instruct the London Residuary Body that no proposals for the disposal of county hall will be accepted if demolition of part or whole of the building is involved.

Mr. Tracey: No.

Mr. Tony Banks asked the Secretary of State for the Environment when he intends to appoint further members to the London Residuary Body.

Mr. Tracey: My right hon. Friend has no plans at present to make any further appointments to the London Residuary Body.

Mr. Tony Banks asked the Secretary of State for the Environment who is responsible for auditing the accounts of the London Residuary Body; and if the accounts will be laid before Parliament.

Mr. Tracey: By virtue of section 79 of the Local Government Act 1985 the accounts of each residuary body are required to be audited in accordance with part III of the Local Government Finance Act 1982, that is, by auditors appointed by the Audit Commission. My right hon. Friend the Secretary of State is required to lay the statement of accounts and any auditor's report before Parliament.

Mr. Tony Banks asked the Secretary of State for the Environment by what means he intends Parliament to be in a position to scrutinise the affairs of the London Residuary Body.

Mr. Tracey: My right hon. Friend the Secretary of State will lay before Parliament the annual report and statement of accounts of each residuary body.

Mr. Tony Banks asked the Secretary of State for the Environment if minutes of the London Residuary Body will be made available to Members in the Library.

Mr. Tracey: The availability of its minutes is a matter for the London Residuary Body to decide.

Rate Support Grant (Gloucestershire)

Mr. Irving asked the Secretary of State for the Environment what was the exact amount of the rate support grant for Gloucestershire county council in *(a)* 1985-86 and *(b)* 1986-87, showing for 1986-87 what it was (i) before and (ii) after the grant recycling.

Mrs. Rumbold: I shall answer this question shortly.

Nuclear Waste

Mr. Austin Mitchell asked the Secretary of State for the Environment whether he will receive a delegation from the new national organisation Britain Against Nuclar Dumping; and if he will delay the proposed special development order until it has had the opportunity to put the case against any such order.

Mr. Waldegrave: I or one of my hon. Friends, will be happy to receive on behalf of my right hon. Friend, a delegation led by the hon. Member, if possible before the SDO is laid before the House.

Mr. Austin Mitchell asked the Secretary of State for the Environment what assessment he has made of the effect of a special development order allowing exploration for nuclear waste dumps on the development and industrial prospects of the areas concerned; and if he will make a statement.

Mr. Waldegrave: I would not expect geological explorations to have adverse effects on the areas concerned. These works do not commit NIREX or the Government to the development of a disposal facility. I also refer the hon. Member to the answer I gave him on 8 April at column *29*.

Mr. Austin Mitchell asked the Secretary of State for the Environment if he is yet in a position to say when he proposes to reply to the report of the Environment Committee on nuclear waste; and if he will make a statement.

Mr. Waldegrave: The Government's response to the Environment Committee's Report will be made as soon as possible.

Spectrum Centre, Birchwood, Warrington

Mr. Hoyle asked the Secretary of State for the Environment what information he has as to the annual running costs and the debt charges of the Spectrum Centre, Birchwood, Warrington, owned by Warrington and Runcorn Development Corporation.

Mr. Tracey: The Spectrum Centre, Birchwood, Warrington is owned leasehold by the Birchwood Project (Warrington) Ltd. The Warrington and Runcorn Development Corporation retains the freehold. My Department has received the published accounts of the company to December 1984 and will shortly receive those to December 1985. We have also received the management accounts for 1985 and budget for 1986. These documents contain details of the annual running costs and debt charges of the Birchwood Project (Warrington) Ltd.

Nuclear Waste

Mr. Austin Mitchell asked the Secretary of State for the Environment if he will extend the period allowed to councils to comment on the special development order on nuclear waste dumps; and if he will make a statement.

Mr. Waldegrave: I have extended the consultation period by one week, until 18 April.

Local Government Reform (Residuary Bodies)

Mr. Tony Banks asked the Secretary of State for the Environment if he will list the names of members of each of the residuary bodies following the abolition of the Greater London council and the metropolitan county councils.

Mr. Tracey: The information is as follows:

London Residuary Body
Sir Godfrey Taylor (Chairman)
Mr. Alan Blakemore, CBE
Cllr Peter Bowness
Mr. Jack Esling
Mr. Wallace Mackenzie, OBE
Mr. Michael Roberts
Mr. Jack Wolkind, CBE

Greater Manchester Residuary Body
Mr. Peter Hadfield, JP (Chairman)
Mr. Kenneth Alford, OBE
Cllr Bernard Coyle
Mr. Brian Scholes, OBE
Mr. Clifford Singleton, OBE
Mr. Robert Willan

Merseyside Residuary Body
Mr. Norman Brodrick (Chairman)
Mr. Duncan Forbes
Mr. John Hill
Mr. William Hughes
Mr. Leslie Jones
Cllr Jim Lloyd
Mr. Barrie Marsh
Mr. Kenneth Medlock

South Yorkshire Residuary Body
Mr. Bernard Cotton, OBE (Chairman)
Cllr Irvine Patnick, OBE
Cllr Ronald Rigby
Mr. Malcolm Simpson
The Hon. Neil Turner
Mr. Philip Wolf

Tyne and Wear Residuary Body
Mr. Jock Robertson (Chairman)
Mr. Kenneth Douglas
Cllr Vincent Fitzpatrick
Mr. Harry Foakes
Mr. Stuart Sisterson
Mr. Roger Spoor

West Midlands Residuary Body
Dr. Malcom Skillicorn (Chairman)
Cllr Joseph Adams
Mr. Geoffrey Jackson, CBE, JP
Mr. John Meering, JP
Mr. William Page
Mr. Kenneth Williams

West Yorkshire Residuary Body
Mr. Tom McDonald, OBE (Chairman)
Mr. Keith Bridge
Mr. Donald Hanson
Mr. Anthony Mallett, CBE
Cllr George Mudie
Mr. Roger Suddards

ATTORNEY-GENERAL

Mr. Gerry Gable

Mr. Dubs asked the Attorney-General if he will now prosecute those involved in the alleged plan to intimidate, kidnap or murder Mr. Gerry Gable of *Searchlight* magazine.

The Attorney-General: I understand that the editor of *Searchlight* magazine was interviewed by police officers in 1984 in response to an approach from him. However, the facts alleged by the editor did not disclose the commission of any criminal offence. If the hon. Member has evidence tending to show the commission of an offence such as is mentioned in the question or any other offence, the proper course is for him to make that evidence available to the police.

Supergrass System (Northern Ireland)

Mr. Soley asked the Attorney-General whether, in the light of the case of Mr. Joseph Bennett, he has any plans to review the supergrass system in Northern Ireland; and if he will make a statement.

The Attorney-General: The practice of the Director of Public prosecutions in relation to the evidence of accomplices in criminal trials and the granting of an immunity to accomplices was set out fully in my answer to a question from my hon. and learned Friend, the Member for Leicester, South (Mr. Spencer) on 24 October 1983. I see no reason to review the criteria applied, and the practice followed, by the Director of Public Prosecutions described in my answer.

EMPLOYMENT

Job Creation, Cheltenham

Mr. Irving asked the Paymaster General how many new jobs have been created in the Cheltenham travel-to-work area during the last five years.

Mr. Lang: I regret that the information is not available. Net changes in the numbers of jobs may be calculated by comparing employment figures at different dates, but these are not available for areas smaller than regions except for dates when censuses of employmemt are taken. The latest available figures are from the September 1981 census. More up-to-date employment estimates for travel-to-work areas will become available following publication of the 1984 census of employment results later this year.

MSC Counselling Initiative

Mr. Lord asked the Paymaster General what percentage of those long-term unemployed so far approached under the Manpower Services Commission's counselling initiative have responded to the approach; and what percentage have been placed in one of the various openings available to them under the scheme.

Mr. Lang: Eighty-seven per cent. of those so far approached have responded positively by attending for interview. Of those:

18 per cent. have been submitted to a job;
21 per cent. to a community programme place;
1 per cent. to a voluntary project programme opportunity;
5 per cent. for entry into a Jobclub;

14 per cent. to an opportunity for further training;
14 per cent. to a place upon a restart course;
5 per cent. to an information session about starting their own business under the enterprise allowance scheme;
9 per cent. have been referred to other agencies or to specialist Manpower Services Commission services.

Baking Industry (Working Hours)

Mr. Allen McKay asked the Paymaster General if he plans to seek to amend or repeal the Baking Industry (Hours of Work) Act 1954; and if he will make a statement.

Mr. Lang: The Sex Discrimination Bill currently under discussion in the other place contains proposals for the repeal of the Baking Industry (Hours of Work) Act 1954.

European Employment Conference

Mr. Meadowcroft asked the Paymaster General if he was invited to participate in the European employment conference taking place in Leeds from 14 to 17 April; and if he will make a statement.

Mr. Lang: No.

Disabled People

Mr. Ashley asked the Paymaster General if he will make a statement on the Government's policy on the draft recommendation of the Commission of the European Communities on the employment of disabled people in the European Community.

Mr. Lang: The Government welcome the Commission's initiative in this area and believe a recommendation is an appropriate instrument. It supports the idea of a code of practice—an important feature of the Commission's proposals. Many of the proposed measures mirror current United Kingdom provision and practice, and the Government are hopeful that within the next few months agreement on the precise terms of the instrument can be reached between the EC member states.

British Leyland, Bathgate

Mr. Dalyell asked the Paymaster General what facilities his Department is making available to assist in finding employment for those losing their jobs following the rundown of British Leyland, Bathgate.

Mr. Lang: The employment manager responsible for the Lothian and Borders area has contacted the company and made available the full range of services provided by the Manpower Services Commission.

A vacancy and information display has already been set up within the factory and the placing of a staff member in the plant for one half day each week is currently being considered.

Use Classes order

Mr. Mudd asked the Paymaster General if he will make a statement on the results of his consultations on the use classes order.

Mr. Tracey: I have been asked to reply.

We are carefully considering the large number of responses received following publication of the Property Advisory Group sub-group's report on the order. My right hon. Friend is not yet ready to make a statement.

OVERSEAS DEVELOPMENT

St. Helena

Dr. Marek asked the Secretary of State for Foreign and Commonwealth Affairs what progress has been made in teaching deaf and dumb children on St. Helena; and if he will make a statement.

Mr. Eggar: A specialist visited St. Helena in June and July 1985 under ODA auspices to identify the needs of such children; to draw up a programme for their education over a one year period in consultation with parents, schools and the hospital, and to provide guidance and training for teachers and parents.

The specialist is visiting the island again at present to review and extend for a further year the programme which has been making encouraging progress.

Dr. Marek asked the Secretary of State for Foreign and Commonwealth Affairs what progress has been made in improving the water supply on St. Helena; and if he will make a statement.

Mr. Eggar: Early in 1985 a project was approved to provide for the installation of storage reservoirs and distribution facilities at key points on St. Helena both for domestic supplies and irrigation. The project is for completion over a period of four years at an estimated cost of £920,000. Two new reservoirs have already been completed and brought into use, and a third is under construction.

SOCIAL SERVICES

Family Support

Sir Brandon Rhys Williams asked the Secretary of State for Social Services what is the expected overall net increase in expenditure on income support for families with children as a result of his social security reform proposals *(a)* including and *(b)* excluding the November 1985 cut in the real value of child benefit.

Mr. Newton: On the assumptions made in the technical annex, including 20 per cent. contribution towards rates, but not taking account of any proposals for rate reforms, the income support rates illustrated would imply a net increase of some £100 million in weekly expenditure on all families with children compared to present rates of supplementary benefit and weekly additions. Since the actual child benefit in payment is deducted from the supplementary benefit income support scale rates for children, the amount of child benefit makes no difference to such families.

GP Fees

Dr. Roger Thomas asked the Secretary of State for Social Services if he has any plans to adjust general practitioners' consultation fees so as to give greater payment for patients over the age of 65 years.

Mr. Hayhoe: There are no firm plans to increase standard capitation fees for patients over the age of 65 but the relative levels of such fees are under consideration.

District Health Authorities (Red Alerts)

Mr. Penhaligon asked the Secretary of State for Social Services if he will list for each district health authority in

Great Britain the number of weeks in each of the last five years that each district health authority has issued red alerts within its hospitals.

Mr. Whitney: I refer the hon. Member to my reply to the right hon. Member for Stoke-on-Trent, South (Mr. Ashley) on 11 December 1985 at columns *686-87* and to the further replies from my right hon. Friend the Minister for Health on 3 February at columns *86-87*.

Information for health authorities in Scotland and in Wales is the responsibility of my right hon. Friends the Secretaries of State for those countries.

Nursing Education

Mr. Pavitt asked the Secretary of State for Social Services when was the last date by which local health authorities were required to submit consultation responses on the future of nursing education to the National Health Service management board; how many replies have now been received; and if he will make a statement.

Mr. Hayhoe: Health authorities were asked to respond by 15 November 1985 to the National Health Service management board's consultation on the cost and manpower implications of proposals for changes to nurse education and training put forward by the English National Board for Nursing, Midwifery and Health Visiting. All 14 Regional Health Authorities have responded with their own views and the collated views of their Districts, and, in addition a number of district health authorities who had been invited to take part in a more detailed costing exercise responded direct.

In its consideration of the responses the management board will have to bear in mind that the proposals will have to be taken within the content of Project 2000, which was set up by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting and which I understand is expected to publish its report shortly.

Night Nursing

Mr. Pavitt asked the Secretary of State for Social Services if he will publish in the *Official Report* the terms of reference and objectives of his Departmental inquiry into night nursing; and if he will make a statement.

Mr. Hayhoe: The terms of reference of the review of night nursing are:

"To obtain detailed and comprehensive information about the range of night nursing responsibilities/tasks from a sample of general ward-based nursing staff and nurse managers in District General Hospitals, taking into account the night support available from professional and hotel services staff and where appropriate the input of administrative staff.

To submit a report that will provide the first stage of guidance to enable nurse managers to measure the adequacy of resources and the effectiveness of the organisation of those resources.

To identify areas which may require further research."

The Department has for some time been concerned about the lack of objective information about night nursing services. The purpose of the review is to develop a profile of ward-based nursing services at night which could be used as the basis for more substantive research to be directed at the quality of care hospitalised patients receive at night; and to suggest ways in which night nursing services could be improved in terms of the organisation and use of resources in relation to work loads.

Hospital Pharmacists

Mr. Pawsey asked the Secretary of State for Social Services why hospital pharmacists do not receive a payment for being on call; if he will now introduce such payments; and if he will make a statement.

Mr. Hayhoe: This is a matter for the pharmaceutical Whitley council. I understand that the management side made a revised pay offer to the Staff Side on 10 April which would encompass on-call duties.

Prescription Charges

Mr. Pavitt asked the Secretary of State for Social Services how many patients in each of the last three years were exempted from paying for National Health Service prescriptions.

Mr. Hayhoe: I regret that the information is not available in the form requested.

Community Health Councils

Mr. Ashley asked the Secretary of State for Social Services what are the average budgets of community health councils in each of the English health regions; and if he will estimate the change in the value of these budget allocations, in real terms, over the last five years.

Mr. Hayhoe: The available information on community health council expenditure is set out in the following table. It is not possible to provide comparable data for the years prior to 1982-83 because of the changes in health authority and community health council boundaries in 1982.

Community Health Council Expenditure

Regional Health Authority	*1982-83*		*1983-84*		*1984-85*
	*Cash**	*Constant prices†*	*Cash**	*Constant prices†*	*Cash*
	£	£	£	£	£
1. Northern	27,985	30,439	29,739	30,967	30,832
2. Yorkshire	25,554	27,795	26,454	27,547	28,149
3. Trent	34,528	37,556	36,205	37,700	36,998
4. East Anglian	26,811	29,162	30,056	31,297	32,114
5. North West Thames	40,725	44,297	41,560	43,276	40,997
6. North East Thames	33,527	36,467	32,825	34,181	33,208
7. South East Thames	28,136	30,604	28,220	29,385	30,563
8. South West Thames	954	32,690	31,776	33,088	33,884
9. Wessex	24,882	27,064	26,514	27,609	27,453
10. Oxford	32,139	34,958	33,018	34,382	35,573
11. South Western	28,833	31,362	33,835	35,232	34,399
12. West Midlands	28,499	30,998	30,314	31,566	31,837
13. Mersey	28,865	31,396	29,048	30,248	31,013
14. North Western	27,969	30,422	31,519	32,821	32,446

Notes:

* Average expenditure per CHC taken from health authorities summarised accounts.

† Revalued to 1984/85 levels using the Gross Domestic Product deflator.

Family and Child Department, Tavistock Institute

Ms. Harman asked the Secretary of State for Social Services if he will ensure the funding of the family and child department of the Tavistock Institute, London NW6; and if he will make a statement about his policy towards its future.

Mr. Whitney: Hampstead health authority is responsible for funding the Tavistock clinic and for the allocation of resources between its various departments. Following expressions of concern from the District about the present funding arrangement, we commissioned an independent report on the role of the clinic as a whole to form the basis of any decisions on changes to the future level or source of funding. The report is currently the subject of consultation with relevant bodies and we shall be considering the results shortly.

NHS (Administrative and Clerical Pay)

Mr. Deakins asked the Secretary of State for Social Services when he intends to authorise the management side of the Administrative and Clerical Whitley Council to make an offer on pay operative from 1 April.

Mr. Hayhoe: Negotiations are a matter for the Whitley council and it is for the management side to determine when it is in a position to make offers.

School Leavers (Benefits)

Mr. Frank Field asked the Secretary of State for Social Services if he has taken any action to inform Easter school leavers of their possible changed entitlement to benefit in the current year; and if he will mount a publicity campaign to this effect.

Mr. Newton: The question of a school leaver's entitlement to supplementary benefit remains to be decided by the independent adjudicating authorities on the facts of the individual case. A social security commissioners' decision in March 1985 indicated that in some circumstances a school leaver with exams to take might be entitled to benefit. Leaflet FB20 gives advice to school leavers on how to claim benefit, and young people under 18 are required to register with the careers service, whose officers are aware of the benefit position and will refer them to DHSS local offices for advice. We believe that adequate information is available by these means.

Health Authority Chairmen

Mr. Meacher asked the Secretary of State for Social Services if he will indicate in each case the occupation and political allegiance where known of the new district health authority chairmen, a list of whom he has placed in the Library.

Mr. Hayhoe: Chairmen of health authorities are appointed for their personal qualities, not because of any position they may hold nor by virtue of political considerations. Political affiliations may be known in some cases but that information is not specifically sought. Similarly, no attempt is made to refine or update any occupational details provided. I regret therefore that the information sought by the hon. Member could be provided only at disproportionate cost.

Medroxyprogesterone Acetate

Mr. Frank Field asked the Secretary of State for Social Services whether he will now collect information on the numbers of girls in the care of local authorities being prescribed Medroxyprogesterone acetate.

Mr. Hayhoe: I have no plans to collect such information.

DEFENCE

Dr. K. Featherstone

Mr. Michael Forsyth asked the Secretary of State for Defence whether any work is being or has been undertaken for his Department by Dr. K. Featherstone of Stirling university.

Mr. Norman Lamont: To the best of our knowledge, no.

Microlight Aircraft

Viscount Cranborne asked the Secretary of State for Defence (1) if he has any plans to train the Territorial Army to operate flex-wing microlight aircraft in support of the roles for which it was responsible in Exercise Brave Defender;

(2) if he has any plans to replace helicopters with flex-wing micro light aircraft in visual reconnaissance on border patrols in Northern Ireland and perimeter patrols at cruise missile bases in England;

(3) if he has any plans to assess the potential contribution of flex-wing microlight aircraft flown by infantrymen to essential reconnaissance in support of rear area security in the North Atlantic Treaty Organisation's central region;

(4) whether he has any plans to assess over the past two years the role of flex-wing microlight aircraft in the deployment of man-portable anti-tank guided weapons in manoeuvre warfare;

(5) whether he has any plans to use flex-wing microlight aircraft as a replacement for light helicopters and fixed-wing aircraft in the armed services.

Mr. Norman Lamont: I shall write to my hon. Friend.

RIMPAC Exercise

Mr. Dalyell asked the Secretary of State for Defence (1) whether the fire on board HMS Illustrious will restrict the Royal Navy's participation in the US Navy's RIMPAC exercise; and whether the British contingent will now take part in the bombing and shelling of Kaho'olawe;

(2) whether, in view of the request by the Hawaiian State Government to the United States Government to cease all bombing and shelling of Kaho'olawe, he will ensure that the British contingent does not take part in this element of the RIMPAC exercise.

Mr. Stanley: Following the fire on board, HMS Illustrious has been withdrawn from exercise RIMPAC 86. However, Her Majesty's Ships Beaver, Manchester and Amazon and the RFA's Olmeda, Bayleaf and Fort Grange will, on present plans, continue to take part. The Royal Navy will not be taking part in the shelling of land targets during RIMPAC 86.

Mr. Dalyell asked the Secretary of State for Defence what is the role of Royal Fleet Auxiliary Fort Grange in the US Navy's RIMPAC exercise.

Mr. Stanley: RFA Fort Grange is one the ships taking part in the Royal Navy task group deployment GLOBAL 86, all of which will, on present plans, be taking part in exercise RIMPAC 86 also.

Mr. Dalyell asked the Secretary of State for Defence whether, in view of the decisions by Australia and New Zealand in 1982 and 1984, and Japan in 1984, not to take part in the bombing and shelling of Kaho'olawe during the US Navy's RIMPAC exercise, he is satisfied that British participation will have no adverse consequences for relationships with these countries and co-operation with them.

Mr. Stanley: Yes.

Mr. Dalyell asked the Secretary of State for Defence on which previous occasions the Royal Navy has participated in the United States Navy's RIMPAC exercise in the Pacific ocean.

Mr. Stanley: None.

GLOBAL '86

Mr. Dalyell asked the Secretary of State for Defence what effect the deployment of her Majesty's ships taking part in GLOBAL '86 to the Pacific will have on the United Kingdom's commitment to the north Atlantic; and whether North Atlantic Treaty Organisation allies have made any representations on this matter.

Mr. Stanley: I refer the hon. Member to the reply I gave to the hon. Member for Carrick, Cumnock and Doon Valley (Mr. Foulkes) on 21 February at column *378*. I am not aware of any such representations.

THE ARTS

South Bank Board

Mr. Tony Banks asked the Minister for the Arts how much is being spent by the South Bank board on the South Bank celebrations to commemorate 35 years of music at the Royal Festival hall.

Mr. Luce: The figure is £46,000 offset by income.

Mr. Tony Banks asked the Minister for the Arts, what proposals the South Bank board has for Bookspace.

Mr. Luce: The South Bank board will be looking at the possible relocation of Bookspace in its plans for increasing the presence of literature on the South Bank.

Mr. Tony Banks asked the Minister for the Arts what proposals the South Bank board has for the bust of Nelson Mandela outside the Royal Festival hall.

Mr. Luce: The proposal is for the bust to remain in its present location.

Mr. Tony Banks asked the Minister for the Arts if he intends to appoint any further members to the South Bank board; and if he will make a statement.

Mr. Luce: The composition of the South Bank board remains open for consideration.

Mr. Tony Banks asked the Minister for the Arts to which Arts Council body the South Bank board reports; how this is done; and whether the board's decisions are subject to any sanctions.

Mr. Luce: The chairman of the South Bank board is a member of the Arts Council and reports to his colleagues. In addition, the minutes of the South Bank board are circulated to the council, which has delegated authority to the board in respect of the day-to-day running of the South Bank.

Mr. Tony Banks asked the Minister for the Arts what dates during the next 12 months are designated for meetings of the South Bank board.

Mr. Luce: A forward schedule of meetings for the next 12 months is currently being prepared.

Mr. Tony Banks asked the Minister for the Arts if minutes of the South Bank board will be made available to the public; and if he will make a statement.

Mr. Luce: Yes. Under existing arrangements such material would normally be released after three years.

Mr. Tony Banks asked the Minister for the Arts if the meetings of the South Bank board will be open to the press and the public.

Mr. Luce: Meetings of committees of the Arts Council are not normally open to the public.

South Bank Sounds

Mr. Tony Banks asked the Minister for the Arts if it is the intention of the South Bank board to continue the productions of South Bank Sounds for the visually handicapped.

Mr. Luce: I understand that the South Bank board will continue productions for the visually handicapped.

Greater London Council (Insignia)

Mr. Tony Banks asked the Minister for the Arts what was the cost of removing the insignia of the Greater London council from the South Bank concert halls; what was removed; and where the items removed are now located.

Mr. Luce: The cost of removing GLC insignia from the South Bank concert halls was £3,164.

The insignia included identification signs and crests from the exterior of the buildings, and GLC letters and crests from the auditoria and foyers of the concert halls.

The insignia are in storage at the South Bank centre and at the offices of the removal contractor.

South Bank Concert Halls (Staff)

Mr. Tony Banks asked the Minister for the Arts how many staff now working in the South Bank concert halls previously worked for the Greater London council.

Mr. Luce: Currently 113 ex-Greater London council staff are employed by the South Bank concert halls.

Mr. Tony Banks asked the Minister for the Arts, pursuant to the answer of 17 March, *Official Report*, column 86, when the hon. Member for Newham, North-West can expect an answer to his question on the number

of staff from the South Bank concert halls who failed to secure employment in the halls following abolition of the Greater London council.

Mr. Luce: I shall let the hon. Member have a reply within the next two weeks.

Goya Portrait (Auction)

Mr. Faulds asked the Minister for the Arts whether, in the light of the representations made by the Spanish Government, he has communicated with Messrs. Christie's with regard to its auction sale for Friday 11 April in respect of Goya's portrait of the Marquesa de Santa Cruz; and whether he will make a statement.

Mr. Luce: Yes. Christie's has kept me informed of developments. Agreement has been reached that the painting will be acquired by the Kingdom of Spain. It will therefore not be auctioned.

Jubilee Gardens

Mr. Tony Banks asked the Minister for the Arts when he expects the lease to be agreed between the London Residuary Body and the South Bank Board in respect of Jubilee gardens.

Mr. Luce [*pursuant to his reply*, 27 March 1986, c. *590*.]: The intention is that the South Bank board will hold Jubilee gardens under an agency agreement, and it is expected that that agreement will be signed shortly.

NORTHERN IRELAND

Royal Ulster Constabulary

Mr. John David Taylor asked the Secretary of State for Northern Ireland how many members have resigned from the Royal Ulster Constabulary since 15 November 1985.

Mr. Scott: Sixty-three members have resigned from the Royal Ulster Constabulary and full-time reserve during the period from 15 November 1985 to 6 April 1986.

FOREIGN AND COMMONWEALTH AFFAIRS

Military Forces (Europe)

Mr. Best asked the Secretary of State for Foreign and Commonwealth Affairs if, further to the answer of 19 February to the hon. Member for Ynys Môn, *Official Report*, column *172*, he will state when it is expected that drafting of the proposals for confidence-building measures in military activities will be complete; and if he will make a statement.

Mr. Renton: We hope that a worthwhile agreement covering the exchange of information, annual forecasts, notification and observation of military activities, and adequate verification procedures covering these points, will have been concluded by the time the Stockholm conference adjourns on 19 September.

We shall be working hard for such a result when the next session of the conference opens on 15 April.

Single European Act

Mr. Teddy Taylor asked the Secretary of State for Foreign and Commonwealth Affairs what are the procedures under which those parts of the Single European Act relating to co-operation in the field of foreign policy will be implemented.

Mrs. Chalker: The parts of the Single European Act relating to co-operation in the field of foreign policy will be implemented once the Act has been ratified by the member states of the EC and has entered into force. The procedures of European political co-operation will remain, as they are now, entirely separate from the Community treaties. As article 1 of the Single European Act makes clear the existing procedures will be confirmed and supplemented by the provisions in title III.

Mr. Teddy Taylor asked the Secretary of State for Foreign and Commonwealth Affairs if he will set out the dates on which each member state of the European Economic Community signed the Single European Act; and if he will make a statement.

Mrs. Chalker: Belgium, France, the Federal Republic of Germany, Ireland, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom signed the Single European Act on 17 February 1986. Denmark, Greece and Italy signed it on 28 February 1986.

European Employment Conference

Mr. Meadowcroft asked the Secretary of State for Foreign and Commonwealth Affairs if he was invited to participate in the European employment conference taking place in Leeds from 14 to 17 April; and if he will make a statement.

Sir Geoffrey Howe: No.

Falkland Islands

Dr. Marek asked the Secretary of State for Foreign and Commonwealth Affairs what acreage of land on the Falkland Islands Her Majesty's Government own; who is the largest other owner and what is the acreage; and what were the corresponding figures five years ago.

Mr. Eggar I have asked the Falkland Islands Government to provide me with the information requested. As soon as it is available I will write to the hon. Member and arrange for a copy to be placed in the Library.

Pakistan (Human Rights)

Mr. Parry asked the Secretary of State for Foreign and Commonwealth Affairs what representations Her Majesty's ambassador has made to the Pakistan Government about human rights.

Mr. Eggar: We have on several occasions drawn the attention of the Government of Pakistan to the public and parliamentary concern in this country about violations of human rights. My right hon. and learned Friend did so again during his recent visit to Pakistan.

European Community (Spanish Accession)

Mr. Austin Mitchell asked the Secretary of State for Foreign and Commonwealth Affairs whether he is satisfied with the discharge of his responsibilities for the promotion of British food exports by the agricultural attaché at Her Majesty's embassy in Madrid during the negotiations on Spanish accession.

Mrs. Chalker: The accession negotiations between the Community and Spain were conducted in Brussels. The agricultural attaché at Madrid was appointed in response to a recommendation from the Select Committee on Agriculture (Fifth Report 1984-85, No. 310-1) and took up the post in February 1986.

TRADE AND INDUSTRY

GIOTTO Programme

Mr. Stern asked the Secretary of State for Trade and Industry if he will make a statement on the expected benefits to future research arising out of the GIOTTO programme.

Mr. Pattie: GIOTTO, ESA's mission to Halley's comet, has given European scientists a wealth of high-quality scientific data. Whilst the results will take several years to analyse fully, it is already clear that they will revolutionise the understanding of the origin, evolution and structure of comets, and of the evolution of the solar system.

The benefits from this mission extend even wider than these very important scientific results. GIOTTO was Europe's first major interplanetary probe. Through this mission, Europe has demonstrated that it is capable of planning and executing a scientific interplanetary mission which required many new advances in technology and accurate orbit management. British Aerospace, which was the prime contractor for GIOTTO, can take much credit for this success, as can the Mullard space science laboratory, the university of Kent and the Rutherford Appleton laboratory, the United Kingdom groups which built two out of the 10 scientific instruments on board.

European Employment Conference, Leeds

Mr. Meadowcroft asked the Secretary of State for Trade and Industry if he was invited to participate in the European employment conference taking place in Leeds from 14 to 17 April; and if he will make a statement.

Mr. Channon: No.

Pyramid Selling

Mr. Hanley asked the Secretary of State for Trade and Industry whether he is satisfied with the workings of the Fair Trading Act 1973 with regard to pyramid selling and similar trading schemes; and whether he will make a statement.

Mr. Howard: My Department is currently reviewing part XI of the Fair Trading Act 1973 which regulates the activities of those promoting or participating in pyramid selling and similar trading schemes.

TRANSPORT

Pilotage Exemption Certificates

Mr. Colvin asked the Secretary of State for Transport how many pilotage exemption certificates covering United Kingdom territorial waters are in existence.

Mr. Ridley: On 31 December 1984, the latest date for which figures are available, 993 pilotage certificates were in force in the United Kingdom.

Mr. Colvin asked the Secretary of State for Transport if he will publish a table showing the range of charges levied by port authorities on holders of pilotage exemption certificates.

Mr. Ridley: In many pilotage districts, the pilotage authority made charges as at 31 December 1984 for the holding or use of pilotage certificates on one of the following bases: a fixed annual fee per vessel, ranging from £3·15 to £100 (in one case, £200 per certificate); a fixed charge per visit or movement, ranging from £5 to £15; or a percentage of the pilotage charge that would otherwise be payable, ranging from 5 per cent. to 33·5 per cent. Districts where no certificates were in force on 31 December 1984 have been excluded from this summary. In some cases charges vary according to the size of the vessel, and in some a maximum number of charges are payable within a given period to time. Most pilotage authorities also make charges for examinaton for certificates, and for their issue, renewal, alteration or transfer.

Gatwick-Heathrow Helicopter Link

Mr. Stephen Ross asked the Secretary of State for Transport when he expects to make his decision on the future of the Gatwick-Heathrow helicopter link.

Mr. Michael Spicer: I expect a decision to be announced within a few weeks.

PRIME MINISTER

Schools (Violence and Disorder)

Mr. Weetch asked the Prime Minister if she will make a statement on co-ordination between the Department of Education and Science and the Home Department on Her Majesty's Government's policy towards the reduction of violence and serious disorder in schools.

The Prime Minister: There is good co-ordination between the two Departments at all levels. The policy of the Government is that violence and serious disorder in schools cannot be tolerated and must be tackled firmly and quickly by those responsible at local level.

Cruise Missiles

Mr. Cohen asked the Prime Minister whether she has been notified of any accidents in the United Kingdom involving cruise missiles; and if she will make a statement.

The Prime Minister: I have not been notified of any accidents in the United Kingdom involving ground-launched cruise missiles.

Royal Palaces

Mr. Michael McNair-Wilson asked the Prime Minister whether she will list the royal palaces which are managed by the Property Services Agency; whether she will estimate these properties' current value; whether buildings and contents are covered by any form of insurance; and, where no insurance is held, whether cover has ever been sought.

The Prime Minister: The Department of the Environment manages the palaces occupied by Her

Majesty The Queen and the royal family and the Tower of London, Hampton Court palace, those parts of Kensington palace open to the public, Kew palace and the banqueting house. No estimate of the value of these properties is available. The approach to insuring such buildings, except in very special circumstances, is for the Crown to cover its own risks and outside cover has not therefore been sought in recent times.

Written Answers to Questions

Monday 14 April 1986

OVERSEAS DEVELOPMENT

Commonwealth Development Corporation

Mr. Watts asked the Secretary of State for Foreign and Commonwealth Affairs whether the Commonwealth Development Corporation has been authorised to extend its area of operations; and if he will make a statement.

Mr. Raison: I have decided to give approval to CDC undertaking activities in India. This is subject to consultation between CDC and my Department on the scale and content of CDC's intended investment programme in that country.

EDUCATION AND SCIENCE

Primary Schools (Expenditure)

Mr. Knox asked the Secretary of State for Education and Science how much was spent per pupil at primary schools in England in each year since 1978-79; and what are the comparable figures for primary schools in Staffordshire.

Mr. Dunn: The information is as follows:

Net Institutional Expenditure per Primary Pupil. £(1984-85 prices) (1)

	England	*Staffordshire*
1978-79	650	655
1979-80	655	655
1980-81	700	710
1981-82	725	745
1982-83	740	760
1983-84	760	790
1984-85	765	775

Note 1. The cash figures for each year have been repriced to 1984-85 prices using the Gross Domestic Product (Market Prices) Deflator.

Essays and Theses (Payments)

Mr. Chris Smith asked the Secretary of State for Education and Science whether he will introduce legislation to prohibit the offering of writing essays and theses for students for payment; and if he will make a statement.

Mr. Walden: My right hon. Friend has no plans to introduce such legislation. It is for the institutions that award degrees and other qualifications to satisfy themselves that the essays and theses they assess are the work of the students concerned.

University Students (Drop-outs)

Mr. Leigh asked the Secretary of State for Education and Science if he will give the latest available figures for the rate of drop out for students on first degree courses at universities, for each year of the course, and give the comparable figures for 1965.

Mr. Walden: The most recently available information was given in my reply to the hon. Member for Wolverhampton North-East (Mrs. Short) on 9 December 1985 at columns 449-50.

GCSE

Mr. Peter Bruinvels asked the Secretary of State for Education and Science if he will list those local education authorities which have refused to co-operate in the introduction of the general certificate of secondary education.

Mr. Chris Patten: No local education authority has made representations to the Department to this effect.

Student Support

Lord James Douglas-Hamilton asked the Secretary of State for Education and Science with reference to his answer of 20 January, *Official Report*, columns 66-68, publishing a table comprising two measures of student support in the United Kingdom and elsewhere for 1982, if he will publish a table relating to the years 1983, 1984 and 1985; and if he will make a statement.

Mr. Walden: Figures for the United Kingdom for 1983 are as follows, but are not yet available for 1984 and 1985. No further information is available yet for other countries.

United Kingdom

Student support averaged over all students 1983	*Student support as a percentage of GNP 1983*
1,459*	0·25
†921	—

* Based on full-time home students.
† Based on full-time and part-time home students.

Teachers' Superannuation

Mr. Cartwright asked the Secretary of State for Education and Science what consultations he has had with the Professional Association of Teachers about the steps he is taking to amend the teachers' superannuation scheme to provide for equality of benefits and contributions for male and female teachers, as announced on 17 March, *Official Report*, columns 3-4.

Mr. Chris Patten: None. Consultation has taken place within the teachers' superannuation working party, on which PAT is not represented. Union representation in the working party is a matter for the teachers' panel and PAT may wish to approach it on this subject.

Nursery and Infant Teachers (Newham)

Mr. Leighton asked the Secretary of State for Education and Science if he will ask Her Majesty's inspectors to investigate the implications for educational efficiency of the current shortage of nursery and infant teachers in the London borough of Newham; and if he will make a statement.

Sir Keith Joseph: The Government are aware that some local education authorities have had difficulties recently in recruiting enough teachers to meet the particular needs of nursery and infant pupils. An expansion of the primary training system was begun in

1982 in anticipation of the upturn in the total primary population due this year, and we have sought to encourage more of those new students to specialise in the teaching of younger pupils. Recent information suggests that the supply of such specialists should now be increasing nationally although I accept that in some areas additional local initiatives may be necessary in order to boost supply.

The programme of work of Her Majesty's inspectorate is for it to determine, taking into account its own judgments about national and local inspection needs, its responsibility to advise the holder of my office, and others, on the health of theeducation system generally, and the many calls upon its manpower and time. I do not seek directly to intervene in the drawing up of the inspection programme. I have, however, brought the hon. Member's concerns to the attention of the senior chief inspector.

Mr. Leighton asked the Secretary of State for Education and Science if he will ask Her Majesty's inspectors to conduct an investigation into the implications for educational standards and efficiency at Nelson junior school, Newham, of the current shortage of teachers; and if he will make a statement.

Sir Keith Joseph: I have received a complaint under sections 68 and 99 of the Education Act 1944 about staffing problems at the school. This is being followed up in the normal way by the Department. I will write to the hon. Member as soon as the investigations are completed.

London Allowance

Mr. Leighton asked the Secretary of State for Education and Science if he will take steps to increase the London allowance for teachers; and if he will make a statement.

Sir Keith Joseph: London allowances are negotiated in the Burnham committees. To date, no claim has been made in either the primary and secondary or the further education committee for an increase in London allowances with effect from 1 April 1985. I have no power to change the London allowance for teachers other than as may be agreed in the Burnham committees.

Primary Teacher Training

Mr. Leighton asked the Secretary of State for Education and Science if he will take steps to reinstate primary teacher training at the North-East London polytechnic; and if he will make a statement.

Mr. Walden: The allocations of intakes to initial teacher training courses at public sector institutions for 1987-89 are being reviewed by the Department. My right hon. Friend has no plans to allocate places to institutions which no longer admit students to initial teacher training and which have given no indication that they wish to do so. He has received no proposals from North-East London polytechnic.

School Closures

Mr. Hancock asked the Secretary of State for Education and Science what is his policy towards the release of information, if asked for, which is supplied by local education authorities concerning school closures upon which his decision is required.

Mr. Dunn: My right hon. Friend's policy on this matter is set out in paragraph 15 of administrative memorandum 4/84, a copy of which is available in the Library.

Mr. Hancock asked the Secretary of State for Education and Science if he will make it his practice to give reasons for his decision regarding the closure of schools.

Mr. Dunn: It is the Secretary of State's policy to give his reason whenever he rejects proposals made under sections 12 to 15 of the Education Act 1980. It is not his practice to give reasons for approving proposals, but it is implicit in such a decision that he has concluded that the case put forward by the proposers outweighs that made out by objectors. He has no plans to change these arrangements.

Assisted Places

Mr. Freud asked the Secretary of State for Education and Science what is the average annual cost to his Department of an assisted places secondary school place for the academic year 1985-86; and how this compares with the average annual capitation for a maintained sector secondary school place.

Mr. Dunn: The estimated average cost of an assisted place in the academic year 1985-86 is £1,600. The latest available figure for the average net expenditure per maintained secondary school pupil relates to the 1984-85 financial year, and is £1,273.

Observatories (Amalgamation)

Lord James Douglas-Hamilton asked the Secretary of State for Education and Science what assessment has been made with regard to the costs and employment consequences of the possible amalgamation of the Royal Greenwich Observatory and the Royal Observatory, Edinburgh on the Blackford Hill site in Edinburgh; whether further analysis on the merits of this proposal are planned; and if he will make a statement.

Mr. Walden: The Science and Engineering Research Council is investigating in detail the merits and practicalities of moving the Royal Greenwich Observatory from its existing site at Herstmonceux to the Royal Observatory Edinburgh site at Blackford Hill, along with similar detailed studies of the implications of moving it to the campuses of Cambridge or Manchester universities. These studies will include a consideration of the costs and employment consequences.

The council has already stated that the move must be self-financing over five years and each of the three options is expected to meet this criterion. The council expects to resolve the issue at its meeting in June.

Research Councils

Mr. Tony Banks asked the Secretary of State for Education and Science what is the number of staff employed by *(a)* the Agricultural and Food Research Council, *(b)* the Economic and Social Research Council, *(c)* the Medical Research Council, *(d)* the Natural Environment Research Council and *(e)* the Science and Engineering Council in 1979 and 1985, respectively.

Mr. Walden: The information requested is as follows:

Number of staff employed

	1979	*1985*
Agricultural and Food Research Council*	5,770	5,221
Economic and Social Research Council*	247	116
Medical Research Council†	3,974	3,915
Natural Environment Research Council*	3,133	2,613
Science and Engineering Research Council†	2,917	2,725

* As at 1 April.
† As at 31 December.

HOME DEPARTMENT

Civil Defence (Carmarthen)

Dr. Roger Thomas asked the Secretary of State for the Home Department if he will make a statement on the recent discussions between the Minister of State, the hon. Member for Pudsey (Mr. Shaw), and members of the Carmarthen district council, following the escalation of the original estimated costs, on the financial support given by his Department to the construction of an emergency control centre by that council.

Mr. Giles Shaw: I met members of Carmarthen district council on 3 March to discuss the construction of an emergency centre at Carmarthen, which has been delayed by a continuing series of demonstrations. I welcomed their determination to fulfil their statutory civil defence duties in the face of very difficult circumstances. Civil defence grant aid at the normal rate of 75 per cent. will be paid on the capital costs of the construction of the centre and on the cost of the security measures that have been necessary to ensure that the work can be completed.

Teachers (Criminal Injuries)

Mr. Weetch asked the Secretary of State for the Home Department (1) how many criminal injuries have been recorded relating to teachers in maintained schools in England and Wales in each of the years of the most recent five-yearly period for which statistics are available;

(2) how many convictions have been secured before the courts in England and Wales relating to criminal injuries to teachers in maintained schools in England and Wales, in each of the years in the most recent five-yearly period for which figures are available.

Mr. Mellor: Information in the form requested is not collected centrally.

Metropolitan Police (Computer)

Mr. Cohen asked the Secretary of State for the Home Department what items of hardware to enhance the Metropolitan police C department computer it is proposed to purchase over the next year; at what estimated cost; and to what purpose they will be put.

Mr. Giles Shaw: The Commissioner of Police of the Metropolis informs me that he is presently negotiating with suppliers for the supply of equipment for the specialist operations (previously 'C') department computer to maintain the operational reliability of the system and to allow some additional terminals to be connected to it. He is not prepared to give an estimate of costs while negotiations are continuing.

Mr. Alan Parker

Mr. Cartwright asked the Secretary of State for the Home Department (1) why he has not yet replied to the letter of 6 November 1985 from the hon. Member for Woolwich on behalf of Mr. Alan Parker, currently in Her Majesty's prison, Maidstone; and when he now expects to provide a substantive reply;

(2) in what circumstances inmates of Her Majesty's prisons are allowed to have their photopgraphs taken at their own expense; and why such facilities have been denied Mr. Alan Parker at Her Majesty's prison, Maidstone.

Mr. Mellor: Present policy is not to allow applications by inmates to have their photographs taken to send outside prison, save in exceptional compassionate circumstances, for example where a relative is unable to visit because of infirmity, disability or residence overseas. We have recently commenced a review of this policy but it is too early to say what the outcome will be.

My noble Friend has written to the hon. Member about the case of Mr. Alan Parker.

Hong Kong

Mr. Ashley asked the Secretary of State for the Home Department on what date he intends to lay a Hong Kong (British Nationality) Order before Parliament.

Mr. Waddington: The date is not yet settled, but we hope to lay the order soon.

Dagenham Fire Station

Mr. Gould asked the Secretary of State for the Home Department if there are any proposals to relax the current requirements at the Dagenham fire station that staffing levels should be maintained on all occasions.

Mr. Giles Shaw: None of which I am aware.

London Fire Brigade

Mr. Gould asked the Secretary of State for the Home Department whether the audit review of the London Fire Brigade covered matters such as fire-fighter staffing, fire appliances and fire stations.

Mr. Giles Shaw: I understand that the audit of the London fire brigade concentrated on staffing arrangements at divisional and brigade headquarters.

Mr. Gould asked the Secretary of State for the Home Department what are the terms of any review and the composition of any review body, currently or recently set up, to conduct a review of firefighters, fire appliances and fire stations in the London Fire Brigade.

Mr. Giles Shaw: My right hon. Friend has not appointed and does not know of any such review, apart from that of the Audit Commission. The brigade will undergo the usual annual inspection by Her Majesty's inspectorate of fire services, which will advise on aspects of effectiveness and efficiency.

Telephone Tapping

Mr. Dubs asked the Secretary of State for the Home Department what arrangements he is making to inform the

public of the tribunal established under the Interception of Communications Act; and why his Department's information section refuses to answer questions over the telephone from members of the public about telephone tapping.

Mr. Hurd: A leaflet is available from my Department and from the office of the interception of communications tribunal explaining the remedies under the Act and describing the procedure for applying to the tribunal. Copies will be distributed to citizens advice bureaux as soon as possible. I have taken part in a broadcast on the subject. The staff of my Department will so far as possible answer over the telephone general inquiries about the operation of the Act. Applications for investigation by the tribunal must, however, be made in writing. The tribunal's address is PO Box 44, London SE1 0TX (telephone 01-921 1277).

Football Violence

Mr. Kaufman asked the Secretary of State for the Home Department what information he has received or sought, from chief constables in England and Wales and from the Commissioner of Police of the Metropolis to enable him to quantify the effect of the Sporting Events (Control of Alcohol) Act 1985 on violence and crowd disturbances at football matches; and if he will make a statement.

Mr. Giles Shaw: Chief officers of police believe that the Act is helping to maintain order at football grounds, but is is not possible to separate its effect from the other measures taken, including for example the extension of closed circuit television. As my right hon. Friend said in reply to a question following his statement to the House on the Popplewell report on 16 January at column 1232, the number of arrests and ejections from football grounds in the earlier part of the season was much reduced. Together with the football authorities, the Government remain determined to tackle the problem of football hooliganism, and further legislative steps are being taken in the Public Order Bill now before Parliament.

Offence Statistics

Mr. Kaufman asked the Secretary of State for the Home Department if he will state for each police force area in England and Wales the number of persons *(a)* charged with and *(b)* convicted of offences.

Mr. Mellor: The available information for persons proceeded against for indictable offences and persons found guilty is published by police force area in "Criminal Statistics, England and Wales Supplementary Tables, 1984, Volume 3". Table 3·3(A) for magistrates' courts and table 3·5(A) for the Crown court.

News International Plant, Wapping

Mr. Leighton asked the Secretary of State for the Home Department if he will call for a report from the Commissioner of Police of the Metropolis as to *(a)* how many police officers were deployed at or near the News International plant at Wapping on the night of 6 April and *(b)* the cost of the police operations at Wapping so far.

Mr. Giles Shaw: I understand from the Commissioner that 1,870 officers were deployed at Wapping on the evening of 6 April. Information regarding the total cost of the police operation to date is not readily available.

Mr. Tony Banks asked the Secretary of State for the Home Department (1) how many police officers from Newham stations were on duty in connection with the News International dispute at Wapping on 29 and 30 March;

(2) how many police officers were on duty in Newham on the night of 29 March; and what is the normal night-time complement;

(3) how many police officers from Newham stations have been on duty at Wapping in connection with the News International dispute each week since the dispute began.

Mr. Giles Shaw: The numbers of officers stationed in the London borough of Newham who have been deployed at the News International plant at Wapping during the period of the current dispute are as follows. More recent figures are not yet available.

Week beginning	*Number of Newham officers deployed**
25 January 1986	208
1 February 1986	176
8 February 1986	192
15 February 1986	251
22 February 1986	211
1 March 1986	190
8 March 1986	230
15 March 1986	199
22 March 1986	219
29 March 1986	186

* Expressed as man days.

The numbers of officers from Newham deployed at the News International plant on 29 and 30 March were 34 and 32 respectively.

There were 43 officers on duty in Newham on the night of 29 March. The usual deployment is 48.

Local Authority Grant Applications

Mr. Straw asked the Secretary of State for the Home Department if he will make a statement on the freeze on new applications from local authorities for grants under section 11 of the Local Government Act 1966, following his Department's letter to local authorities, dated 26 March.

Mr. Waddington: Following a general administrative review of posts funded under section 11, local authorities were informed on 26 March 1986 of my right hon. Friend's intention to introduce revised guidelines for the administration of section 11 grant. A draft circular incorporating the proposed new guidelines has been sent to the local authority associations and to some other bodies for comment. The substantial number of applications which were current on 24 March will continue to be considered under the existing guidelines, but my right hon. Friend has decided that, unless there are exceptional pressing circumstances, all new applications must be considered in accordance with the new guidelines, which we hope will be in place by the early autumn.

Metropolitan Police (Civil Actions)

Mr. Tony Banks asked the Secretary of State for the Home Department (1) pursuant to his reply of 27 March, for each year listed, how many successful civil actions against the Metropolitan police resulted in damages being awarded by the courts;

(2) pursuant to his reply of 27 March how many police officers were involved in the successful civil actions against the Commissioner in each of the years listed;

(3) pursuant to his reply of 27 March, how many of the 817 cases for damages against the Metropolitan police are still pending; and if he will list them by year.

Mr. Giles Shaw: I will reply as soon as possible.

Remand Prisons (Terrorism)

Mr. McNamara asked the Secretary of State for the Home Department what was the average number of days in 1985 spent on remand for prisoners charged with terrorist-type activities.

Mr. Mellor: The only information which is readily available relates to prisoners who are currently in prison custody in England and Wales in category A. It does not cover prisoners who have been released or downgraded.

Twenty such prisoners spent periods in prison during 1985 on remand charged with terrorist-type offences and the average of those periods of time was 128 days. Some of the prisoners were first remanded in custody prior to 1 January 1985 and others remained in custody awaiting trial after 31 December 1985.

Prisoners (Transfers)

Mr. McNamara asked the Secretary of State for the Home Department how many prisoners were transferred from *(a)* England and Wales to Northern Ireland and *(b)* Northern Ireland to England and Wales in 1985; and under which section of the Criminal Justice Act 1961 such transfers were carried out.

Mr. Mellor: As explained in my letter of 17 March to the hon. Member, a copy of which has been placed in the Library, the reply which I gave to his question on 27 January at column 193, was, unfortunately, incorrect in one respect. The correct information is that five prisoners were transferred from England and Wales to Northern Ireland in 1985, two of them on more than one occasion. Four of these seven transfers were under section 26 of the Criminal Justice Act 1961 (permanent transfer); one was under section 27 (temporary transfer); and two were under section 29 (transfer for judicial purposes). One prisoner (not none, as stated in the previous reply) was transferred from Northern Ireland to England and Wales under section 27, his transfer having been authorised in 1984.

Police and Prison Officers (Pay)

Mr. Alton asked the Secretary of State for the Home Department if he will detail the pay rises for both police officers and prison officers over the last five years.

Mr. Giles Shaw: Following is the information:

Police Officers

Date of increase	**Federated ranks per cent.*	*†Superintendents per cent.*	*ACPO ranks‡ per cent.*
1 September 1981	13·20	13·20	10·75
1 September 1982	10·30	10·30	10·30
1 September 1983	8·40	7·70	8·40
1 September 1984	5·13	4·80	7·70
1 September 1985	7·50	7·70	8·00

* All ranks below superintendent.
† Includes chief superintendents.
‡ All ranks above chief superintendent.

Prison Officers

Date of increase	*Staff on flat rates per cent.*	*Staff on scale maxima per cent.*	*Staff on scale minima per cent.*	*Staff on other scale points per cent.*
1 April 1981	—	7·00+£30	—	—
1 April 1982	5·50	6·25	4·75	5·50
1 April 1983	4·00+£70	4·00+£70	3·50+£70	3·50+£70
1 April 1984	5·00	5·00	4·00	4·00
1 April 1985	—	4·90	—	—

Prison Officer-Prisoner Ratio

Mr. Alton asked the Secretary of State for the Home Department if he will make a statement on the ratio of prison officers to prisoners at each penal establishment over the last five years.

Mr. Mellor: The information requested is not readily available and could be obtained only at disproportionate cost.

Prisons (Conditions)

Mr. Alton asked the Secretary of State for the Home Department if he will make a statement on the present conditions in Her Majesty's prisons.

Mr. Mellor: While many training establishments provide reasonable conditions and a full regime, the quality of life in local prisons and some remand centres is less satisfactory, and the Government are giving them priority. The current prison building programme, the largest this century, will provide 11,700 new places by the early 1990s in existing and new establishments. Additionally, we are undertaking extensive modernisation and refurbishment at about 100 establishments, including almost all the Victorian prisons. Some of the work has already been completed and has made a significant impact.

Since 1979, the number of prison officers has been increased by 18 per cent., compared with a rise of about 10 per cent. in inmate numbers, and further expansion of the prison service is planned. We have to ensure effective use of the resources which we already have and we are studying prison officer attendance systems and court escorting to see whether efficiency can be improved.

Both regimes and physical conditions will benefit substantially from this programme of work over the next few years. The Government are committed to the goal of eliminating overcrowding and will keep the building programme under review in the light of long-term projections of the prison population.

Stabbing Incident, Plaistow

Mr. Tony Banks asked the Secretary of State for the Home Department at what time the Metropolitan police were informed of the stabbing incident near the junction of Terrace road and Pelly road, Plaistow E13 on 30 March; and at what time police officers arrived at the scene.

Mr. Giles Shaw: I understand from the Commissioner that a 999 call was received at Scotland Yard at 3.9 am on 30 March. On the arrival of police officers at the scene, there was no trace of the informant or of any victim. As there was no incident to investigate, the time of arrival was not recorded. An injured man was later interviewed by police officers at Newham general hospital but declined to provide any explanation of his injuries.

Civil Defence

Mr. Alton asked the Secretary of State for the Home Department if he will detail and make available the recent plans his Department has drawn up concerning the formation of civil defence groups in the event of a nuclear war.

Mr. Giles Shaw: It is the responsibility of local authorities to make plans for the protection of the population in their area in the event of war. The Government's advice to them is set out in "Emergency Planning Guidance to Local Authorities", a copy of which is in the Library.

TRADE AND INDUSTRY

Furniture

Mr. Holt asked the Secretary of State for Trade and Industry what has been the value of furniture *(a)* exported and *(b)* imported in constant terms in each of the years 1960, 1965, 1970, 1975, 1980 and 1985, respectively.

Mr. Alan Clark: The information requested is not available prior to 1963. Information for the remaining years is as follows:

Trade in Furniture at Constant (1980) Prices*
OTS basis £ million

	Exports	*Imports*
1965	58	n/a
1970	74	49
1975	161	155
1980	239	283
1985	249	474

* SITC(R2) Division 82.
n/a=not available.

Directors (Disqualification and Personal Liability)

Mr. Richard Page asked the Secretary of State for Trade and Industry what plans he has to give further publicity to the provisions in the Insolvency Act 1985 relating to the disqualification and personal liability of directors.

Mr. Howard: I am issuing a leaflet which will explain to directors the implications for them of the new disqualification and personal liability provisions which will come into force on 28 April. I have arranged for copies of the leaflet to be placed in the Library and copies will also be obtainable from insolvency service branch 2, room 124, 2.14 Bunhill row, London EC1Y 8LL.

My Department will be sending all practitioners who are known to undertake insolvency work regularly guidance notes to assist them to carry out their reporting duties under chapter 1 of part II of the Insolvency Act 1985. Any insolvency office holder who has not received a copy of the guidance notes by 28 April should apply for a copy from Insolvency Service, room 609, 6th Floor, Companies House, 55/71 City road, London EC1Y 1BV.

South Korea

Mr. Parry asked the Secretary of State for Trade and Industry if he is satisfied with the level of trade between the United Kingdom and South Korea; and if he will make a statement.

Mr. Alan Clark: Bilateral trade betwen the United Kingdom and the republic of Korea reached £728 million in 1985, having risen by 110 per cent. in volume since 1980. I hope to see our exports grow rapidly to offset the continuing imbalance in the republic of Korea's favour, and am encouraging British industry to seize the considerable opportunities offered by that market.

North Korea

Mr. Parry asked the Secretary of State for Trade and Industry if there are any plans to increase trade between the United Kingdom and North Korea; and if he will make a statement.

Mr. Alan Clark: The United Kingdom has no governmental trade links with North Korea. Some British companies do business with that market, but the level of trade remains small.

Textiles

Mr. Mason asked the Secretary of State for Trade and Industry what representations he has received from Comitextil, the European textile industry's committee, on fears for the future of the multi-fibre arrangement and the danger of a fresh surge of cheap textile imports from Third-world producers as a result of increased restrictions by the United States of America; and if he will make a statement.

Mr. Alan Clark: I receive regular representations from the British Textile Confederation on all aspects of the multi-fibre arrangement. The BTC represents the United Kingdom industry in Comitextil and from time to time brings its collective views to my attention.

Mr. Mason asked the Secretary of State for Trade and Industry what are the figures of textile imports to and exports from the United Kingdom for the last financial years and for 1984-85, giving separate figures where available for cotton and wool textiles, carpets and carpet fibres.

Mr. Alan Clark: The information requested for financial years cannot be provided within acceptable cost limits. Information for calendar years is as follows:-

United Kingdom trade in textiles and carpets: 1984 and 1985

Value: £ millions

	Imports		*Exports*	
	1984	*1985 (January to December)*	*1984*	*1985 (January to December)*
All textiles	2,846	3,191	1,733	1,939
of which:				
Cotton textiles	774	861	112	188
Woollen textiles	263	276	394	436
Carpets	256	273	150	174
Carpet fibres	55	62	11	10

Source:

Data corresponding to:

(a) Textiles—SITC/R2 Division 65, Groups 266 and 267, and Items 847.11 and 268.7 (part);

(b) Cotton textiles—SITC/R2 Group 652, Sub-group 651.3 and Items 651.66, 651.75, 653.41 and 653.81;

(c) Woollen textiles—SITC/R2 Sub-group 268.7 (part), 651.2 (less 651.25), 654.2, 654.3, 657.1 (part), 657.73 (part) and 658.31 plus 651.67, 651.76, 653.42 and 653.82;

(d) Carpets—SITC/R2 Group 659 (less Sub-groups 659.1, 659.7 and Item 659.63).

(e) Carpet fibres—SITC/R2 Item 651.41 (part).

Notes:

Imports are valued cif; exports are valued fob.

Insurance

Mr. Teddy Taylor asked the Secretary of State for Trade and Industry when a proposal to allow a free market in insurance was last considered by the Council of Ministers; and what was the decision then taken by the Council.

Mr. Howard: A number of directives in the insurance field have already been approved by the Council of Ministers, the most recent being the tourist assistance directive approved on 10 December 1984. Generally, the effect of these directives has been to create a free market for reinsurance and freedom of establishment for both life and non-life insurers. Proposals for a non-life insurance services directive have been submitted by the Commission to the Council of Ministers, and were last considered on 10 December 1984. The Council agreed that discussion of the directive should be energetically pursued with the aim of reaching an early agreement, but discussion was subsequently suspended pending the outcome of the four insurance cases brought by the Commission before the European Court of Justice.

Mr. McCrindle asked the Secretary of State for Trade and Industry (1) what representations he has received from the banking institutions regarding the insurance salesmen registration proposals; what response he has made; and if he will make a statement;

(2) what representations he has received from the building societies regarding the insurance salesmen resgistration proposals; what reponse he has made; and if he will make a statement;

(3) what representations he has received from insurance companies regarding the insurance salesmen registration proposals; what response he has made; and if he will make a statement.

Mr. Howard: I have received 31 representations, including those from building societies, banking institutions and insurance companies, in response to my request for comments on proposals by the Marketing Of Investment Board Organising Committee and the Securities and Investments Board contained in their document "The Financial Services Bill and the regulation of individuals". I am considering these representations and will make a statement shortly.

Post Office

Mr. Steel asked the Secretary of State for Trade and Industry if, when he next meets the chairman of the Post Office, he will raise the matter of the Post Office's continued use or old county boundary names in postal addresses.

Mr. Pattie: No, this is an operational question for the Post Office board.

Export Credit Insurance

Mr. Marlow asked the Secretary of State for Trade and Industry if he has any plans to abolish the arrangements whereby the Export Credits Guarantee Department requires that an organisation using its services undertakes to use those services for the totality of its export credit insurance; and if he will make a statement.

Mr. Alan Clark: Under its comprehensive facilities, ECGD does not necessarily require an exporter to insure all his business as a pre-condition of obtaining its cover and support. The Department looks for a reasonable spread of business which presents an insurable proposition and is willing to consider insuring only a proportion of an exporter's total transactions. The range of business required to be covered is settled in individual negotiations between exporters and the ECGD when policies are taken out. For project business and for sales of capital goods on extended credit, the Department is prepared to insure individual transactions subject to it having cover available and the terms and conditions proposed being acceptable.

Copyright

Mr. Hanley asked the Secretary of State for Trade and Industry what action he is taking to review the intellectual property system in the United Kingdom.

Mr. Channon: I intend to lay before the House tomorrow a White Paper "Intellectual Property and Innovation". This will set out the Government's response

to the recommendations made by Sir Robin Nicholson in the Green Paper "Intellectual Property Rights and Innovation" (Cmnd 9117) published in 1983. It will also outline our proposals for the reform of copyright law.

Land Rover

Mr. Warren asked the Secretary of State for Trade and Industry what account he is taking of the ownership of J. C. Bamford by Transmission and Engineering Services BV, Netherlands, in his consideration of that company's bid for Land Rover.

Mr. Channon: I shall consider each offer on its merits, in the light of the BL board's recommendations and the considerations outlined in my statements to the House.

HOUSE OF COMMONS

Mileage Allowances

Mr. Hayward asked the Lord Privy Seal if, in the light of the recent reduction in petrol prices, he as any plans to bring forward proposals to reduce hon. Members' mileage allowances; and if he will make a statement.

Mr. Biffen: In accordance with the resolution of the House of 20 July 1984, the rates of hon. Members' car mileage allowance are calculated with effect from 1 April on the basis of the Royal Automobile Club's schedule of estimated vehicle running costs which is published in or around April each year.

Security Fence

Mr. Stephen Ross asked the Lord Privy Seal what consultations he intends pursuing before extending a security fence around the Palace of Westminister.

Mr. Biffen: Following the recommendations by the security authorities of both Houses for further railings around the perimeter of the Palace of Westminster, the Property Services Agency has been preparing design proposals. These will be considered shortly by the Accommodation and Administration Sub-Committee. The Property Services Agency will also be consulting the Historic Buildings and Monuments Commission, the Royal Fine Arts Commission and the Westminister City Council. In the light of the views expressed, the House of Commons (Services) Committee will then make recommendations before any final decisions are taken.

NORTHERN IRELAND

Royal Victoria Hospital, Belfast

Mr. Beggs asked the Secretary of State for Northern Ireland how many motor vehicles have been stolen from the grounds of the Royal Victoria hospital, Belfast, in each of the last three years for which figures are available.

Mr. Needham: The information requested is as follows:

	Number
1983	37
1984	49
1985	114

Mr. Beggs asked the Secretary of State for Northern Ireland how many of the vehicles stolen from the Royal Victoria hospital, Belfast, over the past three years belonged to staff employed there.

Mr. Needham: The information requested is as follows:

	Number
1983	19
1984	27
1985	54

Mr. Beggs asked the Secretary of State for Northern Ireland if he will take steps immediately to introduce more effective security measures at the Royal Victoria hospital, Belfast, to ensure that all vehicles entering the hospital grounds are checked on entering and leaving in a proper manner.

Mr. Needham: Security arrangements at the Royal Victoria hospital are essentially a matter for the Eastern Health and Social Services Board. The board is currently reviewing security at the hospital and steps will be taken to improve existing arrangements where this is considered necessary.

District Councils

Sir John Biggs-Davison asked the Secretary of State for Northern Ireland what information he has as to which district councils in Northern Ireland are now functioning normally; which are not, and to what extent; and if he will make a statement.

Mr. Needham: Of the 26 district councils, eight are functioning normally. The remaining 18 district councils are continuing to suspend or adjourn council meetings. There is no indication that this action has affected the delivery of essential services. The Government are monitoring the situation closely and will take such action as is necessary to ensure that essential services are maintained.

Welfare Payments

Sir John Biggs-Davision asked the Secretary of State for Northern Ireland if, in the light of the disruption of certain district councils, he will take steps to ensure that payments in support of voluntary bodies concerned with social welfare are continued; and if he will make a statement:

Dr. Mawhinney: The Government are aware of the problems faced by a number of voluntary bodies. While payments to these bodies are a matter for the district councils concerned, the Government are keeping the situation under review.

Plastic Baton Rounds

Mr. McNamara asked the Secretary of State for Northern Ireland how many formal complaints have been made about incidents of police use of plastic baton rounds in 1985 and the current year to date; in how many cases the complaint has been upheld; and in how many cases disciplinary action has been taken against the officers involved.

Mr. Scott: I shall reply to the hon. Member as soon as possible.

Prevention of Terrorism

Mr. McNamara asked the Secretary of State for Northern Ireland if he will publish in the *Official Report* the number of persons who were initially detained under other Acts and were subsequently charged under the Prevention of Terrorism (Temporary Provisions) Acts in 1985, by each quarter.

Mr. Scott: I shall reply to the hon. Member as soon as possible.

Remanded Persons

Mr. McNamara asked the Secretary of State for Northern Ireland what was *(a)* the average number of days spend on remand for both scheduled and non-scheduled offences together in 1985, *(b)* the total number of persons remanded in custody before trial for both scheduled and non-scheduled offences together in 1985, and *(c)* the number of bail applications refused for (i) scheduled, (ii) non-scheduled and (iii) both offences together in 1985.

Mr. Scott: I shall reply to the hon. Member as soon as possible.

Scheduled Offences

Mr. McNamara asked the Secretary of State for Northern Ireland what are the figures for 1985 of the number of persons proceeded against for scheduled offences in Northern Ireland; how many persons pleaded guilty to the principal offence; and how many persons in such contested cases were found not guilty of the principal offence.

Mr. Scott: I shall reply to the hon. Member as soon as possible.

Marches

Mr. John David Taylor asked the Secretary of State for Northern Ireland if he will list, by location, those parades in Northern Ireland during the Easter adjournment which *(a)* took place in contravention of a ban and *(b)* took place without the necessary statutory notice being served on the police; at which of these parades firearms were seen to be in the possession of civilians; how many plastic bullets were fired by the Royal Ulster Constabulary at each of these parades; and if he will identify which of these parades were Loyalist and which Republican.

Mr. Scott: I shall reply to the right hon. Gentleman as soon as possible.

Firearms

Mr. McNamara asked the Secretary of State for Northern Ireland how many legally held firearms were stolen in Northern Ireland during 1985 from the Special Constabulary, giving a breakdown of weapons stolen.

Mr. Scott: I shall reply to the hon. Member as soon as possible.

Anglo-Irish Agreement

Mr. Winnick asked the Secretary of State for Northern Ireland what criteria are used to establish which Ministers in his Department take part in radio and television programmes relating to current Government policy towards the Anglo-Irish agreement; and how many Ministers in his Department have taken part in such programmes in the last three weeks and how frequently.

Mr. Tom King [*pursuant to his reply*, 10 April 1986]: In the three weeks ended 8 April 1986 Northern Ireland Office Ministers gave 37 television or radio interviews related directly or indirectly to the Anglo-Irish agreement. Requests to take part in such programmes are considered on their merits.

FOREIGN AND COMMONWEALTH AFFAIRS

Foreign Military Personnel (Training)

Sir Frederic Bennett asked the Secretary of State for Foreign and Commonwealth Affairs if, pursuant to the answer to the hon. Member for Sheffield, Hillsborough (Mr. Flannery) of 9 April, he will list the countries in respect of which he is *(a)* willing and *(b)* unwilling to answer parliamentary questions about the numbers of soldiers or officers at present receiving training in the United Kingdom; and if he will make a statement.

Mr. Eggar: A list of those countries whose nationals receive military training in the United Kingdom was given in my reply to the hon. Member for Walsall, North (Mr. Winnick) on 27 March.

We do not normally reveal the details of the numbers of trainees or types of courses offered to individual countries as these details are regarded as confidential between ourselves and the recipient Government.

Single European Act

Mr. Spearing asked the Secretary of State for Foreign and Commonwealth Affairs by what means he proposes to obtain the ratification by the Parliament of the United Kingdom of those titles of the "Single European Act", Cmnd. 9758, not named in clause 1 of the European Communities (Amendment) Bill.

Mrs. Chalker: The authority to ratify a treaty is vested in my right hon. and learned Friend as the Secretary of State for Foreign and Commonwealth Affairs. In accordance with the practice known as the "Ponsonby rule", the Single European Act has been laid before Parliament in the form of a Command Paper (Cmnd. 9758). The House will have a full opportunity to debate the Single European Act as a whole when considering the European Communities (Amendment) Bill.

Korea

Mr. Parry asked the Secretary of State for Foreign and Commonwealth Affairs if the question of the peaceful re-unification of Korea was discussed at his recent meeting with President Chun; and if he will make a statement.

Mr. Renton: Yes. Reunification was amongst the subjects discussed during the recent visit of President Chun Doo Hwan. We hope that the dialogue between the Koreans will resume soon following the suspension of contacts by North Korea earlier this year.

Mr. Parry asked the Secretary of State for Foreign and Commonwealth Affairs what is the present policy of Her Majesty's Government towards the peaceful re-unification of Korea.

Mr. Renton: Our policy is to support progress towards reunification by means of direct dialogue between the Koreans.

Mr. Parry asked the Secretary of State for Foreign and Commonwealth Affairs what recent representations Her Majesty's Government have made to the Government of South Korea on their record on human rights.

Mr. Renton: The recent visit of President Chun Doo Hwan has provided opportunities to express our support for progress in the development of personal freedoms in the Republic of Korea.

Mr. Parry asked the Secretary of State for Foreign and Commonwealth Affairs if Her Majesty's Government had any observers at the team spirit manoeuvres in South Korea.

Mr. Renton: Our Defence attaché at Seoul observes the team spirit exercises as part of the normal duties of such an appointment.

Mr. Parry asked the Secretary of State for Foreign and Commonwealth Affairs if Her Majesty's Government have any plans to recognise the Government of North Korea; and if he will make a statement.

Mr. Renton: We have no plans to recognise North Korea.

Governments (Recognition)

Mr. Parry asked the Secretary of State for Foreign and Commonwealth Affairs (1) if he will list in the *Official Report* those countries whose Governments are not recognised by Her Majesty's Government;

(2) if he will list the countries with which Her Majesty's Government do not maintain diplomatic relations.

Mr. Eggar: I refer the hon. Member to the answer my hon. Friend the Member for Mid-Sussex (Mr. Renton) gave to the right hon. Member for Strangford (Mr. Taylor) on 19 June 1985 at column *151*.

Hong Kong

Mr. Ashley asked the Secretary of State for Foreign and Commonwealth Affairs if he will respond to the representations made by the Hong Kong Legislative Council before the Hong Kong (British Nationality) Order is laid before Parliament.

Mr. Renton: The representations made by the Hong Kong Legislative Council are being given careful consideration. The timing of the announcement of eventual decisions will involve several factors, among them the programme for the order, which will depend on the parliamentary timetable. This has yet to be arranged through the usual channels.

Irina Ratushinskaya

Mr. Beith asked the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the Soviet Embassy concerning the case of Irina Ratushinskaya, currently being held in a Soviet labour camp.

Mr. Renton: We regularly make clear to the Soviet authorities our concern for human rights and that those imprisoned for their political or religious beliefs should be released. The case of Irina Ratushinskaya was raised by my right hon. and learned Friend the Member for Edinburgh, Pentlands (Mr. Rifkind) then Minister of State, Foreign and Commonwealth Office, during his talks with Deputy Foreign Minister Kornienko last year.

EC (United Kingdom Budget Contribution)

Mr. Higgins asked the Secretary of State for Foreign and Commonwealth Affairs whether the European Economic Community is committed to implementation of the United Kingdom's budgetary abatement in full, whether or not any supplementary budget is agreed.

Mrs. Chalker: The European Community is under an obligation, under the new own resources decision, which has treaty status, to implement the United Kingdom budgetary abatement in full. On the basis of estimates of the United Kingdom's entitlement, provision for the abatement is made in the Community budget for the year following that for which the abatement is due. We are this year already receiving an abatement of £830 million in respect of 1985. A correction to the main abatement falls to be made if outturn figures differ from the earlier estimates.

On the basis of the outturn figures for 1985, the Commission has calculated that an additional sum is due to the United Kingdom. The revenue correction through which our abatement is made is written into the Community budget. The Commission has said that it will make provision for the additional abatement at the earliest opportunity, that is, in the supplementary budget it plans to bring forward shortly.

Soviet Dissidents

Mr. Marlow asked the Secretary of State for Foreign and Commonwealth Affairs if he has anything to add to the reply given to the hon. Member for Northampton, North on 14 February, *Official Report*, column *589*, relating to representations to the Soviet Government about Soviet dissidents.

Mr. Renton: I regret that, due to an error, the list was incomplete. Representations were also made to the Soviet Union on behalf of Valeri Barinov and Alexandr Kholmiansky. The number of Jewish cases given in the final sentence is correct for the list as amended.

ATTORNEY-GENERAL

Honours List

Mr. Dalyell asked the Attorney-General when he expects to receive the report from the Director of Public Prosecutions about the allegations relating to honours for Alan Bristow over Westlands.

The Attorney-General: The Metropolitan police will submit a report to the Director of Public Prosecutions at the conclusion of their inquiry. It is too soon to say how long the inquiry will take.

WALES

Handicapped Pupils

Mr. D. E. Thomas asked the Secretary of State for Wales what proportion of the schools in Wales have been modified or adapted since the passing of the Education Act 1981 in order to assist handicapped pupils.

Mr. Wyn Roberts: This information is not collected by the Department.

Mr. D. E. Thomas asked the Secretary of State for Wales what is the number and proportion of children whose education is governed by statements under the provision of the Education Act 1981 *(a)* in maintained primary and secondary schools, *(b)* in special schools, in each local education authority in Wales.

Mr. Wyn Roberts: The available information as at January 1985, is listed in the following table:-

	*Numbers**			
	At Primary and Secondary schools‡	*At Special schools‖*	*Total*	*Total numbers as a percentage of all pupils in maintained primary, secondary and special schools†*
Clwyd	315	910	1,225	1·7
Dyfed	41	443	484	0·9
Gwent	933	732	1,665	2·2
Gwynedd	591	345	936	2·3
Mid Glamorgan	2,762	1,144	3,906	4·0
Powys	62	165	227	1·2
South Glamorgan	494	667	1,161	1·8
West Glamorgan	1,497	455	1,952	3·1

* Numbers relate to children for whom the authorities are maintaining or will be maintaining a statement and who receive special education at schools within or outside the Authority.
† Numbers expressed as a percentage of all pupils educated at schools within the Authority.
‡ Including children awaiting placements in special schools.
‖ Including special units.

Mr. D. E. Thomas asked the Secretary of State for Wales what is the number of children whose education is governed by statements under the provision of the Education Act 1981 as a proportion of the total school population of each local education authority in Wales.

Mr. Wyn Roberts: The latest information relating to January 1985, is listed in the following table:

Children subject to statements receiving special education

	*Numbers**	*Numbers as a percentage of all pupils in all schools Numbers†*
Clwyd	1,289	1·8
Dyfed	497	0·9
Gwent	1,722	2·2
Gwynedd	969	2·3
Mid Glamorgan	3,988	4·0
Powys	232	1·2
South Glamorgan	1,170	1·7
West Glamorgan	1,968	3·1

* Numbers relate to children for whom the authorities are maintaining or will be maintaining a statement and who received special education at maintained or independent schools within or outside the authority, or at home.
† The numbers include those awaiting placement in special schools.

Initial Teacher Training

Dr. Marek asked the Secretary of State for Wales if he will make a statement on his policy towards the provision of a first-year entry for initial teacher training at Cartrefle college in September, in the light of the current deliberations of the Welsh Advisory Body for Further and Higher Education.

Mr. Wyn Roberts: In September 1986 the North-East Wales institute of higher education has a target of 85 primary and 25 secondary students for the first year of initial teacher training. Students entering these courses are assured of being able to complete their course of study. A decision on the intake in 1987 will be taken as soon as possible in the light of further advice from the Wales Advisory Body.

Radioactive Phial (University College)

Mr. Alan Williams asked the Secretary of State for Wales when he received a report on the loss of a small radioactive phial from University college, Swansea, in November 1985; and if he will make a statement on the circumstances which led to the loss and on the steps taken to ensure no recurrence.

Mr. Mark Robinson: The loss of the radioactive source was first reported to the Department on 22 November 1985. Following our request for more detailed information of the circumstances of the loss, a full and confidential report by the chairman of the university's health and safety committee was received on 13 March 1986 and this is currently being given urgent consideration. I will write to the right hon. Gentleman as soon as possible.

General Certificate of Secondary Education

Mr. D. E. Thomas asked the Secretary of State for Wales if he will list the subjects for which draft general

certificate of secondary education syllabuses have been submitted by the Welsh Joint Education Council to the Secondary Examinations Council.

Mr. Wyn Roberts: I am informed by the Secondary Examinations Council that draft GCSE syllabuses have been submitted by the WJEC in the following subjects:

Art & Design (6)
Classical Subjects (3)
Computer Studies (1)
French (1)
Home Economics (4)
Physics (1)
Welsh-First Language (1)
Biology (2)
CDT (3)
Economics (1)
Geography (2)
Mathematics (1)
Religious Studies (1)
Welsh Literature (1)
Business Studies (1)
Chemistry (1)
English Language (1)
History (1)
Music (1)
Sciences (3)
Welsh-Foundation (1)

Mr. D. E. Thomas asked the Secretary of State for Wales if he will list the subjects for which syllabuses submitted by the Welsh Joint Education Council have been approved by the Secondary Examinations Council.

Mr. Wyn Roberts: I am informed by the Secondary Examinations Council that it has approved GCSE syllabuses from the WJEC in the following subjects:

Art & Design
Classical Subjects
English Language
Mathematics
Welsh (First Language)
Biology
Computer Studies
Geography
Religious Studies
CDT
Economics
Home Economics
Sciences

Mr. D. E. Thomas asked the Secretary of State for Wales if he will list the subjects whose general certificate of secondary education syallabuses have been received in schools in Wales.

Mr. Wyn Roberts: The substantial progress which has been made with GCSE syllabus approval has enabled the WJEC to begin their distribution to local education authorities for onward transmission to secondary schools. Syllabuses, in final form, have already been sent to local education authorities in geography, music, biology, economics, English, history, Latin, classical civilisation, rural science, and physical education. The urgency of this task is fully appreciated by the WJEC and the local education authorities.

Mr. D. E.Thomas asked the Secretary of State for Wales if he will list the subjects for which draft general certificate of secondary education syllabuses are still to be submitted by the Welsh Joint Education Council to the Secondary Examinations Councils.

Mr. Wyn Roberts: I am informed by the Secondary Examinations Council that it expects shortly to receive draft GCSE syllabuses from the WJEC in the following subjects:

English Literature
Sciences
Welsh-Extended

Mr. D. E. Thomas asked the Secretary of State for Wales what estimate he has of the cost per pupil per subject for books and equipment needed for the teaching of the new courses involved in preparing for the general certificate of secondary education.

Mr. Wyn Roberts: It is for local education authorities to provide resources for the delivery of the curriculum in their schools, including a provision for GCSE courses. The Government have undertaken to supplement secondary school capitation allowances during the first GCSE courses through the education support grant mechanism.

Mr. D. E. Thomas asked the Secretary of State for Wales (1) if he will list by local education authority the names of subjects for which training sessions have been held in Wales together with the number of teachers attending each session;

(2) if he will list the number of training sessions for the implementation of the general certificate of secondary education which have been held in each local education authority in Wales.

Mr. Wyn Roberts: The following details have been provided by the WJEC who have informed me that attendance levels at seminars held to date have been variable:

WJEC GCSE Inset Seminars: 20 January—7 April 1986

LEA and Subject

Mid Glamorgan
Art and Design
English
Music
Science
Mathematics
Physics
Home Economics
Computer Studies
CDT
Economics
Religious Education
English
Geography
Biology
History

West Glamorgan
Physics
Science
Religious Education
Mathematics
English
Biology
History
Computer Studies
Economics
Art and Design

South Glamorgan
Religious Education
Chemistry
Mathematics
Biology
Economics
Computer Studies
Physics
Music

Home Economics
English
History

Clwyd
English
CDT
Mathematics
French
Business Studies
English
Economics
Physics
Geography

Gwent
Biology
Geography
Music
French
English
Home Economics
History
Religious Education
Economics
Physics
Mathematics

Powys
Geography
Home Economics
English
Business Studies
CDT
Economics
History
Religious Education
Mathematics
French
Economics
Art and Design

Dyfed
Home Economics
Mathematics
Art and Design
Economics
English
Business Studies
French

Gwynedd
CDT

Job Creation

Mr. Wigley asked the Secretary of State for Wales what percentage of the Government's estimate of newly created job opportunities in Wales is based on statistical projections; and how accurate such projections have been since 1979.

Mr. Wyn Roberts: The Government do not make estimates of newly created job opportunities; the available statistics enable estimates to be made of the net change in the number of people in work but not the underlying gross numbers of jobs created or lost.

EMPLOYMENT

Local Enterprise Agencies

Mr. Porter asked the Paymaster General what study he has made of the geographical balance in the distribution of local enterprise agencies.

Mr. Trippier: From the records my Department holds on local enterprise agencies, we are aware of their geographical spread throughout the country. These records show the following distribution in the number of local enterprise agencies:

	Number
South West	25
South East	60
London	38
Midlands	31
North West	57
North East	22
Yorkshire and Humberside	18
Scotland	35
Wales	12
Northern Ireland	34

Business Failures

Mr. Terlezki asked the Paymaster General how business failures in England and Wales in 1985 compare with the figures for 1984; and how this compares with the record of the United Kingdom's major European competitors.

Mr. Trippier: Estimates of the number of business failures in England and Wales in 1985 are not yet available. There are severe difficulties in the way of making meaningful comparisons of such estimates between countries.

Youth Training Scheme

Mr. Sean Hughes asked the Paymaster General how many injuries or fatalities involving young people employed on the YTS have been reported in the last year for which figures are available.

Mr. Trippier: Information is not available in the precise form requested as separate details of employed and non-employed trainees are not held. Following are the details of accidents to YTS trainees for the period 1 January 1985 to 31 December 1985, the latest available date.

Accidents and injuries for the period 1 January 1985 to 31 December 1985*

	Number
Fatalities	†4
Major injuries	‡201
Minor injuries	1,885
Total	2,090

* MSC accident figures for the YTS have been compiled on a similar basis to those prepared by the Health and Safety Executive on employed persons. However, the Commission's figures will include a number of accidents during scheme time and accidents to trainees in educational establishments which may not have been reportable to the Health and Safety Executive had the individuals been employed.

† This figure includes one road traffic accident.

‡ Major injuries are classified according to the severity criteria laid down in the Notification of Accidents and Dangerous Occurrences Regulations 1980 (NADOR).

Small Businesses (Government Contracts)

Mr. Watts asked the Paymaster General what steps he has taken to improve the opportunities for small businesses to tender for Government contracts.

Mr. Trippier: My Department liaises with purchasing departments and the central unit on purchasing to ensure that small firms can compete for Government contracts. The CUP is pursuing with departments the need to reduce paperwork and introduce simpler standardised procedures for small firms and for more departments to publish simple guidance for them. Its first report on progress will be published in the summer. A guidance booklet "Tendering for Government Contracts" is available through the small firms service and information about purchasing procedures and contacts in some departments will soon be available on Prestel.

Retirement Age (Women)

Mr. Peter Bruinvels asked the Paymaster General if he has yet concluded his consideration of whether to seek to amend the Sex Discrimination Bill in the light of the European Court of Justice decision concerning the retirement age for women.

Mr. Lang: The Government issued a consultative document on 1 April, which was placed in the Library of the House, setting out proposals for amending our legislation in the light of the judgment, and inviting comments by 30 April.

Political Funds

Mr. Winnick asked the Paymaster General what is his latest information as to how many unions have balloted over political funds under recent legislation; and of these how many have voted, respectively, in favour and against retaining a political fund.

Mr. Kenneth Clarke: We are aware of 38 unions that have held political fund review ballots under the 1984 Trade Union Act, all of which have voted in favour of retaining their funds.

Industrial Disputes

Mr. Prescott asked the Paymaster General how many working days were lost through industrial disputes per thousand employees in employment in each of the years 1974 to 1985; and what was the average figure for working days lost through industrial disputes per thousand employees in employment between February 1974 and April 1979, and between May 1979 to the latest date for which figures are available.

Mr. Lang: The number of working days lost through stoppages of work due to industrial disputes per thousand employees in employment in each of the years 1974 to 1985 is shown in the table. For the period February 1974 to April 1979 and May 1979 to February 1986, the annualised averages of working days lost per thousand employees in employment rate were 427 and 545 respectively.

United Kingdom
*Working days lost per thousand employees**

Year	*Number*
1974	647
1975	265
1976	146
1977	448
1978	413
1979	1,273
1980	521
1981	195
1982	248
1983	178
1984	1,282
1985†	299

* Based on the latest mid-year (June) estimates of employees in employment.
† Provisional.

Labour Statistics

Mr. Nellist asked the Paymaster General if he will publish in the *Official Report*, for each year since 1978, expressed at 1986 prices *(a)* the allowance paid on the youth opportunities programmes and YTS, *(b)* the average earnings of full-time males aged under 18 years, *(c)* the average earnings of full-time females aged under 18 years, *(d)* the minimum wage rate for a 16-year-old apprentice in engineering, *(e)* the minimum wage rate for a 17-year-old apprentice in engineering, *(f)* average earnings for full-time male manual workers, excluding overtime and bonuses, *(g)* average earnings for full-time female manual workers, excluding overtime and bonuses, *(h)* *(a)* as a percentage of *(f)* and *(g)*, *(i)* *(b)* as a percentage of *(f)*, *(j)* *(c)* as a percentage of *(g)*, *(k)* *(d)* as a percentage of *(f)* and *(l)* *(e)* as a percentage of *(g)*.

Mr. Lang: The available information is given in the table.

April each year	*1978*	*1979*	*1980*	*1981*	*1982*	*1983*	*1984*	*1985*
						*£/week April 1985 prices**		
(a) Allowances paid on Youth Opportunities Programme/YTS (2)	37·5	35·9	33·7	30·1	29·2	28·1	26·7	26·25
(b) Average gross earnings of full-time male employees aged under 18 years	68·4	70·3	69·2	69·7	69·9	68·6	67·7	69·5
(c) Average gross earnings of full-time female employees aged under 18 years	61·1	63·9	64·4	64·7	63·0	62·6	62·7	64·7
(d) Minimum wage rate for a 16 year old apprentice in engineering (engineering classes)†	46·6	44·5	47·1	48·0	46·1	46·5	‡‖46·5	‡
(e) Minimum rate for a 17 year old apprentice in engineering (engineering classes)†	63·0	60·2	62·8	60·7	58·2	58·7	‡‖58·7	‡
(f) Average gross earnings excluding overtime and bonuses for full-time male manual employees aged over 21 years	114·3	117·7	118·1	119·8	119·2	122·6	123·2	123·1
(g) Average gross earnings excluding overtime and bonuses for full-time female manual employees aged over 18 years	80·7	81·5	83·3	82·9	81·6	84·7	83·2	84·6
					Percentages			
(h) *(a)* as a percentage of *(f)*	32·8	30·5	28·5	25·1	24·5	22·9	21·7	21·4

	April each year	£/week April 1985 prices* 1978	1979	1980	1981	1982	1983	1984	1985
	(a) as a percentage of (g)	46·5	44·0	40·5	36·3	35·8	33·2	32·1	31·1
(i)	(b) as a percentage of (f)	59·8	59·7	58·6	58·2	58·6	56·0	55·0	56·5
(j)	(c) as a percentage of (g)	75·7	78·4	77·3	78·0	77·2	73·9	75·4	76·5
(k)	(d) as a percentage of (f)	40·8	37·8	39·9	40·1	38·7	37·9	37·7	—
(l)	(e) as a percentage of (g)	78·1	73·9	75·4	73·2	71·3	69·3	70·6	—

Sources:
(b) (c) (f) and *(g)* New Earnings Surveys 1978-1985 Great Britain.
(d) and *(e)* Time Rates of Wages and Hours of Work—Department of Employment.

* Figures used for 1978-1984 converted to constant prices using the Retail Prices Index (all times) April 1985 prices used as consistent with the latest available earnings figures.
† Rates at April but generally effective from earlier period.
‡ From Autumn 1983 intake apprentice rates were related to skill attainment not age.
‖ Relates to apprenticeships starting before Autumn 1983.

Mr. Leighton asked the Paymaster General how many people were unemployed in the London borough of Newham in 1979 and at the latest available date; and what are the comparable figures for long-term unemployed and unemployed school leavers.

Mr. Lang: The following information is in the Library. On 9 January 1986, the latest date for which an analysis of unemployment by duration is available, the number of unemployed claimants in the London borough of Newham was 17,664, of whom 7,639 had been unemployed for over one year. The number of unemployed school leavers aged under 18 years at the same date was 551. Statistics of unemployment for local authority districts are derived from the new ward-based system and are available only from June 1983.

News International Plant, Wapping

Mr. Gould asked the Paymaster General which of the following Australian citizens working at News International's Wapping Plant have work permits: Charlie MacNeil, John Cowley, Reg Limb, Phil Stevens, Adam Conrad and Norman Jamieson.

Mr. Lang: It is not our practice to disclose information of this kind about individuals.

Certificate of Exemption

Mr. Nicholas Winterton asked the Paymaster General what representations he has received from the construction and related industries concerning the implementation of condition 6 of the certificate of exemption No. CON (LO)/ 1981/82 (General); and if he will make a statement.

Mr. Trippier: The Health and Safety Executive has received representations from the Federation of Manufacturers of Construction Equipment and Cranes and from the Construction Plant-hire Association about the practicability and cost of complying with the condition. The executive has carefully considered these representations and is discussing them with the organisations concerned.

Scottish Gospel Outreach, Glasgow

Mr. Martin asked the Paymaster General what funds were made available under the community programme to Scottish Gospel Outreach, Glasgow, in 1985-86; and what funds are being made available in 1986-87.

Mr. Lang: Community programme projects are funded for a year and not in relation to financial years. Scottish Gospel Outreach has two projects. The first operates from July to July and it is estimated that it will receive £58,244 in the year which will end in July 1986. The second operated from March 1985 to March 1986 and received £38,622 during that period. That project has been renewed for 13 weeks to June 1986 at an estimated cost of £18,176. The amount of money which may be available to Scottish Gospel Outreach during 1986-87 will depend upon the outcome of negotiations between the Manpower Services Commission and the organisation about the conditions under which funding will be renewed.

Community Programme

Mr. Clay asked the Paymaster General (1) what is the cost of the current Manpower Services Commission advertising campaign to promote the community programme;

(2) what outside agencies have been engaged in connection with the Manpower Services Commission advertising campaign to promote the community programme;

(3) what sums have been paid to any outside agencies engaged by the Manpower Services Commission in connection with its advertising campaign to promote the community programme;

(4) on what evidence the Manpower Services Commission based the statement, included in advertising on behalf of the commission, that there is no shortage of work in Sunderland; and if he will make a statement.

Mr. Lang: The Chancellor of the Exchequer announced in his Budget speech the expansion of the community programme from its present level of 200,000 filled places to 255,000 places by the end of October. The allocation of places to the northern region is likely to increase to 29,600. The allocation to the south Tyne area, which includes Sunderland, is not yet settled, but is likely to be a considerable increase over the 5,658 filled community programme places in the south Tyne area at the end of March. There will therefore be a substantial number of community programme jobs which will need to be filled to meet the target for the area community programme sponsors.

Community programme sponsors provide jobs by undertaking work which would not otherwise be done. Experience indicates that there is, as the advertisement states, no shortage of such work in Sunderland or elsewhere.

A press and radio campaign was run in March in three areas: the north-east, south Wales and London. Its purpose

was to encourage long-term unemployed people to apply for community programme jobs and to test the effectiveness of different forms of publicity. Advertisements were designed to attract attention, and in the north-east 1,350 responses have already been received.

The advertising material was designed by Saatchi and Saatchi Compton Ltd. It distributed material to the local media, and received a 15 per cent. commission, which is the customary figure. The cost of the whole campaign, including commission, was £167,000 of which £27,000 was in the north-east.

ENERGY

Hypothermia

13. **Mr. Cohen** asked the Secretary of State for Energy if the Monergy campaign is to feature any posters warning about the dangers of hypothermia.

Mr. David Hunt: The Energy Efficiency Office has a range of publications and posters which advise on the help available to householders who have homes which are difficult to heat or who have difficulty in paying their fuel bills.

Oil and Gas

15. **Mr. Douglas** asked the Secretary of State for Energy if he will make a statement on the current level of output of oil and gas from the United Kingdom sector of the continental shelf.

Mr. Buchanan-Smith: The most recent figures are for February, when daily offshore production is provisionally estimated to have been 2·7 million barrels of crude oil and 7·4 billion cu ft of natural gas.

Nuclear Industry

16. **Mr. Campbell-Savours** asked the Secretary of State for Energy what recent representations he has received about his responsibilities for the nuclear industry.

Mr. Peter Walker: I receive representations from many organisations and individuals about my responsibilities for nuclear power.

Monergy Breakfasts

17. **Mr. Lewis Stevens** asked the Secretary of State for Energy if he will make a statement on the progress to date of the Monergy breakfast specials.

Mr. David Hunt: The Monergy breakfasts have been extremely successful; 2,100 senior executives have attended the three events held to date and the accompanying exhibitions were well over-subscribed.

Oil Companies (Discussions)

18. **Mr. Adley** asked the Secretary of State for Energy if he will make a statement on his latest discussions with representatives of the oil companies.

Mr. Buchanan-Smith: My Department keeps in regular contact with the oil companies.

Waste (Energy Production)

19. **Mr. John Mark Taylor** asked the Secretary of State for Energy if he will make a statement about his policy on producing energy from waste.

Mr. David Hunt: The Department's policy is to encourage the use of waste as a fuel wherever it is economically viable, when there is not a more economic use and it is environmentally acceptable. I am supporting research, development and demonstration programmes on energy from waste with an existing commitment of £5·9 million on 62 projects.

Energy Efficiency

20. **Mr. Favell** asked the Secretary of State for Energy if he will make a further statement about energy efficiency year.

Mr. David Hunt: Energy Efficiency Year is now in full swing. Our campaign has generated substantial interest and activity throughout the country. Around 400 events have already taken place and over a thousand will take place this year.

22. **Mr. Peter Bruinvels** asked the Secretary of State for Energy if he will make it his policy to encourage companies and local authorities to appoint full-time energy audit managers.

Mr. David Hunt: It is already my right hon. Friend's policy to encourage the appointment of energy managers. The number of energy managers has doubled over the past 2½ years since my right hon. Friend launched the energy efficiency campaign.

25. **Mr. Pike** asked the Secretary of State for Energy what new initiatives Her Majesty's Government propose to take in energy efficiency year to promote energy efficiency projects.

Mr. David Hunt: Energy Efficiency Year is itself a major new initiative designed to encourage increased takeup of existing successful Government schemes, to promote more widespread action on the comprehensive range of advice and information prepared by Government agencies, and to stimulate the more vigorous and successful marketing of the ever-expanding range of energy efficiency goods and services available in the market place. It is succeeding on all these fronts.

27. **Mr. Andy Stewart** asked the Secretary of State for Energy what is his most recent estimate of the savings generated by industry and commerce through energy efficiency schemes.

Mr. David Hunt: Action taken by companies which have already responded to our energy efficiency campaign is leading to savings of at least £500 million a year. Energy Efficiency Year will of course stimulate further substantial savings.

Coal Conversion Scheme

21. **Mr. Bellingham** asked the Secretary of State for Energy if he will report on progress of the scheme to assist industry with grants to enable conversion to coal firing.

Mr. David Hunt: At the end of March, 418 projects with grant offers totalling some £47 million and coal burn in excess of 2·5 million tonnes per annum were under way.

Nuclear Industry (Sweden)

23. **Mr. Leigh** asked the Secretary of State for Energy if he will seek to visit nuclear installations in Sweden.

Mr. Goodlad: I have at present no plans to do so.

Coal Imports

24. **Mr. Mason** asked the Secretary of State for Energy if, when he next meets the chairman of the National Coal Board, he will discuss the problems being created by the size of coal imports; and if he will make a statement.

Mr. Peter Walker: The volume of coal imports into the United Kingdom is affected by demand for specialist coals which cannot be supplied indigenously in sufficient quantity; by purchasers' confidence in the reliability of United Kingdom supplies; and by the competitiveness of United Kingdom coal at world market prices. All these factors may impinge on the National Coal Board's operations, which I discuss regularly with its chairman.

Electricity Generation (Oil)

26. **Mr. Colvin** asked the Secretary of State for Energy if he has had any recent representations from the oil industry seeking the greater use of oil in power generation in the United Kingdom.

Mr. Buchanan-Smith: No.

NCB (Enterprise) Ltd.

28. **Mr. Gregory** asked the Secretary of State for Energy if he will make a further statement on the current activities and prospects of NCB (Enterprise) Ltd.

Mr. David Hunt: At the end of February 1986 NCB (Enterprise) Ltd. had committed £7·6 million assisting 341 projects to create 4,768 job opportunities. A further £41·5 million of investment has been attracted from other sources. On this basis, the £20 million presently available to the company could generate some £140 million in total investment for new job creation projects.

Energy Charges

29. **Mr. Greenway** asked the Secretary of State for Energy if he will detail the increases in energy charges between 1974 and 1979 and in the latest five-year period for which figures are available; and if he will make a statement.

Mr. Buchanan-Smith: Between 1974 and 1979, the current price index for domestic fuels rose by 113 per cent. and that for industrial fuels by 140 per cent. In the latest five-year period for which data are available on a comparable basis—ie third quarter 1980 to third quarter 1985—the corresponding figures were 51 per cent. and 36 per cent. respectively.

Colliery Closures

30. Mr. Hardy asked the Secretary of State for Energy if he will make a statement on the progress of the implementation of the agreement made between the National Coal Board and the National Association of Colliery Overmen, Deputies and Shotfires relating to colliery closures.

Mr. David Hunt: No. This is a matter for the NCB and its mining unions.

Nuclear Policy (Departmental Staff)

31. **Mr. Chapman** asked the Secretary of State for Energy how many people work in the nuclear policy division of his Department; and if he will make a statement.

Mr. Goodlad: The present staff of the atomic energy division of my Department totals 41.

Coal Industry

32. **Mr. Knox** asked the Secretary of State for Energy what is the output of coal per man shift at the present time; and how this compares with the output per man shift in April 1979.

Mr. David Hunt: The latest figures available show that overall revenue deep-mined productivity was 3·08 tonnes per man shift in the week ending 22 March 1986. This compares with an average of 2·20 tonnes per man shift for April 1979.

Energy Costs

33. **Mr. Phillip Oppenheim** asked the Secretary of State for Energy what consideration he is giving to the impact of the level of energy costs borne by industry in the United Kingdom, compared with those of other Organisation for Economic Co-operation and Development countries.

Mr. Buchanan-Smith: I keep a close watch on comparative industrial energy prices. Energy prices to industry in this country have fallen in real terms over the last three years.

Nuclear Installations Inspectorate

Mr. Frank Cook asked the Secretary of State for the Environment if he will make it his policy to publish further information on the detailed guidelines of the nuclear installations inspectorate regarding the monitoring for adequacy and implementation of the arrangements for the control and supervision of a Land 2 disposal site; and if he will make a statement.

Mr. Goodlad: I have been asked to reply. When these guidelines are ready the Health and Safety Executive will place a copy in the Library of the House and make copies available upon request.

Renewable Energy

Mr. Powley asked the Secretary of State for Energy what is the total spending of his Department on research and development of renewable energy sources of the five years to the latest available date; what were the comparable figures for the five years 1974 to 1979; and if he will make a statement.

Mr. David Hunt: Expenditure by my Department on research and development into the renewable sources of energy in the financial years 1980-81 to 1984-85 amounted to £68 million compared with £15·8 million in the period 1975-76 to 1979-80.

Plutonium

Mr. D. E. Thomas asked the Secretary of State for Energy in what ways the plutonium with plutonium-240 content less than 15 per cent. produced by Hinckley Point A, Sizewell and Oldbury after 1 April has been disposed of.

Mr. Goodlad: No plutonium produced by these stations since 1 April has been separated from the fuel which contains it or has been disposed of.

Electricity Tariffs (Oil Price)

Mr. Austin Mitchell asked the Secretary of State for Energy if, when he next meets the chairman of the Electricity Council, he will raise with him the scope for reducing electricity tariffs in the light of the recent large fall in the price of crude oil; and if he will make a statement.

Mr. Goodlad: Electricity tariffs are a commercial matter for the electricity boards. The CEGB and NCB are discussing the level of coal prices in the light of the fall in the price of oil and the uncertain prospects for the future price of oil. Any tariff changes will depend on the outcome of the discussions.

Neighbourhood Energy Action

Mr. Fallon asked the Secretary of State for Energy what level of grant he has approved for Neighbourhood Energy Action in 1986-87; and if he will make a statement.

Mr. Peter Walker: My Department's grant to Neighbourhood Energy Action for 1986-87 will be £275,000. This compares with a grant of £186,764 in 1985-86. The increase is to enable NEA to expand the services that it provides to the voluntary insulation projects. The number of projects has increased from 114 in March last year to over 230 in March this year, and is expected to increase further to over 400 by the end of the year. NEA provides management advice, information and training to the projects. I regard NEA's services as a major contribution to the success achieved by the projects in insulating over 150,000 houses to date, mainly the homes of pensioners and disabled people.

SCOTLAND

Action on Alcohol Abuse

Mr. Michael Brown asked the Secretary of State for Scotland whether he has received any application for public funds from Action on Alcohol Abuse; what has been his response; and if he will make a statement.

Mr. John MacKay: My right hon. and learned Friend has received no such application. Since 1973, however, the Scottish Home and Health Department has made an annual grant to the Scottish Council on Alcohol, which is the only national voluntary agency in Scotland concerned with alcohol and alcohol-related problems funded for this purpose.

Citizens Advice Bureaux

Mr. Kirkwood asked the Secretary of State for Scotland if he will list in the *Official Report* those regional and district councils which made contributions to local citizens advice bureaux, showing the level of grant in the last financial year for which figures are available; and how much that grant represented per 1,000 head of population.

Mr. Ancram: I regret that the information requested is not held centrally.

Health Boards (Funding)

Mr. Donald Stewart asked the Secretary of State for Scotland if he will state the funding per capita in each of the Scottish health board areas at the latest available date.

Mr. Rifkind: The figures for 1984-85 are as follows:

Health Board	*£ per capita*
Argyll and Clyde	282·45
Ayrshire and Arran	255·77
Borders	264·85
Dumfries and Galloway	309·77
Fife	251·28
Forth Valley	293·92
Grampian	299·14
Greater Glasgow	436·01
Highland	322·72
Lanarkshire	258·98
Lothian	354·48
Orkney	266·23
Shetland	228·55
Tayside	389·69
Western Isles	284·49
Scotland	327·57

Notes:

1. The expenditure figures used are taken from the annual accounts submitted to the Department by the Health Board, and are net of charges retained by family practitioners.
2. The population figures used are mid-year estimates of resident population for 1984.
3. The figures do not include expenditure on support services provided by the Common Services Agency which was £11·75 per capita in Scotland as a whole, or expenditure on the main capital programme which was £12·85 per capita.

The distribution of funds to health boards in Scotland is determined by population weighted according to age, sex and local mortality rates, by the amount of health care provided for patients from neighbouring areas (cross-boundary flow), by teaching hospital costs, by a number of other commitments, and also by the extent to which individual boards benefit by the operation of the resources equalisation process. It is therefore not possible to draw reliable conclusions from comparisons of per capita expenditure by health boards based on resident population figures which make no allowance for these factors.

Asbestos (Dumping)

Dr. Godman asked the Secretary of State for Scotland, pursuant to the answer of 8 April, *Official Report*, columns *18-19*, if he will specify the average, highest and lowest depth of the site chosen off Cloch Point for the dumping of asbestos contaminated material; if he will indicate the controls applied to the dumping operation; whether the material is bagged or held in some other form of container; what information and guidance is given to the masters of vessels who are engaged in such dumping; what warnings are issued to other vessels in the vicinity; and if he will make a statement.

Mr. John Mackay: As my right hon. Friend the Parliamentary Under-Secretary of State for the

Environment has already indicated, a full statement will be made before any such operation is undertaken. — [Vol. 95, c. *18-19*.]

Support,Finance

Mr. Tom Clarke asked the Secretary of State for Scotland what was the total amount earmarked for Scotland in the national support finance fund in 1984-85, together with the final total allocated to new and to existing projects in that financial year, broken down by health board area.

Mr. John MacKay: The current arrangements, under which new support finance projects are controlled and managed locally, did not come into effect until 1 May 1985. The total set aside centrally to fund support finance projects in 1984-85 under the previous arrangements was £4·6 million. The amounts spent by individual boards were as follows:

Expenditure on support finance projects in 1984-85

Health Board	*£'000*
Argyll and Clyde	—
Ayrshire and Arran	—
Borders	230
Dumfries and Galloway	690
Fife	140
Forth Valley	80
Grampian	440
Greater Glasgow	—
Highland	780
Lanarkshire	120
Lothian	160
Orkney	—
Shetland	—
Tayside	80
Western Isles	90
Total	2,810

Mr. Tom Clarke asked the Secretary of Sate for Scotland (1) what was the total expenditure in Scotland from *(a)* the residual Scottish Office fund and *(b)* health boards, on support finance projects in 1985-86, broken down by health board area;

(2) what is the estimate of support finance expenditure for 1985-86, by health board area.

Mr. John MacKay: Details of the indicative levels of expenditure on support finance projects in 1985-86, distinguishing between projects approved under the previous arrangements and new schemes, were given in my reply of 17 July 1985 at column *40*, in response to a question from the hon. Member for Ross, Cromarty and Skye (Mr. Kennedy).

Information on actual expenditure by health boards in 1985-86 is not yet available centrally. Indicative levels of expenditure on support finance projects in 1986-87 were given in my reply of 26 March 1986 at column *514*, also in response to a question from the hon. Member for Ross, Cromarty and Skye.

Disabled People (Surveys)

Mr. Tom Clarke asked the Secretary of State for Scotland (1) in which parts of Scotland, and for which groups of disabled people, surveys have been carried out in accordance with the terms of the Chronically Sick and Disabled Persons Acts of 1970 and 1972;

(2) in which year each survey carried out under the Chornically Sick and Disabled Persons Acts was undertaken; and whether they have been regularly repeated or kept up to date in some other way.

Mr. John MacKay: Full information is not held centrally. It is for local authorities to decide how to discharge their responsibilities under the Acts, subject to any general guidance which my right hon. and learned Friend may provide.

Joint Funding (Projects)

Mr. Tom Clarke asked the Secretary of State for Scotland if he will list by health board area the titles of all joint funded projects in Scotland, together with the total annual cost of each project.

Mr. John MacKay: I refer the hon. Member to the reply which I gave him on 16 December 1985 at column *58*, and to the letter which I subsequently wrote to him on 24 January, a copy of which is now in the Library.

Postal Votes

Mr. Home Robertson asked the Secretary of State for Scotland what arrangements are in effect to ensure that electors can exercise their right to obtain postal votes; and if there is any restriction on the availability of RPF7 forms and other relevant documents to electoral registration officers in Scotland.

Mr. John MacKay: The returning officer is required to state in the notice of election the date by which applications to be treated as an absent voter and notices about postal or proxy voting must reach the electoral registration officer to be effective for the election. In addition, each electoral registration officer is required to give notice of that date in his area by such means as he thinks best calculated to bring the information to the notice of those concerned.

Application forms for a postal vote, most commonly on form RPF7, are made available by electoral registration officers from their offices and other local authority offices and are supplied to political parties on request in reasonable quantities. There are no restrictions on the availability of RPF7 forms and other relevant documents to electoral registration officers in Scotland who themselves determine their needs.

Plutonium

Mr. D. E. Thomas asked the Secretary of State for Scotland when plutonium recovered from fuel irradiated in South of Scotland Electricity Board reactors first became the property of the South of Scotland Electricity Board.

Mr. Allan Stewart: Irradiated fuel from South of Scotland Electricity Board reactors and the plutonium within it has been the property of the board since November 1971. Under the terms of the fuel supply agreement between the United Kingdom Atomic Energy Authority and the SSEB signed in 1962 the Authority undertook to purchase from the board a quantity of irradiated fuel equivalent to the uranium content of the initial charges, supplied as concessionary fuel, for the two Hunterston A reactors. The last of the irradiated fuel purchased under this agreement was received at Sellafield

in November 1971. Under similar arrangements, with the Central Electricity Generating Board, the purchase by the UKAEA of irradiated fuel from CEGB reactors was completed by April 1969.

Prison Gatehouses

Mr. Fairbairn asked the Secretary of State for Scotland what are the building costs of the gatehouses at Her Majesty's prison at Barlinnie, Saughton, Craiginches and Perth.

Mr. Rifkind: The costs of building the gatehouses/administration blocks at the prisons referred to are as follows, with completion dates in order to put the costs in perspective.

Prison and Cost £	*Completion Date*
Barlinnie 368,000	March 1975
Saughton 1,638,000	July 1984
Craiginches 165,000	February 1975
Perth *1,874,000	July 1985

* provisional

Ancient Monuments

Mr. Fairbairn asked the Secretary of State for Scotland if he will list *(a)* those ancient monuments in his care in Scotland and *(b)* those ancient monuments which are not in his care in Scotland, but which are listed under the terms of the Ancient Monuments Act.

Mr. Rifkind: This information is contained in the latest edition of the statutory "List of Ancient Monuments in Scotland", published by Her Majesty's Stationery Office, a copy of which I am sending to my hon. and learned Friend, together with a note of amendments to the list which have been effected since publication. I am placing copies of these documents in the Library.

School Closures

Mr. Wilson asked the Secretary of State for Scotland if he will publish a list, by region, of all primary and secondary school closures between September 1984 and September 1985.

Mr. Allan Stewart: There were no secondary school closures in Scotland in the period referred to. The following table records primary school closures and is based on returns provided by individual education authorities.

Primary school closures in Scotland September 1984 to September 1985

Borders
Kirkurd
Crailing

Central
Lecropt

Dumfries and Galloway
Dalrymple

Fife
Arncroach
Radernie

Grampian
Ballogie

Highland
Skerray
Killen
Vatten Bridge
Delnies

Lothian
—

Orkney
—

Shetland

Strathclyde
Kilberry
Letterwood
Hawksland

Tayside
Farnell
Fowlis Easter
Invertay
Blackshade
Dryburgh
St. Andrew's

Western Isles
Drinishader

Hill Livestock Compensatory Allowances

Mr. Maclennan asked the Secretary of State for Scotland if, pursuant to his reply to the hon. Member for Caithness and Sutherland of 8 April, *Official Report*, column *37*, he will publish the figures of hill livestock compensatory allowances, paid to producers *(a)* by 7 April 1986 and *(b)* by 9 April 1985, quoting the rate of headage payment in each year.

Mr. John MacKay: The 20,532 payments made by 7 April 1986, most of which were 75 per cent. payments to account made very early in the year, totalled £31,836,236. The 15,542 payments made by 9 April 1985, all of which were full payments, totalled £33,186,834. The respective rates were as follows:

	£ *A*	£ *B*	£ *C*
1986			
Severely Disadvantaged Land			
(i) Highlands and Islands Development Board Area:			
Cows	57·55	62·48	62·48
Specially Qualified Sheep	7·33	7·33	7·33
Qualified Sheep	4·50	4·50	4·50
(ii) Elsewhere:			
Cows	£54·50		
Specially Qualified Sheep	£6·75		
Qualified Sheep	£4·50		
Disadvantaged Land:			
Cows	£27·25		
Sheep	£2·25		
1985			
Severely Disadvantaged Land			
(i) Highlands and Islands Development Board Area:			
Cows	47·00	54·00	57·50

		£ A	£ B	£ C
Specially Qualified Sheep		6·80	6·80	6·80
Qualified Sheep		4·25	4·25	4·25
(ii) Elsewhere:				
Cows	£44·50			
Specially Qualified Sheep	£6·25			
Qualified Sheep	£4·25			
Disadvantaged Land:				
Cows	£22·25			
Sheep	£2·12			

Electricity Prices

Mr. Foulkes asked the Secretary of State for Scotland if, when he next meets the chairman of the South of Scotland Electricity Board, he will raise with him the scope for reducing the recent price increases in the light of the recent large fall in the price of crude oil; and if he will make a statement.

Mr. Allan Stewart: No. The board is responsible for setting tariffs and it is for it to consider how these should be adjusted to take account of movements in fuel or other costs of production.

AGRICULTURE, FISHERIES AND FOOD

Brown FK

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food (1) pursuant to his answer to the hon. Member for Great Grimsby on 24 March on Brown FK, on what grounds the United Kingdom supports the proposal to transfer Brown FK from annex II to annex I;

(2) further to his answer to the hon. Member for Great Grimsby on 24 March on Brown FK, whether the representations received from the United Kingdom kipper industry were opposed to the proposal; and what information he has as to the attitudes towards the proposal of other EEC member states;

(3) if there are any proposals emanating from the European Commission which would have the effect of obliging all member states to prohibit the use of Brown FK.

Mrs. Fenner: Brown FK appears in annex II to the EC directive on colouring matter in food. Annex II is a temporary list of colours which member states may permit if they wish. Following advice from its Scientific Committee for Food, the Commission is now proposing to move Brown FK for use on smoked fish, from annex II to annex I of the directive, thereby requiring all member states to accept this use permanently. There is no proposal to prohibit the use of Brown FK on smoked fish. Following advice from the Food Advisory Committee and the Committee on Toxicity on need and safety, the Government supports the Commission's proposal. Representations from the kipper industry support the continued use in the United Kingdom of Brown FK on smoked fish.

Sugar

Mr. Pawsey asked the Minister of Agriculture, Fisheries and Food what is the current European Community intervention price per tonne for sugar beet, expressed in pounds sterling; what information he has on the current average world price for sugar, similarly expressed; and if he will make a statement.

Mr. Gummer: There is no European Community intervention price for sugar beet, but that for white sugar is currently £335·19 per tonne. The London daily price for white sugar, which may be regarded as representative of the world price was 228 dollars (£157·06) per tonne on 7 April 1986. Prices on the world sugar market, which is a residual and highly volative one, have been depressed for some time but trade estimates that 1985-86 world production may fall below consumption have recently caused prices to rise above their lowest levels.

Terrestrial Radioactivity Monitoring Programme

Mr. D. E. Thomas asked the Minister of Agriculture, Fisheries and Food what criteria were applied in choosing the sites to be monitored under the terrestrial environmental monitoring survey being conducted by his Department and the National Radiological Protection Board.

Mrs. Fenner: The Ministry's terrestrial radioactivity monitoring programme is being conducted around establishments of the United Kingdom Atomic Energy Authority and licensed nuclear sites from which discharges of radioactive waste are authorised in England jointly by my right hon. Friend the Minister and my right hon. Friend the Secretary of State for the Environment, and in Wales by my right hon. Friend the Secretary of State for Wales.

Mr. D. E. Thomas asked the Minister of Agriculture, Fisheries and Food when the first report of the terrestrial environmental monitoring survey will be published; and if he will make copies available in the Library.

Mrs. Fenner: It is expected that the first report will be published during the first half of 1987. Copies will be placed in the Library of the House.

Frozen Vegetables (Duties)

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food at what level the United Kingdom objection to the Spanish proposal to increase duties on frozen vegetables mentioned in his reply to the hon. Member for Great Grimsby of 8 April was lodged; whether it was pursued at ministerial level and with what result; what the normal procedures are for dealing with a registered objection; and whether any other countries lodged similar objections.

Mrs. Fenner: The United Kingdom objection in respect of frozen vegetables was raised in the Council working group on Spanish accession. Tariff dismantlement was one of a number of outstanding technical issues forming part of the final Presidency package that was accepted by the Council of Ministers. There were no objections at the time from other member states on this issue.

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food why the increase in the duty on British frozen vegetables entering Spain after the treaty of accession was accepted by Her Majesty's

Government; what efforts were made to persuade the Commission to impose it; and why the industry was not informed of this increase until after it had come into force.

Mrs. Fenner: The duty increase referred to took effect on 1 March 1986 as a consequence of the treaty of Spanish accession which was published in the *Official Journal of the European Communities* on 15 November 1985.

Mr. Austin Mitchell asked the Minister of Agriculture, Fisheries and Food when the representations for a reduction in the duties on frozen peas mentioned in his reply to the hon Member for Great Grimsby of 8 April were first made by Her Majesty's Government; at what level they were lodged; whether they will now be pursued in the Council of Ministers; and what efforts have been made to secure support from other European Economic Community Governments for this reduction.

Mrs. Fenner: On the first two parts of the question, I refer the hon. Member to my reply of 11 April. The next steps depend on Spanish reactions. The problem has been brought to the attention of all other member states of the Community.

ADAS (Charges)

Mr. Walters asked the Minister of Agriculture, Fisheries and Food what representations he has received from farmers about the proposed Agricultural Development and Advisory Service charges for statutory work in connection with milk and dairies regulations.

Mr. Gummer: I shall reply to my hon. Friend as soon as possible.

Dairy Inspections

Mr. Walters asked the Minister of Agriculture, Fisheries and Food if there are any proposals to abolish compulsory dairy inspections for farmers whose milk falls into category A and B of the Milk Marketing Board total bacteriological count.

Mr. Gummer: I shall reply to my hon. Friend as soon as possible.

Ritual Slaughter

Mr. Favell asked the Minister of Agriculture, Fisheries and Food how many representations he has received in favour of the stunning of animals prior to ritual slaughter; and if he will now respond to the Farm Animal Welfare Council report on this subject.

Mrs. Fenner: My Department has received 255 representations in support of the recommendation in the Farm Animal Welfare Council's report that the slaughter of animals without pre-stunning should be prohibited within three years. We have also received numerous representations opposing this recommendation. We are now considering the council's report and all comments made on it before decisions are taken.

Asbestos (Dumping)

Dr. Godman asked the Minister of Agriculture, Fisheries and Food how widespread is the practice of dumping asbestos or asbestos-contaminated material in United Kingdom estuarial waters; how such dumping is monitored and regulated; and if he will make a statement.

Mr. Gummer: I shall reply to the hon. Member as soon as possible.

EC (Intervention)

Mr. Marlow asked the Minister of Agriculture, Fisheries and Food what is the cost to the taxpayer of intervention and storage not yet reimbursed by the European Economic Community for each of the last three calendar years.

Mr. Gummer: I shall reply to my hon. Friend as soon as possible.

Badgers

Dr. David Clark asked the Minister of Agriculture, Fisheries and Food (1) what steps officials in his Department took to try to persuade the team drafting the Dunnet report to draft it in terms of endorsing the general policy on tuberculosis control in badgers but recommending changes in tactics or operational approach and to try to secure amendments to the draft where needed; and if he will make a statement;

(2) if, in the light of Mr. K. W. Wilkes' memorandum of 3 December suggesting that amendments be sought by his Department to the then draft of the Dunnet report, the Parliamentary Under-Secretary has anything to add to the reply to the hon. Member for South Shields of 27 March, *Official Report*, column *597*, about departmental involvement in seeking changes to drafts of the Dunnet report.

Mr. Jopling: A meeting took place on 5 December 1985 between the Dunnet committee and officials of my Department. The meeting was held at the request of the committee, who wished to discuss their preliminary conclusions, and had prepared a list of these conclusions for this purpose. The Ministry memorandum to which the hon. Member refers was produced in preparation for that meeting. In the course of the meeting, officials pointed out that the criticisms of existing operations which the committee intended to make were not directed against the policy of trying to minimise cross-infection from badgers to cattle, but against the procedures being used.

The hon. Member's question of 27 March referred to discussions on the draft report and requests for redrafting and it followed certain allegations which had appeared in the press. I confirm the reply which I gave to that question.

NATIONAL FINANCE

Johnson Matthey Bank Ltd.

Mr. Sedgemore asked the Chancellor of the Exchequer what steps have been taken to ensure that the sale of Johnson Matthey Bank does not impede fraud squad inquiries.

The Attorney-General: I have been asked to reply. The controller of the fraud investigation group has spoken to the officer leading the police investigation into the affairs of Johnson Matthey Bank Ltd. and they are both satisfied that the change of ownership of that part of the banking operation which is to be sold will not have any adverse affects upon continuing police inquiries. Co-operation afforded to police officers by the present

management of Johnson Matthey Bank Ltd. has been excellent and police have no reason to suppose that the quality of co-operation will suffer.

SOCIAL SERVICES

Social Security Reform

Mr. Andrew Bowden asked the Secretary of State for Social Services how many pensioner households *(a)* in total and *(b)* by tenure will cease to qualify for any housing benefit as a result of each of the following changes to the housing benefit scheme outlined in the White Paper, "Reform of Social Security", Cmnd 9691: (i) the changes to the needs allowance and taper formulae, and in the assessment of income, (ii) the treatment of capital and (iii) the suggested 20 per cent. contribution to rates.

Mr. Newton: Using the illustrative assumptions in the technical annex to the White Paper (Cmnd 9691), the estimated numbers of pensioners who would cease to qualify for housing benefit is shown in the table. As explained in paragraph 2·12 of the technical annex, estimates of capital holdings are highly uncertain: it is not therefore possible to provide a precise analysis of the effects of the structural change to the capital rule, and they are not included in the following estimates.

Effect of Structural Reform of Housing Benefit

Numbers ceasing to be entitled to housing benefit	*Without 20 per cent. rates contribution*	*With 20 per cent. rates contribution*
	Thousands, Great Britain	
Pensioner households		
Local authority tenants	50	90
Owner-occupiers	60	180
Others	20	40
Total	140	310

Notes:
1. The estimates exclude the effects of the family credit proposals.
2. The estimates are not adjusted for differential take-up.
3. Some totals may not be equal to the sum of the component parts because of rounding.

Income-related Assistance

Sir Brandon Rhys Williams asked the Secretary of State for Social Services what is the current total number of people in Great Britain dependent on income-related assistance; and what is his estimate of the number that will be dependent on income-related assistance in 1988 and 1990.

Mr. Major: I regret the precise information requested is not available. The latest estimate of the number of people wholly or partly dependent on the main income-related benefits relates to 1983 when an estimated 14 million people were living in families receiving supplementary benefit, housing benefit or family income supplement. This estimate is derived from family expenditure survey data for 1983 and therefore excludes persons not living in private households.

No firm estimates are available for 1988 or 1990, but on the basis of the illustrative rates quoted in Cmnd. 9691 it is estimated that the average numbers in 1988 receiving benefit will increase by around 200,000 in the case of family credit because of substantial improvements over FIS, remain broadly the same for income support and that somewhat over 750,000 fewer householders will receive housing benefit. This assumes a 20 per cent. minimum rates contribution but does not take account of any households excluded from housing benefit through the proposed capital rules.

Practice Nurses

Dr. Roger Thomas asked the Secretary of State for Social Services what is his policy regarding the employment by group medical practices of practice nurses; and what is his policy regarding reimbursement of the costs generated *(a)* when community nurses are available and *(b)* when such nurses are not available.

Mr. Hayhoe: General medical practitioners, as self-employed contractors, may employ nurses in their practices whether or not health authority community nurses are available. Under their contract with the National Health Service, general medical practitioners are reimbursed expenses incurred in providing general medical services. Seventy per cent of the salaries of certain staff, including practice nurses, are reimbursed direct to doctors employing them and the remainder is reimbursed indirectly, on an average basis, through the provision made for practice expenses in fees and allowances.

Board and Lodging

Mr. Kirkwood asked the Secretary of State for Social Services what is the number of outstanding appeals involving the elderly and disabled in receipt of board and lodgings assistance; and from which areas they come.

Mr. Major: The information is not readily available and could be obtained only at disproportionate cost.

Health Authorities (Agencies)

Mr. Dobson asked the Secretary of State for Social Services what information is available to his Department on the use of local agencies by health authorities.

Mr. Hayhoe: Health authorities make use of local agencies at their discretion and are not in general required to make available to my Department information about such contacts.

Private Practice (Handbook)

Mr Dobson asked the Secretary of State for Social Services (1) if he will list the differences between the draft handbook on the management of private practice issued in July 1985 and the final handbook published in March 1986;

(2) if he will list the differences between the handbook on the management of private practice issued in March 1986 and his Department's guidance to health authorities before the release of the handbook in its draft form in July 1985.

Mr. Hayhoe: The differences between the draft and final versions of the handbook reflect the outcome of wide consultation on the draft. The principal changes made were as follows. In the passage on access to National Health Service facilities, it has been made clear that private in-patients and the private patients of general

practitioners are legally entitled to become NHS patients, whilst emphasising that those who do change status must gain no advantage over other NHS patients by so doing. The passage on rental agreements has been amended to indicate that agreements between a health authority and a consultant for the use of accommodation in NHS hospitals to see private patients covered by sections 65 and 66 of the NHS Act 1977 should not be made. The rules governing release of health records have been described with greater precision. There were many other detailed amendments to the presentation rather than to the substance.

Previously, guidance to health authorities was spread over a number of separate circulars issued in the last six years, and was not comprehensive. One of the main purposes of the handbook was to draw all the relevant material together in one place to help health authorities to manage private practice more effectively. Most of the earlier guidance remains unchanged in the handbook, but there are many differences apart from those listed above. For example, a description of the legislative framework is included. The designation of private patient officers is made a requirement. The respective responsibilities of health authorities and hospital consultants are set out. The guidance on identification of private patients and on obtaining undertakings to pay charges makes plain that, while a system to be universally used is not being prescribed, a proper system capable of identifying private patients and getting an undertaking from them must be in place in every health authority. Exemptions from obtaining undertaking to pay charges are removed. Consultants are no longer allowed to act as authorities' agents for the collection of hospital charges. Private patients are required to meet the full cost of non-emergency ambulance transport.

The changes overall make for greater clarity and precision in the guidance issued to health authorities in the handbook published last month.

Health Authorities (Services)

Mr. Dobson asked the Secretary of State for Social Services if he will publish in the *Official Report* details of the progress made by district health authorities in putting their services out to tender in the manner of the answer to the hon. Member for Harborough (Sir J. Farr) on 12 June 1985, *Official Report*, columns *482-86*.

Mr. Whitney: The position on 31 December 1985 is shown in the tables. We are aware of 123 contracts which have been let to private contractors and these will realise an estimated £18·2 million in annual savings. 396 tenders have been secured by in-house organisations and these will produce estimated savings of £23·7 million a year.

Districts	*Percentage of Service put out to Tender*			*Estimated Annual Savings (£000's)*
	Catering	*Domestic*	*Laundry*	
Northern Regional Health Authority				
Hartlepool	12	30	nil	—
North Tees	nil	14	nil	14
South Tees	100	12	nil	76
East Cumbria	nil	32	nil	—
South Cumbria	nil	100	100	257
West Cumbria	3	3	nil	1
Darlington	100	nil	100	300
Durham	nil	nil	nil	—
North West Durham	nil	100	100	141
South West Durham	2	2	nil	—
Newcastle	47	79	22	1,025
North Tyneside	nil	60	100	176
South Tyneside	38	80	nil	31
Sunderland	3	5	nil	24
Northumberland	11	15	29	108
Gateshead	51	43	nil	375
Yorkshire Regional Health Authority				
Hull	13	25	nil	150
East Yorkshire	nil	26	56	298
Grimsby	76	52	nil	223
Scunthorpe	61	71	nil	275
Northallerton	100	nil	100	16
York	nil	49	nil	278
Scarborough	28	24	100	48
Harrogate	21	26	nil	38
Bradford	nil	11	nil	17
Airedale	32	21	nil	28
Calderdale	100	100	100	530
Huddersfield	nil	46	44	323
Dewsbury	nil	47	100	397
Leeds Eastern	nil	nil	nil	—
Leeds Western	24	27	100	272
Wakefield	11	nil	100	—
Pontefract	nil	100	100	485
Trent Regional Health Authority				
North Derbyshire	82	68	nil	197
South Derbyshire	nil	14	nil	85
Leicestershire	nil	50	nil	783
North Lincolnshire	1	33	100	186

Districts	Percentage of Service put out to Tender			Estimated Annual Savings (£000's)
	Catering	Domestic	Laundry	
South Lincolnshire	31	35	nil	129
Bassetlaw	nil	21	nil	9
C Notts	nil	75	nil	294
Nottingham	44	8	9	281
Barnsley	23	23	nil	208
Doncaster	14	38	80	169
Rotherham	nil	6	nil	—
Sheffield	20	33	100	224
East Anglian Regional Health Authority				
Cambridge	41	75	nil	481
Peterborough	nil	79	nil	115
Huntingdon	nil	100	100	493
Great Yarmouth/Waverley	nil	64	100	261
West Norfolk/Wisbech	100	100	100	399
Norwich	13	87	100	904
West Suffolk	nil	100	nil	160
East Suffolk	19	79	100	42
North West Thames Regional Health Authority				
North Bedfordshire	100	nil	100	146
South Bedfordshire	nil	34	100	285
North Hertfordshire	nil	1	100	18
North West Hertfordshire	16	21	100	192
South West Hertfordshire	nil	46	nil	194
East Hertfordshire	nil	nil	100	—
Barnet	100	70	100	8
Harrow	100	70	100	15
Hillingdon	82	100	100	105
Ealing	nil	100	100	526
Hounslow/Spelthorne	nil	100	100	1,412
Hammersmith/Fulham	nil	42	100	—
Paddington and North Kensington	49	81	100	770
Victoria	80	100	75	1,054
Brent	nil	nil	nil	—
North East Thames Regional Health Authority				
Barking	100	26	nil	530
Basildon	nil	nil	100	74
Bloomsbury	nil	nil	100	265
City and Hackney	nil	nil	nil	—
Enfield	nil	5	100	32
Hampstead	nil	nil	nil	—
Haringey	nil	59	nil	334
Islington	nil	19	nil	7
Mid Essex	nil	81	100	734
Newham	nil	53	100	56
Redbridge	nil	19	nil	130
Tower Hamlets	nil	65	100	271
Waltham Forest	10	11	40	100
West Essex	35	32	100	184
Southend	nil	8	100	210
North East Essex	35	12	nil	218
South East Thames Regional Health Authority				
Bexley	nil	97	100	9
Brighton	26	13	nil	42
Bromley	100	100	100	1,074
Camberwell	nil	nil	100	56
Canterbury/Thanet	nil	100	nil	403
Dartford/Gravesham	nil	nil	nil	—
Eastbourne	55	17	nil	152
Greenwich	nil	nil	nil	—
Hastings	34	26	nil	53
Lewisham/N.Southwark	nil	nil	nil	—
Maidstone	22	100	100	496
Medway	60	83	nil	326
South East Kent	100	100	100	275
Tunbridge Wells	13	26	nil	—
West Lambeth	nil	5	100	100
South West Thames Regional Health Authority				
North West Surrey	nil	87	100	462
West Surrey/NE Hants	10	30	94	33

Districts	Percentage of Service put out to Tender			Estimated Annual Savings (£000's)
	Catering	Domestic	Laundry	
East Surrey	nil	66	36	620
Mid Surrey	30	nil	30	55
South West Surrey	26	24	nil	233
Mid Downs	51	70	100	333
Chichester	45	59	nil	344
Worthing	100	51	nil	240
Kingston/Esher	8	44	94	534
Croydon	nil	18	62	180
Richmond/Twickenham/ Roehampton	72	66	93	799
Wandsworth	nil	98	100	903
Merton/Sutton	54	88	26	1,170
Wessex Regional Health Authority				
E. Dorset	29	17	100	356
W. Dorset	2	nil	nil	
Portsmouth	7	35	100	32
Southampton	nil	7	50	65
Winchester	6	43	100	75
Basingstoke	nil	4	100	36
Salisbury	50	60	100	126
Swindon	100	75	nil	56
Bath	nil	100	100	150
Isle of Wight	nil	50	100	15
Oxford Regional Health Authority				
East Berkshire	8	6	nil	61
West Berkshire	7	5	nil	118
Aylesbury Vale	52	100	nil	526
Milton Keynes	nil	100	100	98
Wycombe	nil	100	nil	134
Kettering	nil	22	100	140
Northampton	2	nil	100	6
Oxford	7	75	14	705
South Western Regional Health Authority				
Cheltenham	100	24	100	31
Gloucester	nil	15	100	53
Frenchay	55	36	nil	76
Bristol/Weston	nil	76	nil	93
Southmead	26	25	100	133
Somerset	72	95	100	581
Exeter	nil	nil	100	—
North Devon	nil	100	100	131
Torbay	100	100	nil	188
Plymouth	nil	nil	100	60
Cornwall/Isles of Scilly	33	49	100	732
West Midlands Regional Health Authority				
Mid Staffordshire	13	50	nil	244
South Warwickshire	nil	17	nil	77
Kidderminster	nil	nil	100	90
Shropshire	nil	12	nil	134
North Staffordshire	19	7	nil	136
Coventry	nil	1	nil	—
Bromsgrove & Redditch	nil	34	nil	100
Herefordshire	nil	47	nil	147
Rugby	100	26	100	10
North Warwickshire	nil	3	100	74
Solihull	67	48	nil	292
Wolverhampton	nil	nil	nil	—
Walsall	100	nil	nil	72
North Birmingham	26	24	nil	105
Dudley	nil	14	nil	196
Sandwell	nil	nil	nil	—
East Birmingham	nil	27	nil	154
Central Birmingham	57	34	nil	696
South Birmingham	15	15	nil	203
South East Staffordshire	29	52	nil	219
Worcester	nil	12	nil	21
West Birmingham	nil	nil	nil	—
Mersey Regional Health Authority				
Southport/Formby	100	66	nil	105
South Sefton	nil	55	100	12

Districts	Percentage of Service put out to Tender			Estimated Annual Savings (£000's)
	Catering	Domestic	Laundry	
St. Helens/Knowsley	100	nil	nil	808
Wirral	93	93	nil	409
Liverpool	11	30	100	—
Macclesfield	nil	84	nil	358
Halton	66	19	100	47
Warrington	45	97	nil	589
Chester	100	100	100	988
Crewe	43	90	nil	577
North Western Regional Health Authority				
North Manchester	6	6	nil	—
Central Manchester	100	nil	100	256
Wigan	33	25	100	140
Stockport	87	17	nil	193
Tameside/Glossop	28	nil	nil	2
Bolton	nil	3	nil	—
Bury	100	100	100	75
Chorley/South Ribble	nil	100	nil	15
Preston	nil	nil	nil	—
Lancaster	4	9	nil	26
Blackpool	64	7	nil	—
Burnley	nil	nil	nil	—
South Manchester	nil	17	nil	9
Trafford	nil	37	100	178
Oldham	36	nil	nil	13
Salford	100	nil	100	189
West Lancashire	nil	3	nil	8
Blackburn	30	nil	nil	—
Rochdale	12	23	nil	16
Special Health Authorities				
Bethlem and Maudsley	100	100	100	87
Eastman	100	100	100	—
Hammersmith	nil	90	100	809
Hospital for Sick Children	nil	nil	100	—
Moorfields	nil	100	100	30
National Heart and Chest	nil	76	100	50
National Hospital for Nervous Diseases	nil	nil	100	—
Royal Marsden	nil	58	100	110

Mr. Dobson asked the Secretary of State for Social Services if he will name, for each tendering exercise of which his Department is aware and which was completed since his answer of 25 November 1985, *Official Report*, columns *499-502*, the health authority and the hospital concerned and the successful tenderer.

Mr. Whitney: We are aware of the following additional cases.

Health Authority	Hospital	Contractor or In-House
	DOMESTIC SERVICES	
Northern Regional Health Authority		
Gateshead	Community	In-House
	Bensham General	In-House
	St. Marys	In-House
North Tees	Residence/TC	In-House
North Tyneside	District/C	In-House
North West Durham	District	In-House
South Cumbria	District	In-House
Yorkshire Regional Health Authority		
Airedale	Scalebor/Coronation	In-House
Dewsbury	District	In-House
Grimsby	South District	In-House
Harrogate	Royal Bath	In-House
Huddersfield	Huddersfield Royal Infirmary	In-House
Hull	Hull Royal Infirmary Maternity	In-House
	Tilworth Grange	In-House
Pontefract	District	Initial
Scunthorpe	Unit	In-House
York	Clifton	In-House

Health Authority	Hospital	Contractor or In-House
Trent Regional Health Authority		
Bassetlaw	Retford Hospital	In-House
Central Nottingham	Mansfield General/Various	In-House
	Victoria, Forest and Newstead	In-House
Doncaster	Fullerton	In-House
	St. Catherines	In-House
Leicester	Leicester General	In-House
	Leicester Royal Infirmary	In-House
	Glenfield Community	In-House
Sheffield	King Edward VII	In-House
South Derbyshire	Childrens	In-House
	Etwall	In-House
East Anglian Regional Health Authority		
Cambridge	Fulbourn	In-House
Huntingdon	Community	In-House
Norwich	Community	In-House
North West Thames Regional Health Authority		
Paddington	St. Mary's W2	Mediclean
South West Hertfordshire	Leavesden	In-House
North East Thames Regional Health Authority		
Barking	Oldchurch	Mediclean
Enfield	Community	In-House
Mid-Essex	St. Johns	Mediclean
	St. Michaels	In-House
Newham	Community	In-House
North East Essex	Acute Hospital	In-House
South East Thames Regional Health Authority		
Hastings	Royal East Sussex	In-House
Bromley	Orpington	In-House
South West Thames Regional Health Authority		
Merton and Sutton	Community	Exclusive
Mid-Downs	Horsham	In-House
North West Surrey	Woking/Vic/Beechcroft	HC and Ward
South West Surrey	Milford	In-House
Wandsworth	St. James'	Mediclean
	St. Georges	Mediclean
	Bolingbroke	In-House
Wessex Regional Health Authority		
Basingstoke	Community and Mental	In-House
East Dorset	Community	Knight and Co.
	Christchurch	In-House
Isle of Wight	St. Mary's	In-House
Salisbury	Health Centres	In-House
	Fordingbridge	In-House
	Shaftsbury	In-House
	Old Manor	In-House
	Salisbury General	In-House
Swindon	Health Clinics and Community Units	In-House
	Pewsey	In-House
Oxford Regional Health Authority		
Aylesbury	Community	In-House
Kettering	Isebrook	In-House
Oxford	J. Radcliffe	In-House
West Berkshire	Hungerford	In-House
South Western Regional Health Authority		
Bristol	South Unit Community	In-House
Southmead	Brentry	In-House
Torbay	North East Sector	In-House
West Midlands Reginal Health Authority		
Central Birmingham	Mosley Hall	In-House
	J. Conolly	In-House
	Community	In-House
Dudley	Russells Hall	In-House
Hereford	Bromyard Hospital	In-House
	Leominster	Initial
	County Hospital	Crothalls

Health Authority	Hospital	Contractor or In-House
Mid Staffordshire	St. Georges	In-House
	Stafford General Infirmary	Mediclean
North Birmingham	St. Edithas	In-House
	St. Michaels	In-House
Shropshire	Southern Unit	In-House
South Birmingham	Community	In-House
	Selly Oak	In-House
	Broad Street	In-House
	Woodlands	In-House
South Warwickshire	Alcester	In-House
Worcester	Headquarters	Exclusive
Mersey Regional Health Authority		
Chester	Psychiatric	In-House
	Manor Hospital	In-House
Macclesfield	District General Hospital	Mediclean
	Mary Deny	Initial
Southport	Southport General Infirmary	In-House
Wirral	Arrowe Park	In-House
North Western Regional Health Authority		
Bury	Community (2)	In-House
Chorley	Community	In-House
Lancaster	Community	In-House
Rochdale	Group Clinics	In-House
	Scott House/Springfield/Marland	In-House
Trafford	District	In-House
	Community	In-House
	St. Annes/Denzell	In-House
	Sale Brooklands	In-House
Wigan	Atherleigh	In-House
	CATERING SERVICES	
Northern Regional Health Authority		
Darlington	District	In-House
Gateshead	Bensham General	In-House
	St. Mary's	In-House
Sunderland	Eye Infirmary	In-House
Yorkshire Regional Health Authority		
Airedale	Scalebor/Ilkley/Coronation	In-House
Leeds West	Cookridge and Ida	In-House
	Wharfedale General	In-House
Trent Regional Health Authority		
Barnsley	Kendray	In-House
Nottingham	Basford	In-House
	District Health Authority Headquarters	In-House
South Lincolnshire	Grantham	In-House
East Anglian Regional Health Authority		
Norwich	Mental Handicap	In-House
North West Thames Regional Health Authority		
West Bedfordshire	Acute Unit	In-House
	Midwifery	In-House
	Mental Handicap	In-House
North East Thames Regional Health Authority		
North East Essex	Acute Hospitals	In-House
Waltham Forest	Langthorne	In-House
South East Thames Regional Health Authority		
Brighton	Hove General and School Nursing	In-House
	Alexandra	In-House
Bromley	Carehill	Spinneys
Eastbourne	All Saints	In-House
Medway	Various Hospitals	In-House
South East Kent	Ashford	In-House
	Shepway	In-House
South West Thames Regional Health Authority		
Merton and Sutton	St. Helier	In-House
South West Surrey	Milford	In-House
West Surrey	Northfield	In-House
Worthing	Worthing	In-House

Health Authority	Hospital	Contractor or In-House
Wessex Regional Health Authority		
East Dorset	Poole General	In-House
	Royal Victoria Hospital, Boscombe	In-House
Swindon	Burderop	In-House
	Pewsey	In-House
Oxford Regional Health Authority		
West Berkshire	Hungerford	In-House
South Western Regional Health Authority		
Cornwall	St. Lawrence	In-House
Torbay	Torbay District General Hospital	In-House
West Midlands Regional Health Authority		
Central Birmingham	Jaffray	In-House
	General/Dental	In-House
	Queen Elizabeth	Spinneys
North Birmingham	Lichfield/Tamworth	In-House
South Birmingham	Monyhull Hospital	In-House
Walsall	St. Margarets/Lichfield House	In-House
	Manor Hospital	In-House
Solihull	Solihull Hospital	In-House
Mersey Regional Health Authority		
Crewe	Leighton	In-House
St. Helens/Knowsley	District	In-House
North Western Regional Health Authority		
Bury	Fairfield	In-House
Central Manchester	Royal Eye Hospital	In-House
	Barnes Hospital	In-House
	Manchester Royal Infirmary	In-House
Oldham	Royal Infirmary	In-House
Rochdale	Marland/Springfield	In-House
Stockport	Stockport Infirmary	In-House
Wigan	Billinge	In-House
	LAUNDRY SERVICES	
Northern Regional Health Authority		
Darlington	District	In-House
South Cumbria	District	Express
Yorkshire Regional Health Authority		
Huddersfield	Huddersfield Royal Infirmary	In-House
Leeds West	District	In-House
Trent Regional Health Authority		
North Lincolnshire	Louth County	In-House
	St. John's	In-House
North East Thames Regional Health Authority		
Bloomsbury	District	In-House
Enfield	District	In-House
South East Thames Regional Health Authority		
Bromley	District	In-House
South West Thames Regional Health Authority		
Kingston and Esher	Long Grove	In-House
Mid Downs	District	In-House
Wessex Regional Health Authority		
Bath	District	In-House
Portsmouth	District	In-House
Southampton	Knowle	In-House
Winchester	Andover Units	In-House
Oxford Regional Health Authority		
Aylesbury	District	Co-op
West Midlands Regional Health Authority		
Kidderminster	District	In-House
North Western Regional Health Authority		
Salford	Hope	In-House
West Lancashire	Community (1)	In-House

Mr. Len Peach

Mr. Dobson asked the Secretary of State for Social Services which regional health authority chairmen he consulted about the appointment of Mr. Len Peach to chair the National Health Service Training Authority.

Mr. Barney Hayhoe: All regional health authority chairmen were consulted before my right hon. Friend's announcement that Mr. Peach would be appointed chairman of the National Health Service Training Authority in July.

Residential Units (Sales)

Mr. Dobson asked the Secretary of State for Social Services, pursuant to the answer of 6 December 1985, *Official Report*, column *403*, if he will list the residential units which regional and special health authorities are proposing to sell, giving in each case the number of residential places involved.

Mr. Hayhoe: The summaries I referred to in my reply to the hon. Member on 24 March at column *382* will contain details of the number of units of accomodation each district and special health authority proposes to sell, but will not identify the particular properties involved, as this information is not being collected centrally.

Lambeth and West Lambeth

Mr. Dobson asked the Secretary of State for Social Services, pursuant to his answer of 25 November, *Official Report*, columns *491-93 (a)* whether Lambeth and West Lambeth were separate health authorities in 1982-83 and *(b)* whether audit reports in relation to income from private practice have been issued for 1984-85 for health authorities other than those listed.

Mr. Hayhoe: No. I regret that my earlier reply contained an error; the Lambeth DHA entry in column 493 should have read Cambridge DHA.

In 1984-85 the following additional audit reports, relating to income from private practice, were issued:

Newcastle DHA
North West Hertfordshire DHA
North Bedfordshire DHA
Coventry DHA
Bath DHA

Health Authorities and Family Practitioner Committees

Mr. Dobson asked the Secretary of State for Social Services if he will list the information which was routinely collected from health authorities and family practitioner committees at the time of his answer of 15 July 1985, *Official Report*, columns *60-63*, which is no longer collected, giving in each case the reason for stopping.

Mr. Hayhoe: I shall let the hon. Member have a reply as soon as possible.

Dental Services

Mr. Dobson asked the Secretary of State for Social Services if he will give the total number of dental surgeries in use under the community dental service in each year since 1975.

Mr. Hayhoe: The information requested is as follows:

	Numbers
1975	2,182
1976	2,215
1977	2,278
1978	2,338
1979	2,318
1980	2,355
1981	2,406
1982	2,413
1983	2,421
1984	2,431

The figure for 1985 is not yet available.

Health Authorities (Finance)

Mr. Dobson asked the Secretary of State for Social Services if he will give for each district health authority and each special health authority the total revenue and the total capital allocation in each year from 1978-79 to 1986-87.

Mr. Hayhoe: The table shows revenue and capital allocations made to special health authorities (bourds of governors prior to the 1982 reorganisation) for the London postgraduate teaching hospitals in the years 1978-79 to 1986-87. I regret that the information available centrally does not include details of allocations made by regional to district health authorities.

Special Health Authorities for the London Postgraduate Teaching Hospitals

£000s

	1978-79†	*1979-80*		*1980-81*		*1981-82*		*1982-83*		*1983-84*		*1984-85*		*1985-86‖*		*1986-87‡*
	Revenue	*Revenue*	*Capital*	*Revenue*	*Capital*	*Revenue*	*Capital*	*Revenue*	*Capital*	*Revenue*	*Capital*	*Revenue*	*Capital*	*Revenue*	*Capital*	*Revenue*
Hospitals for Sick Children	13,099	15,266	2,664	21,413	1,090	23,260	1,385	25,218	1,688	27,183	2,389	27,541	4,392	28,775	5,720	30,042
National Hospitals for Nervous Diseases	8,284	9,275	267	12,116	803	13,542	866	14,329	1,231	15,088	2,263	15,692	1,053	16,416	2,713	17,164
Moorfields Eye Hospital	5,850	6,926	667	9,179	702	10,023	1,332	10,571	2,018	11,055	3,297	11,615	3,529	12,135	3,607	12,809
Bethlem Royal and Maudsley Hospitals	7,273	8,364	480	11,710	532	13,763	581	14,965	532	15,598	410	16,351	725	17,312	756	18,000
National Heart and Chest Hospitals	12,109	14,446	1,353	19,601	1,540	21,495	1,241	22,989	2,466	24,232	1,973	26,121	1,515	26,124	1,823	28,375
Royal Marsden Hospital	8,759	10,557	406	14,042	500	15,464	570	16,354	740	17,212	1,694	18,345	1,830	18,695	1,484	20,017
Queen Charlotte's Hospital for women*	4,612	5,441	291	7,415	368	7,974	452	8,516	408	8,809	259	39,179	3,570	40,566	4,621	42,989
Hammersmith Hospital*	—	—	—	—	—	—	—	28,729	1,298	30,400	2,527					
Eastman Dental Hospital	1,939	2,325	308	3,272	350	3,743	250	3,930	900	4,157	1,126	4,444	1,940	4,761	1,211	5,021

* Queen Charlotte's Hospital for women was merged with Hammersmith SHA with effect from 1 April 1984. Figures for Hammersmith Hospital prior to 1982-83 are not available centrally.
† Information not available for Capital.
‡ Initial allocations only. Capital allocations not yet issued.
‖ Provisional figures.

NHS (Pay)

Mr. Dobson asked the Secretary of State for Social Services if he will give for 1979-80 and for 1984-85 the average pay levels for the following categories of National Health Service staff *(a)* nursing and midwifery, *(b)* medical and dental, *(c)* professional and technical, *(d)* works, *(e)* maintenance, *(f)* administrative and clerical and *(g)* ancillary, expressing the figures for 1984-85 both in money terms and in 1979-80 terms, as deflated by the retail prices index.

Mr. Whitney: Figures for 1979-80 are not available in any form. The following average gross weekly earnings for full-time staff in 1984-85 are estimated from returns supplied by 10 English regions.

	(1) Average gross weekly earnings 1984-85 £	*(2) Column (1) deflated by RPI to show 1979-80 equivalent* £
(a) Nursing and midwifery	128·14	83·93
(b) Medical and dental	*	*
(c) Professional and technical	146·36	95·86
(d) Works	221·73	145·22
(e) Maintenance	159·42	104·41
(f) Administrative and clerical	123·92	81·16
(g) Ancillary	111·67	73·14

* Reliable estimates not available.

Private Hospitals

Mr. Dobson asked the Secretary of State for Social Services (1) if he will give for 31 December 1984 for each health district *(a)* the total number of beds in private hospitals, nursing homes and clinics registered under section 3 of the Nursing Homes Act 1975, *(b)* the total number of state registered nurses working in those institutions and the appropriate whole-time equivalent figure and *(c)* the total number of all nursing staff working in those institutions and the appropriate whole-time equivalent figure;

(2) if he will give for 31 December 1984 for each health district *(a)* the total number of beds in private hospitals, nursing homes and clinics registered under section 3 of the Nursing Homes Act 1975 which contain operating theatres, *(b)* the total number of state registered nurses working in those institutions and the appropriate whole-time equivalent figure and *(c)* the total number of all nursing staff working in those institutions and the appropriate whole-time equivalent figure;

(3) if he will list *(a)* the registered nursing homes with operating theatres and *(b)* all registered nursing homes which were registered (i) on 31 December 1983 but not 31 December 1982 and (ii) on 31 December 1984 but not 31 December 1983;

(4) if he will list the registered nursing homes with operating theatres in England on 31 December 1984, giving in each case the number of beds and the health district and region;

(5) what is the total number of private hospitals, homes and clinics registered on 31 December 1984 under section 3 of the Nursing Homes Act 1975 as amended by the Health Services Act 1980 which contain both operating theatres and *(a)* pathology departments and *(b)* radiology departments, and if he will give the figures for each region;

(6) what were the total numbers of *(a)* private hospitals, homes and clinics registered on 31 December 1984 under section 3 of the Nursing Homes Act 1975 which contain operating theatres and *(b)* beds which they contain; and if he will give the figures for each region;

(7) what were the total numbers of *(a)* private hospitals, homes and clinics registered on 31 December 1984 under section 3 of the Nursing Homes Act 1975 and *(b)* beds which they contain; and if he will give the figures for each region;

(8) what are the total numbers of *(a)* nursing staff and *(b)* medical practitioners employed (i) by all the private hospitals, homes and clinics registered on 31 December 1984 under section 3 of the Nursing Homes Act 1975 as amended by the Health Services Act 1980 and (ii) by those private hospitals, homes and clinics which contain operating theatres; and if he will give the figures for each region.

Mr. Hayhoe: I shall let the hon. Member have the available information as soon as possible.

Consultants

Mr. Dobson asked the Secretary of State for Social Services if he will give for 30 September 1985 for each region and each special health authority and board of governors the total number of consultants holding *(a)* full-time, *(b)* maximum part-time, *(c)* other part-time and *(d)* honorary contracts.

Mr. Hayhoe: The information requested is set out in the following table:

Number of consultant contracts for each Regional Health Authority, Special Health Authority and Boards of Governors 30 September 1985

	Total	*Total*	*Permanent paid*			*Honorary*
			Whole time	*Maximum part-time*	*Other part-time*	
Regional Health Authority						
Northern	954	894	661	185	48	60
Yorkshire	952	890	482	352	56	62

	Total	Total	Permanent paid Whole time	Maximum part-time	Other part-time	Honorary
Trent	1,154	1,013	620	344	49	141
East Anglian	554	509	289	191	29	45
North West Thames	1,156	959	391	343	225	197
North East Thames	1,584	1,262	477	455	330	322
South East Thames	1,220	1,036	439	424	173	184
South West Thames	920	803	309	370	124	117
Wessex	760	698	367	292	39	62
Oxford	686	599	290	267	42	87
South Western	846	750	408	294	48	96
West Midlands	1,364	1,272	729	490	53	92
Mersey	701	622	374	210	38	79
North Western	1,249	1,137	649	428	60	112
Special Health Authorities/ Boards of Governors						
Hammersmith	169	62	30	—	32	107
Sick Children	118	61	20	—	41	57
Nervous Diseases	58	40	13	—	27	18
Moorfields	50	35	2	—	33	15
Bethlem and Maudsley	83	36	19	—	17	47
National Heart and Chest	83	69	22	—	47	14
Royal Marsden	59	47	14	—	33	12
Eastman Dental	34	18	10	—	8	16

General Notes:

1. Senior Hospital Medical/Dental Officers (with allowance) are included.
2. For Special Health Authorities/Boards of Governors maximum part-time figures are not readily available and have been included with the other part-time figures.
3. There is some duplication in the figures due to some consultants holding contracts in more than one region and/or with more than one Special Health Authority/Board of Governors.

Health Authorities (Ancillary Services)

Mr. Dobson asked the Secretary of State for Social Services if he will publish in the *Official Report* each regional health authority's list of approved companies for providing ancillary services.

Mr. Whitney: I regret the information requested is not held centrally.

NHS (Reorganisation)

Mr. Dobson asked the Secretary of State for Social Services, following the 1982 National Health Service reorganisation, *(a)* how many retired staff were subsequently reappointed, *(b)* how many of these were subsequently dismissed, *(c)* how many of these took their cases to the industrial tribunal and were found to have been unfairly dismissed and *(d)* what is the total amount that has been paid out in compensation as a result.

Mr. Whitney: Of the 147 National Health Service staff who took early retirement following the 1982 re-organisation and who were subsequently re-employed by health authorities, 35 were dismissed. Seven of these officers made claims for unfair dismissal: two were settled out of court and in the other five industrial tribunals upheld the claims. I understand that total compensation paid out was about £43,000.

Private Patients

Mr. Dobson asked the Secretary of State for Social Services if he will place in the Library notes setting out how the 1986-87 private *(a)* in-patient and *(b)* out-patient charges were calculated.

Mr. Hayhoe: This has been done.

NHS Hospitals

Mr. Dobson asked the Secretary of State for Social Services if he will give for each district health authority the total number of National Health Service hospitals and the total number of beds therein in 1985.

Mr. Whitney: Figures for 1985 are not yet available. For the 1979 to 1984 figures, I refer the hon. Member to my reply to him on 16 December 1985 at columns *84-96*.

Supplementary Benefit

Mr. Wareing asked the Secretary of State for Social Services what proportion of supplementary benefit claimants at the Westminster office of his Department in Regency street, London, are normally permanently resident in *(a)* Liverpool and *(b)* Merseyside; what are the numbers involved; and if he will make a statement.

Mr. Major: I regret this information is not available.

Mr. Leighton asked the Secretary of State for Social Services how many children in the London borough of Newham are in families on supplementary benefit now; and what were the comparable figures in 1979.

Mr. Major: In the year ended December 1984, the latest for which information is available, there were approximately 13,000 children in families on supplementary benefit in the London borough of Newham. A comparable figure for 1979 is not available.

Competitive Tendering

Mr. David Young asked the Secretary of State for Social Services whether circular HC/83/18 issued to Bolton and other health authorities was advisory or

obligatory; what action he contemplated in cases of non-compliance; what named authorities in England have not complied with the circular; and what action has been taken, or what action is contemplated, in each case.

Mr. Whitney: The circular made it clear that all health authorities were expected to comply with our policy on competitive tendering. To date three health authorities—Brent, Greenwich and Lewisham/North Southwark—have refused to draw up programmes. Two others—Leeds Eastern and Rotherham—have suspended their programmes. We are satisfied that the actions currently being taken by regional health authority chairmen and regional general managers will result in satisfactory programmes being drawn up by those authorities. It is too soon to consider what further action we might take, but we are satisfied that my right hon. Friend has sufficient powers should they be needed.

Ambulance Service

Mr. Gould asked the Secretary of State for Social Services whether the level of service provided by the ambulance service in Barking and Dagenham has been and will be maintained; and what changes have been made in the past year.

Mr. Whitney: I am sorry I cannot give the hon. Member the information he seeks, as it is not held centrally. The hon. Member may wish to contact the chairman of the South-West Thames regional health authority, which manages the London ambulance service on behalf of the Thames regions, for this information.

Pensions and Benefits

Mr. Meacher asked the Secretary of State for Social Services what has been *(a)* the single person's pension, *(b)* the married couple's pension and *(c)* supplementary benefit scale rates for (i) a single person and (ii) a married couple as a proportion of national average earnings each year since 1979; and what information he has on comparable figures in France, Germany, the United States of America, Sweden, Italy and Belgium.

Mr. Major: Details of the rates of benefit and the amount of such rates expressed as a proportion of national average earnings are contained in the "Abstract of Statistics for Index of Retail Prices, Average Earnings, Social Security Benefits and Contributions" (tables 5.1, 5.6 and 5.7) a copy of which is in the Library.

Such information as is available regarding benefits in France, Germany, Italy and Belgium is contained in the Department's annual publication "Tables of Social Benefit Systems in the Member States of the European Communities, Portugal and Spain". Copies are held in the Library for each year since 1973. I regret that information is not available which would enable reliable comparisons to be made to the national average wage in each member state of the European Community.

For information on benefit levels in the United States of America, I refer the hon. Member to the *Social Security Bulletin* of January 1986, Vol. 49, No. 1, page 74, as issued by the United States Department of Health and Human Services. Information regarding Sweden as at 1 July 1984 is contained in the Council of Europe publication "Comparative Tables of the Social Security Systems in Council of Europe Member States not belonging to the European Communities". Copies of both publications are in the Library. I regret that there is no information readily available regarding Sweden for earlier years.

Joint Funding Projects

Mr. Tom Clarke asked the Secretary of State for Social Services if he will list by health board area the number of joint funding projects now operating, or authorised, together with the annual cost to the health boards and to their partners in the projects.

Mr. Whitney: This information about individual projects by health authority in England is not held centrally.

Population Statistics

Mr. Marlow asked the Secretary of State for Social Services what is his estimate of the increase in population of New Commonwealth with Pakistan ethnic origin during each of the last 10 years taking account of births, deaths, migration drift and other factors.

Mr. Whitney: The information requested is not available for each of the last 10 years. Also, there has been a change in the method of estimating the size of the ethnic minority groups.

For the period 1974-79, it is estimated that the average annual increase in the size of the population in Great Britain of New Commonwealth and Pakistan ethnic origin (excluding those from the Mediterranean countries) was 77,000 a year. The figures were published in OPCS Monitor PP1 81/6 issued in December 1981. For the period 1979-84 results of the labour force survey indicate that the average annual increase in the size of the total non-white groups in the population was about 90,000 a year. This estimate is not strictly comparable with that for the period 1974-79 for it covers a wider range of ethnic minority groups.

An article giving further information about the change in the basis for estimating ethnic minority populations is to be published in June in the next issue of *Population Trends*.

Pensions

Mr. Meacher asked the Secretary of State for Social Services if he will publish a table showing the increase for each year since 1980 in *(a)* the single person's pension, *(b)* the married couple's pension, *(c)* the retail prices index and *(d)* the level of earnings, taking in each case the 1980 figure as 100.

Mr. Major: The information requested is in the table:

Index of movement in the level of retirement pension, retail prices and average earnings (whole economy, seasonably adjusted)
November 1985 = 100

	1980	*1981*	*1982*	*1983*	*1984*	*1985*
Retirement pension						
single person	100	109·0	121·0	125·4	131·9	141·1
married couple	100	109·0	121·0	125·4	131·9	141·1
Retail price index	100	112·0	119·0	124·7	130·9	138·0
Average earnings	100	111·5	120·8	129·7	138·1	150·0

Mental Patients

Mr. Bermingham asked the Secretary of State for Social Services (1) what representations he has received as to the quality of community care given to discharged mental patients who have been placed in residential hostel accommodation;

(2) what steps are taken to ensure the standards of hostel accommodation to which long-term mental health patients are discharged;

(3) what inspection arrangements have been made in respect of those hostels to which long-stay mental patients are discharged.

Mr. Whitney: I shall let the hon. Member have replies as soon as possible.

Mr. Bermingham asked the Secretary of State for Social Services how many patients were discharged from long-stay mental hospitals to hostel accommodation in the years 1982, 1983, 1984 and 1985, respectively.

Mr. Whitney: I am sorry I cannot give the hon. Member the information he seeks. It is not available centrally.

Mr. Bermingham asked the Secretary of State for Social Services what were the numbers of patients in each of the secure mental hospitals in England; what were the numbers of staff in post for each institution on 1 January 1979; and what were the equivalent figures for 1 January 1986, in each of the posts in each institution.

Mr. Whitney: The information requested is as follows:

	1 January 1979		*1 January 1986*	
	Patients	*Staff in Post*	*Patients*	*Staff in Post*
Broadmoor hospital	708	686	491	847
Moss Side hospital	373	452	252	559
Park Lane hospital	69	176	302	636
Rampton hospital	883	877	581	1,104

Unemployment Benefit

Mr. Marlow asked the Secretary of State for Social Services what studies he carries out into the numbers of persons drawing unemployment benefit who are classed as suitable and competent to obtain available employment but who are not actively seeking to do so.

Mr. Major: The Department has not carried out any studies specifically into the extent to which unemployed benefit claimants are actively seeking work but a considerable volume of information on this subject is available from some more general studies. I would draw my hon. Friend's attention in particular to the report on the DHSS cohort study of unemployed men, "For Richer, For Poorer?" (pages 40 to 43) and to the report on some aspects of the labour force survey (*Employment Gazette* for October 1985, pages 393 and 396), copies of which are in the Library.

Rents

Mr. Alton asked the Secretary of State for Social Services how many tenants in receipt of housing benefit have had their rents registered with the rent officer.

Mr. Major: No information is available on the number of tenants in receipt of housing benefit whose rents are registered.

Mr. Alton asked the Secretary of State for Social Services what measures he has taken to ensure that rents levied from tenants in receipt of housing benefit have been registered with the rent officer.

Mr. Major: Where there is a regulated tenancy, the local authority may apply to the rent officer for the registration of a fair rent. This is a matter for the authority concerned but it is not expected to apply for a rent to be registered simply because a claim for housing benefit has been made.

Authorities also have the power under the housing benefit scheme to restrict the amount of rent eligible for benefit in certain circumstances if the local authority consider the rent is unreasonably high or the accommodation is unreasonably expensive.

Housing Benefit

Mr. Alton asked the Secretary of State for Social Services what was the total amount paid in housing benefit via local authorities to claimants during 1985.

Mr. Major: Information about housing benefit expenditure is available only on the basis of financial years. Latest estimates available from local authorities subsidy claims indicate that authorities paid £4·2 billion in housing benefit in the year ending 31 March 1985 and £4·6 billion in the year ending 31 March 1986.

Mr. Alton asked the Secretary of State for Social Services if he is satisfied with the administration of the housing benefit system.

Mr. Major: We believe that there is scope for improvement in the housing benefits scheme and its administration. Our proposals for reform include measures to simplify the system and to encourage and assist authorities to run the scheme as efficiently as possible.

Severe Disablement Allowance

Mr. Wareing asked the Secretary of State for Social Services how many disabled married women have become entitled to receive the severe disablement allowance since November 1984 who did not have reserved rights because of their entitlement to the housewives' non-contributory invalidity pension before that date.

Mr. Newton [*pursuant to his reply*, 10 April 1986]: As at March 1985, severe disablement allowance had been awarded to 2,700 married women who were not entitled to a non-contributory invalidity pension before November 1984. In the year to March 1986, provisional figures indicate that the allowance has been awarded to a further 3,700 married women who had not been entitled to the former benefit.

Mr. Wareing asked the Secretary of State for Social Services how many disabled married women became entitled to receive the housewives' non-contributory invalidity pension in each of the years since its inception; and how many of these are currently in receipt of severe disablement allowance.

Mr. Newton [*pursuant to his reply*, 10 April 1986]: As at 30 March 1985, the latest date for which figures are available, 53,900 women were receiving severe disablement allowance by reason of their earlier entitlement to housewives' non-contributory invalidity pension. The

numbers of awards made in 1978 and in each of the following years are set out in the table. The figures include cohabiting women as well as married women. Information for 1977 is not available.

*Awards of Housewives' Non-contributory Invalidity Pension**

Year	Numbers
1978	10,670
1979	8,370
1980	7,770
1981	7,780
1982	9,650
1983	9,940
1984	12,310
1985	†4,040
‡1986	†210

* Includes renewal awards and awards following successful appeals.
† Includes awards made on late claims to HNCIP invited where claims to severe disablement allowance indicated possible entitlement to the former benefit.
‡ to 4 April.

Mr. Christopher Herrick

Mr. Ashton asked the Secretary of State for Social Services why the claim for industrial injury benefit submitted on 10 November 1985 by Mr. Christopher Herrick of 20 Chapel walk, Worksop following an accident last August has not yet been processed; and what action he intends to take.

Mr. Newton [*pursuant to his reply*, 27 March 1986, c. *578*]: Arrangements have been made to process the claim without further delay and I have written to the hon. Member.

PRIME MINISTER

9 Signals Regiment, Cyprus (Report)

Mr. Dalyell asked the Prime Minister when Her Majesty's Government now hope to receive the report from Mr. David Calcutt QC into the procedures adopted during investigation of airmen and other service men of 9 Signals Regiment based in Cyprus, acquitted in October 1985; and if she will make a statement.

The Prime Minister: My right hon. Friend the Secretary of State for Defence received Mr. Calcutt's report on 9 April. He intends to publish it as soon as it has been cleared by the security authorities and he has completed his initial consideration of it.

Civil Servant-Ministerial Relations

Mr. Dalyell asked the Prime Minister what response has been sent to the letter from the Secretary of the Council of Civil Service Unions to Sir Robert Armstrong about civil servants' relations with Ministers.

The Prime Minister: The council's request for a discussion of duties and responsibilities of civil servants in relation to Ministers has been agreed.

Civil Servants (Duties)

Mr. Dalyell asked the Prime Minister when she expects to receive the report of the committee chaired by Sir Robert Armstrong and Sir Peter Middleton on duties of civil servants.

The Prime Minister: There is no such committee. This subject is one of a number of longer-term issues under discussion between representatives of the Cabinet Office and the Treasury and representatives of the Council of Civil Service Unions. I cannot predict a date for the outcome of these discussions, on which the report of the Select Committee on the Treasury and Civil Service, which has also been considering these matters, will no doubt have a bearing.

Ministerial Guidelines

Mr. Dalyell asked the Prime Minister whether she is making a copy of the guidelines for Ministers in their relations with civil servants and the media available to the Council of Civil Service Unions.

The Prime Minister: No.

Civil Servants (Code of Ethics)

Mr. Dalyell asked the Prime Minister what plans she has to draw up a code of ethics for civil servants.

The Prime Minister: As my right hon. Friend the Minister of State, Privy Council Office, has made clear in answers to questions in the House, the Government are not convinced of the need for such a code, or indeed of the feasibility of preparing guidance of sufficiently general applicability going beyond what is already available; but this is a matter which, together with other long-term issues affecting the civil service, is under discussion with the Council of Civil Service Unions.

President of South Korea

Mr. Parry asked the Prime Minister if she will make a statement on her recent meeting with the President of South Korea.

The Prime Minister: During the visit to Britain of President Chun Doo Hwan from 7-10 April he and I talked about current international issues, particularly East-West relations, with special reference to the Korean peninsula. We also discussed ways of increasing international and bilateral trade.

Mr. Parry asked the Prime Minister if the question of democracy and human rights was discussed at her recent meeting with President Chun of South Korea.

The Prime Minister: The recent visit of President Chun doo Hwan of the Republic of Korea has provided a number of opportunities to express support for increased personal freedoms and the development of democracy in Korea.

GCHQ Employees

Mr. Alton asked the Prime Minister how many notices warning Government communications headquarters' employees who have rejoined Civil Service unions of disciplinary action have been issued.

The Prime Minister: Since 13 March 20 employees at GCHQ have been notified that they would face disciplinary proceedings unless they complied with their conditions of service by resigning from trade unions.

Fulham

Mr. Austin Mitchell asked the Prime Minister if she will pay an official visit to Fulham.

The Prime Minister: I have at present no plans to do so.

ENVIRONMENT

Housing (Bradford)

Mr. Lawler asked the Secretary of State for the Environment how much the Housing Corporation has authorised housing associations to spend in the Bradford metropolitan district council area in 1986-87, and in the Bradford, North constituency; how these figures compare with last year's figures; and to what he attributes the difference.

Sir George Young: The Housing Corporation has made the following allocations for housing association expenditure in Bradford MDC and in my hon. Friend's Bradford, North constituency for the years 1985-86 and 1986-87:

	1985-86 million £	*1986-87 million £*
(i) Bradford Metropolitan District Council		
Fair rent (block 3)	5·10	6·00
Low Cost Home Ownershp	1·97	0·95
Total	7·07	6·95
(ii) Bradford North Constituency		
Fair rent (block 3)	1·8	2·1
Low Cost Home Ownership	0·1	0·5
Total	1·9	2·6

Two factors have led to the increase in the allocation for Bradford for fair rent schemes the increased concentration of resources into inner city areas in 1986-87, and Bradford's score on the Housing Corporation's housing needs indicator. The reduction in the amount to be made available for LCHO schemes in 1986-87 reflects the reduced national allocation for LCHO within the 1986-87 ADP. Allocations within Bradford are made by agreement with the city council, taking account of its priorities and those of individual housing associations.

Property Services Agency

Mr. Chris Smith asked the Secretary of State for the Environment what is the current number of properties *(a)* in the ownership and *(b)* under the control of the Property Services Agency; how many of the properties in each case are empty; and if he will give a breakdown of the number of empty properties in each case by local authority area.

Sir George Young: The Property Services Agency currently administers 2,762 properties on the Government's civil estate, the freehold of which is vested in my right hon. Friend the Secretary of State for the Environment; of these, 57 are wholly vacant. The PSA also administers 5,282 leasehold properties on the civil estate, of which 94 are vacant. 1,041 properties are in the process of disposal on behalf of my right hon. Friend the Secretary of State for Defence; details of the numbers of properties in the latter category which are currently vacant are not held centrally.

The number of vacant properties falling into each local authority area could be determined only at disproportionate cost.

Water Pollution

Mr. Chris Smith asked the Secretary of State for the Environment if, pursuant to the reply to the hon. Member for Woolwich (Mr. Cartwright) of 25 March, *Official Report,* column *421,* he will indicate the reasons for the difference in figures for the number of prosecutions for water pollution offences taken in 1984-85 by the Thames water authority and by the North-West water authority, respectively.

Mrs. Rumbold: Decisions on whether to prosecute in individual circumstances rest with the water authorities concerned. They depend upon a number of factors, including the severity of a particular incident and whether the source of pollution can be clearly identified. As my hon. Friend indicated in his previous reply, water authorities often prefer to adopt a policy of discussion and persuasion rather than instituting legal proceedings.

Thamesmead

Mr. Barnett asked the Secretary of State for the Environment if he will give the total cost of each of the elections to decide the future of Thamesmead, specifying *(a)* the cost of the elections run by private consultants and *(b)* the cost of the election run by the London borough of Bexley assisted by the London borough of Greenwich.

Sir George Young: The referendum on the future of Thamesmead formed part of a wider project conducted by consultants, and cost about £18,000. The election of board members cost £12,650. The two exercises are not comparable.

Humberside Structure Plan

Mr. Austin Mitchell asked the Secretary of State for the Environment when he intends to publish his observations on the Humberside structure plan.

Mr. Tracey: My right hon. Friend hopes to publish proposed modifications to the plan in the summer.

Central Ordnance Depot, Donnington

(Asbestos Removal)

Mr. Hawksley asked the Secretary of State for the Environment if a Minister from his Department will meet a delegation of workers from COD Donnington to discuss the removal of asbestos from the office block at the depot before work starts.

Sir George Young: I do not think any useful purpose would be served by either myself or a Minister from the Ministry of Defence meeting a delegation from the workers at Donnington. There has already been the fullest consultation between the MOD management and PSA with the staff at COD Donnington and their trade union representatives.

The Health and Safety Executive has been closely involved and an independent assessment has been made by

the occupational health department of Birmingham University; both have confirmed that the work will not present a hazard to staff working within the building. Detailed safety precautions, which have been spelled out fully to the staff, will be written into the contract and rigidly applied by PSA.

I shall write to my hon. Friend and give him further details about the work involved.

Property Services Agency (BUPA Checks)

Mr. Dobson asked the Secretary of State for the Environment if he will make a statement about the Property Services Agency's proposal to allow absence from work to its staff to attend talks and fitness checks provided by BUPA.

Sir George Young: The PSA has, as an experiment, arranged for BUPA to provide free on-site talks on health education for staff in Greater London and at Chessington. Staff were allowed to attend the talks and to undergo any subsequent screening, whether with BUPA, any other private scheme or the NHS during working hours: that is consonant with our normal practice in regard to medical appointments.

County Hall, London

Mr. Spearing asked the Secretary of State for the Environment if he will state the area of office accommodation in county hall, London, in square feet, together with the approximate area of such space occupied by each of the principal continuing organisation and units whose function concern two or more London boroughs.

Mr. Tracey: I understand that the usable floor area of county hall is approximately 807,000 square feet, of which the main building represents about 462,000 square feet. My right hon. Friend does not have the details requested concerning occupancy.

Local Government Reform

Mr. Cartwright asked the Secretary of State for the Environment when he now expects the Thamesmead Community Trust to take over the ownership of land and buildings at Thamesmead from the London Residuary Body.

Sir George Young: If all the necessary arrangements proceed as planned, ownership should pass to Thamesmead town during the summer.

Mr. Cartwright asked the Secretary of State for the Environment if he will set out the boundaries of the area to be transferred from the London Residuary Body to the Thamesmead Community Trust, indicating the total acreage involved.

Sir George Young: Map No. 3 which accompanied Statutory Instrument 1986 No. 148 the Local Government Reorganisation (Property Etc) Order 1986, a copy of which has been deposited in the Library, defines the boundaries of Thamesmead. We estimated that the total acreage is about 1,800 acres.

Mr. Cartwright asked the Secretary of State for the Environment what is the estimated value of the land and buildings to be transferred from the London Residuary Body to the Thamesmead Community Trust.

Sir George Young: The valuation process is currently in train.

Mr. Tony Banks asked the Secretary of State for the Environment when staff declared redundant by virtue of abolition of the Greater London Council might expect to receive *(a)* redundancy payments and *(b)* overtime and other outstanding payments.

Mr. Tracey: These are matters for the London Residuary Body.

Mr. Merlyn Rees asked the Secretary of State for the Environment what arrangements have been made by the London Residuary Body to provide right hon. and hon. Members with information on matters for which that body is responsible; and if he will make a statement.

Mr. Tracey: The Local Government Act 1985 requires each residuary body to provide my right hon. Friend the Secretary of State with a copy of its annual report and statement of accounts, which are then to be laid before Parliament.

Mr. Tony Banks asked the Secretary of State for the Environment how much has been spent by the Thames Water Authority to date on removing the insignia of the Greater London Council from property taken over following abolition; which properties were involved; and where the items removed are now located.

Mr. John Patten: This is a matter for the Thames water authority.

Mr. Wareing asked the Secretary of State for the Environment what general guidance he has given to the metropolitan districts, London boroughs and joint boards on the co-ordination of land use; planning, passenger transport and highways provision at county level; and if he will make a statement.

Mr. Tracey: Guidance notes have been issued to successor authorities on a range of subjects, including those listed in annex P to DOE circular 8/86 "The Local Government Act 1985". Guidance on the co-ordination or planning matters is contained in DOE circular 30/85 "Local Government Act 1985: Sections 3, 4, and 5: Schedule 1: Town and Country Planning: Transitional matters." My right hon. Friend may issue strategic guidance to assist local planning authorities in preparing their unitary development plans. The timing and content of any such guidance will be a matter for discussion with the authorities concerned.

Water Industry (Privatisation)

Mr. Boyes asked the Secretary of State for the Environment what provision he proposes to make in the water industry privatisation legislation in relation to pension arrangements *(a)* during the period when the water services public limited companies are owned by the Government and *(b)* when they are sold to the private sector.

Mr. John Patten: I shall answer this question shortly.

Asbestos (Dumping)

Dr. Godman asked the Secretary of State for the Environment, pursuant to the answer of 8 April, *Official Report*, column 26, what criteria were used to select the

site off Cloch Point for dumping asbestos-contaminated material; what consideration was given to alternative sites; what consultations have been held with representatives of local fishing interests about the possible safety implications; and if he will make a statement.

Sir George Young: As I explained in my reply of 8 April at column 26, the Property Services Agency's proposals are still under consideration and a full statement will be issued in due course.

Court Buildings (Scotland)

Mr. Nicholas Fairbairn asked the Secretary of State for the Environment if he will list the cost of alterations to courthouses in Scotland and new court buildings in Scotland since 1980.

Sir George Young: Many schemes have been undertaken since 1980. The following are the major new works and their costs, completed in the years shown:

	£ million
1980	
Glasgow, 280 George Street—Annexe	0·87
1981	
Greenock—extension and alterations	0·69
Ayr—Extension	0·22
Stranraer—Adaptations	0·21
Kirkcaldy—Extension	1·0
1982	
Dundee—Extension	0·34
1983	
Dunfermline—new Sheriff Court House	1·5
Glasgow Justiciary Buildings—Permanent repairs and upgrading	0·17
Inverness—Refurbishment of Main Court	0·1
Peterhead—Extension	0·7
1984	
Kirkcaldy—Upgrading	0·17
1985	
Edinburgh—Additional two Courts in Argyle House	0·33
Aberdeen (Phase I)—Conversion af Advocates' Hall to a courtroom	0·32
Inverness—Refurbishment of the main court	0·1
1986	
Aberdeen (Phase II)—Outhousing to Exchequer Row	0·57
Glasgow and Strathkelvin New Sheriff Court House	27·75

The following major schemes are under way or due to start construction later this year:

	£ million
Kilmarnock—New Sheriff Court	2·9
Sterling—Adaptations	1·25
Hamilton—Adaptations	1·7
Dumfries—Provision of third Court and refurbishment	0.84
Aberdeen Sheriff Court House (Phase III) Internal adaptations	2·85

In addition, adjacent buildings have just been purchased at a cost of £120,000 for a future scheme at Paisley sheriff court house.

River Orwell SSSI

Mr. Weetch asked the Secretary of State for the Environment, whether, in view of the threat to the River Orwell site of special scientific interest posed by the expansion of the port of Felixstowe, he will compensate for any loss of wetland resources.

Mrs. Rumbold: The nature conservation implications of the Bill in its present form have been drawn to the attention of Parliament. Should it be enacted, the Government would in consultation with the Nature Conservancy Council wish to consider the need for and possibility of measures to mitigate any effects on wildlife.

Mr. Weetch asked the Secretary of State for the Environment what response he has made to the proposal made by the Nature Conservancy Council that the River Orwell site of special scientific interest be designated in the United Kingdom list of wetlands of international importance under 2.1 of the Ramsar convention; and if he will make a statement.

Mrs. Rumbold: Owners and occupiers of land within the River Orwell SSSI have been consulted by the Nature Conservancy Council about the proposed designation of the area under the Ramsar convention. My officials are currently consulting other interested Departments. A decision on the proposed designation of the site will be made as soon as possible.

Rate Support Grant

Dr. Cunningham asked the Secretary of State for the Environment if he will give the accumulated reduction in rate support grant since 1978-79 in England at 1986-87 prices breaking down the figures between *(a)* 1978-79 and 1979-80, *(b)* 1978-79 and 1980-81, *(c)* 1978-79 and 1981-82, *(d)* 1978-79 and 1982-83, *(e)* 1978-79 and 1983-84, *(f)* 1978-79 and 1984-85, *(g)* 1978-79 and 1985-86 and *(h)* 1978-79 and 1986-87.

Mr. Kenneth Baker: The information is as follows:

*Reductions in rate support grant at constant 1986-87 prices**

	£ million
1978-79 to 1979-80	516
1978-79 to 1980-81	648
1978-79 to 1981-82	1,317
1978-79 to 1982-83	2,049
1978-79 to 1983-84	2,454
1978-79 to 1984-85	2,842
1978-79 to 1985-86	3,769
1978-79 to 1986-87	3,860

* using GDP deflator to convert from cash to constant prices.

Urban Aid (Kirklees)

Mrs. Peacock asked the Secretary of State for the Environment (1) whether he will list in order of priority the projects submitted to his Department for approval for urban aid funding by Kirklees metropolitan council in each of the financial years since 1979;

(2) what was the total amount of urban aid funding allocated to Kirklees metropolitan council in each of the financial years since 1979.

Sir George Young: Projects submitted for approval for urban aid funding are normally approved according to local authority priority markings, subject to the availability of resources and to my right hon. Friend the Secretary of State being satisfied that the proposals conform to the criteria set out in the urban programme circular relating to the financial year in which approval is sought. Projects submitted by Kirklees metropolitan council were approved as follows:

Project	Capital	Revenue
1979-80		
Springwood Nursery		24,920
Mount Pleasant Nursery Class		21,020
Longwood Nursery Class		13,020
Holiday Projects	5,035	—
1980-81		
Cambridge Road Day Nursery		30,000
Nursery Class Field Land Infants School		22,300
Area Organiser		2,225
Nursery Class Warwick Road J & I School		14,650
Nursery Unit at Savile Town Infants School	4,925	
Nursery Unit at Birkby Infants School	5,447	
Degraded lane off Central Street/Wormald Street, Dewsbury	2,000	
Community Service Volunteers		5,080
Birkby/Fartown Community Centre	65,000	
Holiday Projects	9,215	
1981-82		
Immigrant Centre, Batley Carr, Dewsbury		40,000
Ashbrow Nursery		22,800
Rawthorpe Nursery		39,500
Woodhouse Nursery		20,400
Neighbourhood Warden Scheme		21,700
Age Concern—Clerical Assistant		2,698
Home Care Scheme		2,640
Ethnic Minority Provision for Women and Children (Fartown Centre)		10,500
Home Visiting Service for Families with Pre-School Handicapped Children		23,670
Stile Common Nursery Unit	20,000	27,700
Charities Information Bureau		9,300
Holiday Projects	10,550	
1982-83		
Bracknell/Sheepridge Community Centre, Huddersfield	82,350	8,400
Bracknell Local Authority Service Point	12,200	22,500
Birkby Community Centre & Self Aid-Scheme	70,000	25,777
Educational Visitor Windybank Estate		7,976
Inner Huddersfield Industrial Regeneration Area	100,000	
Chickenley Community Centre	120,000	8,400
Batley Children's Centre		9,951
Taylor Hill Children's Centre		17,508
Fieldworkers—Pre-School Playgroups		51,000
Fenton House Group	10,700	3,550
Huddersfield Women's Aid		26,620
Welfare Rights Officer		7,513
Kirklees Youth Action		24,300
Community Relations Committee Fieldworker		1,918
Age Concern		31,500
Batley Council for Voluntary Services		12,000
Library Service to Asian Community	10,000	40,200
Community Supervision Centre	22,000	45,000
Unemployed Workers' Centre		11,000
Additional capital contributions to Community Centres	202,980	
Harambee Association	27,100	—
Huddersfield West Indian Association	5,000	22,000
Community Centre for Asians in Batley	20,000	—
Holiday Projects	19,800	—
South Kirklees CRC	3,450	—
1983-84		
Industrial Nursery Units Scar Lane, Milnsbridge, Huddersfield	—	12,270
Millgate Improvement—access improvement	62,000	—
Day Nursery, Dewsbury	—	50,000
Huddersfield Town Farm	3,500	7,500
English Teaching for Ethnic Minorities	—	3,000
Asian Advice Worker (CAB Batley & Dewsbury)	—	9,345
MIND in Dewsbury	5,000	15,711
New Ambulance for disabled persons	15,000	—
Fairfield Therapeutic Swimming Pool	53,700	—
Kirklees Childminder Association	—	1,388
"Paired Reading"—to improve reading skills	—	16,908
Holiday Projects	14,200	—
1984-85		
Cheapside Mills Regeneration Scheme	57,500	—
Savile Street Reconstruction	108,000	—
Deighton Education Centre (Part Approval)	160,000	38,202
Disabled Information and Advice Line, Huddersfield	16,200	41,950 550
Holiday Projects	11,690	—
Savile Town Community Project	160,000	4,000
1985-86		
Muslim Community Centre, Clare Hill, Huddersfield	100,000	4,090
Huddersfield Harambee Association	—	19,114
SHARE (Self Help, Advice and Relief for parents of Handicapped People in North Kirklees)	—	15,000
Portage Project—Home visiting scheme	—	25,000
Deighton workshops	50,000	—
Batley Enterprise Centre	90,000	—
Holiday Projects	10,000	—

These figures do not include projects in the Kirklees metropolitan district put forward by the former West Yorkshire metropolitan county council.

The total amount of urban aid funding allocated to Kirklees metropolitan council in each of the financial years since 1979 was:

Kirklees metropolitan council urban aid funding (including ongoing commitments)

	£
1979-80	591,380
1980-81	779,100
1981-82	825,000
1982-83	1,624,330
1983-84	1,125,900
1984-85	1,396,440
1985-86	1,068,600
1986-87	*823,500

* estimated.

Tobacco Advertising

Mr. Macfarlane asked the Secretary of State for the Environment whether he or his officials have had any recent contact with the British Broadcasting Corporation concerning tobacco advertising at sporting events; and if he will make a statement.

Mr. Tracey: My Department's consultations prior to the renegotiation of the voluntary agreement on sports sponsorship by the tobacco companies have, of course, included the BBC, as one of the interested bodies.

Recycled Grant

Mr. Irving asked the Secretary of State for the Environment if he will introduce legislation to compel a local authority to refund recycled grant in the form of rate reduction; and if he will make a statement.

Mrs. Rumbold: My right hon. Friend has no plans to introduce legislation to specify what local authorities should do with recycled grant. Local authorities already

have powers under section 3 of the Local Government Finance Act 1982 to substitute a lower rate or precept at any time.

Rates

Dr. Cunningham asked the Secretary of State for the Environment, if he will publish the overall average unrebated domestic rate bill paid by householders in *(a)* England and *(b)* England and Wales in each year since 1966-67.

Mr. Kenneth Baker: The estimated figures are as follows:

*Average (unrebated) domestic rate bills**

	England £	*England and Wales* £
1966-67	41	40
1967-68	41	41
1968-69	42	42
1969-70	44	44
1970-71	47	46
1971-72	54	53
1972-73	61	60
1973-74	66	66
†1974-75	77	74
1975-76	94	92
1976-77	103	100
1977-78	119	116
1978-79	131	128
1979-80	155	152
1980-81	199	195
1981-82	245	239
1982-83	282	276
1983-84	303	296
1984-85	323	316
1985-86	351	344
‡1986-87	400	392

* Average unrebated rate bills are derived from the average domestic rate poundages levied by local authorities and average domestic rateable values per herediatment.
† Figures up to 1973-74 are not comparable with those for 1974-75 and later years. This is due to the change of local authorities' responsibilities in 1974, in particular the transfer of water and sewerage services from local authorities to water authorities.
‡ The figures for 1986-87 are provisional.

Contractors (Excess Profits)

Mr. Dalyell asked the Secretary of State for the Environment on how many occasions, and for what value in each case, the Property Services Agency has recovered excess profits from contractors *(a)* as a result of information given by employees to his Department and *(b)* otherwise; and if he will make a statement.

Sir George Young: I shall answer this question shortly.

Fair Rents

Mr. Alton asked the Secretary of State for the Environment if he will review the Rent Acts with a view to requiring local authorities to register fair rents in cases where tenants are in receipt of housing benefit and have not applied to the rent officer themselves within a reasonable period; and if he will make a statement.

Mr. John Patten: No.

Community Support Programme (Docklands)

Mr. Spearing asked the Secretary of State for the Environment if he will state the numbers of workers in the community support programme submitted to him for 1986-87 by the London Dockland Development Corporation which have not been approved; when he expects to approve such applications; and if, in respect of those where a decision cannot be made within the next seven days, he will make it his policy to retain the relevant personnel for three months beyond 31 March 1986.

Sir George Young [*pursuant to his reply*, 21 March 1986, c. *324*]: Decisions on all voluntary sector projects submitted by the corporation as part of the community support programme for 1986-87, have now been taken by my Department. All projects which support community workers have been approved.

Sewage Plants

Mr. Boyes asked the Secretary of State for the Environment what information he has as to the number of occasions on which sewage plants failed to achieve their set standards in 1984-85 and as to which plants were involved.

Mr. John Patten [*pursuant to his reply*, 10 April 1986]: Part II of the Control of Pollution Act 1974 was implemented last year. Before then, routine information about the performance of sewage plants was not held by my Department. Water authorities are now required to report annually on works which fail to meet the terms of their consents. The first reports, for the year ended 31 December 1986, are due to be submitted early in 1987.

Gloucestershire (Rate Support Grant)

Mr. Irving asked the Secretary of State for the Environment what was the exact amount of the rate support grant for Gloucestershire county council in *(a)* 1985-86 and *(b)* 1986-87, showing for 1986-87 what it was (i) before and (ii) after the grant recycling.

Mrs. Rumbold [*pursuant to her reply*, 11 April 1986]: The latest estimate of Gloucestershire county council's block grant entitlement *(a)* for 1985-86 is £66·738 million under the second supplementary report, *(b)* for 1986-87 is £62·794 million under the rate support grant report (England) 1986. Current estimates suggest that some £630 million could be available for grant recycling. A supplementary RSG report is needed to adjust the block grant poundage schedule to distribute this money on the proper basis. In the meantime all the money is already being paid to authorities as a single percentage enhancement of their grant entitlement. On this basis Gloucestershire county council's grant rises to £67·967 million.

Fish (Mercury Levels)

Mr. Wareing asked the Secretary of State for the Environment what plans he has to seek a reduction in the European Economic Community's environmental quality standard for mercury levels in fish; and if he will make a statement.

Mr. Waldegrave [*pursuant to the reply*, 10 April 1986]: The Government have no plans to seek a reduction in the European Economic Community's environmental quality standard for the level of mercury in fish.

TRANSPORT

Port Costs

Sir David Price asked the Secretary of State for Transport what action he proposes to take in the light of his Department's report on liner shipping freight, to reduce the burden of light dues on ships using United Kingdom ports; and if he will make a statement.

Mr. Wigley asked the Secretary of State for Transport what estimate he has made of *(a)* the total extra revenue and *(b)* the total additional administrative costs, if all yachts had to pay light dues; what assessment he has made of the implications of such a policy in the light of European Economic Community regulations; and what are his intentions on extending light dues in this way.

Mr. Ridley: I have been concerned for some time about the burden that these charges represent for the shipping industry and on the competitiveness of United Kingdom ports in relation to those of our EC neighbours. I asked Arthur Andersen and Co, the consultant accountants, to undertake a major study of the structure of light dues and subsequently I consulted widely on the recommendations that it had made. The most contentious of these were that the liability for light dues should be extended to pleasure craft and fishing vessels. I have given most careful thought to the feasibility of imposing such charges, but I have decided that it is impractical. I do not intend to pursue the idea.

The report, however, identified a number of ways in which the burden of light dues might be spread more equitably between the existing categories of payers. I have asked for a further study of these possibilities to be undertaken in consultation with the general lighthouse authorities and the shipowners. I will make a further statement on the outcome in due course.

Sir David Price asked the Secretary of State for Transport what action he proposes to take in the light of his Department's report on liner shipping freight rates to reduce United Kingdom port costs to a level nearer the average for continental ports; and if he will make a statement.

Mr. Ridley: I am pursuing with the European Commission whether the financial assistance that many continental ports receive from public funds gives them an unfair competitive advantage. One of the main aims of my proposed reform of marine pilotage is to improve its cost-effectiveness. Improvements in operating efficiency are up to the port operators themselves. As the report notes, improvements were reported in 1985.

Association of Former Laker Employees

Mr. Stephen Ross asked the Secretary of State for Transport what help his Department is providing to the Association of Former Laker Employees in respect of their claims for compensation from competing airlines; and if he will make a statement.

Mr. Michael Spicer: The answer given to the hon. Member for Strathkelvin and Bearsden (Mr. Hirst) by my right hon. Friend the then Secretary of State for Trade and Industry on 11 December 1985 at columns 623-24 makes it clear that the Government have fundamental objections to the application of United States domestic anti-trust law to aviation activities regulated by international agreements. There is therefore no question of this Department helping anyone to pursue such litigation.

Vehicle Registrations

Mr. Park asked the Secretary of State for Transport whether any further change is contemplated arising from his Department's study into the month of changeover of the vehicle age identification letter.

Mr. Michael Spicer: I refer the hon. Member to the answer my right hon. Friend gave to my hon. Friend the Member for Stevenage (Mr. Wood) on 20 March.

Channel Tunnel

Mr. Fry asked the Secretary of State for Transport when he expects to publish the Channel fixed link concession agreement.

Mr. Ridley: The Channel fixed link concession agreement was published today (Cmnd. 9769) and I have arranged for copies to be placed in the Library.

Airport Security

Mr. Marlow asked the Secretary of State for Transport to what extent Israeli or El Al personnel are involved in the provision of security during check-in procedures from arrival at United Kingdom airports until entry into aircraft; and whether this involves the possession or carrying of weapons.

Mr. Michael Spicer: The United Kingdom civil aviation security programme requires that passengers on flights to Israel and their hand baggage should be searched, and that their hold baggage should be screened. El Al personnel undertake these duties in respect of passengers travelling on their flights from Heathrow. For their flights from Manchester, they carry them out jointly with the airport security staff. Any additional checks on passengers and their baggage are at the discretion of the airline. In common with other airlines, El Al is responsible for the security of its own aircraft whilst on the ground at United Kingdom airports. I understand that no El Al personnel have been authorised to carry weapons while carrying out these duties, although that is a matter for my right hon. Friend the Home Secretary.

Signposts

Mr. Harrison asked the Secretary of State for Transport if, pursuant to the answer of 16 January, *Official Report*, column *631*, concerning the damaged signpost at junction 30 southbound on the M1 motorway, he will make a statement on the state of repair of the signpost.

Mr. Ridley: I am pleased to say that a new signpost was erected at junction 30 on 7 April.

National Bus Company

Mr. Ellis asked the Secretary of State for Transport what information he has as to the timetable for the sale of sections of the National Bus Company; and if he will make a statement.

Mr. David Mitchell: The Transport Act 1985 requires the National Bus Company to dispose of all its operations by January 1989. NBC will aim to complete as many sales as possible by the time of deregulation of the bus industry, particularly of subsidiaries for which staff or other groups have already indicated that they wish to mount an early bid.

Transport Act 1985 (Circular)

Mr. Amess asked the Secretary of State for Transport what representations he has received so far from local authorities in response to the circular issued on 4 December by his Department about the Transport Act 1985.

Mr. David Mitchell: I have received some correspondence from local authorities seeking further advice or clarification on various aspects of this circular.

Hackney Carriage Plates

Mr. Amess asked the Secretary of State for Transport if he will issue fresh guidance to local authorities on their rights to limit the numbers of hackney carriage plates.

Mr. David Mitchell: No. The Government's advice to local authorities on section 16 of the Transport Act 1985 is contained in the circular issued on 4 December. That advice remains unchanged.

Roads

Mr. Steel asked the Secretary of State for Transport (1) if he will make a statement on the circulation of his Department's draft proposal to simplify the closing off and unadoption of roads which it thinks are too expensive to maintain;

(2) if he will make a statement on his Department's draft proposal to simplify the closing off and unadoption of roads which it thinks are too expensive to maintain;

(3) what account was taken of rural areas' requirements in the formulation of his Department's draft proposal to simplify the closing off and unadoption of roads which it thinks are too expensive to maintain.

Mr. Ridley: We are currently reviewing the provisions in the Highways Act 1980 for stopping up and diversion of highways. The Act and the review affect both England and Wales but not Scotland. The review is in response to complaints from local authorities and others that the provisions are inefficient, time-consuming and costly to use.

In April 1985 a consultative paper was circulated widely to interested organisations. The responses are being evaluated. It is proposed to replace the requirement on the highway authority to obtain a magistrate's court order before stopping up or diverting a highway with a power for it to make and confirm its own orders. Objections would be heard at a public inquiry before an inspector who would make recommendations to the authority whose decision could be challenged in the High Court. A current right of veto by district, parish or community councils would be replaced by a right to consultation.

The proposals extend to trunk roads, but not to motorways. We are concerned to facilitate disposal of unwanted pieces of trunk road verge and loops of highways made redundant by road re-alignment. The proposals include revised arrangements for footpaths and bridleways and also for the disposal of land after stopping up.

The general purpose of these proposals is to simplify and improve on the present procedures. It is not to enable highway authorities to divest themselves of their maintenance responsibilities and by doing so transfer that responsibility to others. The proposals are not considered to have any adverse implications for rural areas.

Property Acquisitions

Mr. Cartwright asked the Secretary of State for Transport if he will list the properties his Department has acquired in Church Manorway, London, SE2, indicating in each case the date of purchase and the date of transfer to the London borough of Greenwich.

Mr. Ridley: The Department has acquired eight properties in Church Manor Way. Seven have been let on short-term lease to Greenwich borough council:

Address	*Date of acquisition*	*Date of letting*
Church Manor Way		
Number 44	10 October 1985	13 January 1986
Number 60	1 November 1985	10 February 1986
Number 66	5 January 1984	28 February 1984
Number 68	16 March 1983	31 August 1983
Number 74	14 November 1985	10 February 1986
Number 76	26 October 1982	27 October 1982
Number 78	4 April 1986	Not yet
Number 86	26 April 1985	17 June 1985

Shipping

Mr. Hancock asked the Secretary of State for Transport how many ships there were under the United Kingdom flag in each of the last five years.

Mr. Ridley: The number of United Kingdom registered merchant ships of 500 gross registered tons and over at the end of each of the last five years is:

	Number
1981	1,118
1982	985
1983	866
1984	777
1985	693

These figures exclude Government owned vessels, offshore supply vessels, tugs, fishing vessels and other non-trading vessels.

NATIONAL FINANCE

Mileage Allowance

45. **Mr. Chope** asked the Chancellor of the Exchequer to what extent mileage rates for casual use by civil servants of their cars on Government business are to be adjusted as a result of recent changes in the price of petrol.

Mr. Brooke: The standard rate of Civil Service car mileage allowance is due for review with effect from 1 April 1986. The review will be based on the April 1986 AA schedule of motoring costs and will take account of recent changes in the price of petrol.

£2 Commonwealth Games Commemorative Coin

Mrs. Virginia Bottomley asked the Chancellor of the Exchequer when the standard version of the £2 Commonwealth Games commemorative coin will be available.

Mr. Ian Stewart: The standard version of the £2 Commonwealth games coin will be available at face value from Post Offices throughout the United Kingdom from 28 April 1986. Special collectors versions sold at a premium above face value are already available from Post Offices, coin dealers or directly by post from the Royal Mint, Cardiff.

European Monetary System

Mr. Deakins asked the Chancellor of the Exchequer what additional responsibilities would be placed on the Bank of England by United Kingdom membership of the exchange rate mechanism of the European monetary system.

Mr. Ian Stewart: The Bank of England would have operational responsibility, as agents for the Treasury, for maintaining sterling's position within the exchange rate mechanism.

Common Agricultural Policy Budget

Mr. Deakins asked the Chancellor of the Exchequer why Her Majesty's Government do not accept the need for a supplementary common agricultural policy budget in 1986.

Mr. Brooke: It would be premature to accept the need for a supplementary budget for agricultural expenditure until the Commission and Council of Ministers have undertaken a thorough examination of the justification for the extra spending and of the scope for economies to offset it.

Northern Constabulary (Travel Warrants)

Mr. Wallace asked the Chancellor of the Exchequer how many representations he has received in the current year regarding the taxation of concessionary travel warrants given to police officers of the Northern Constabulary stationed in Orkney, Shetland and the Western Isles; and if he will make a statement.

Mr. Moore: Five letters and representations have been received on this subject since 6 April 1985. The travel warrants concerned are a valuable benefit and are taxed in accordance with normal income tax rules.

Capital Transfer Tax

Dr. Glyn asked the Chancellor of the Exchequer what representations he has received seeking the exclusion from the proposed implementation of his Budget proposals on capital transfer tax of certain insurance-based plans and other trusts completed on Budget day itself; and if he will make a statement.

Mr. Moore: Two representations have been received. One suggests that the Budget proposals affecting gifts with reservation should be effective from the time of the Budget announcement. The other suggests the proposals should be effective from midnight on Budget Day. The inheritance tax proposals apply to gifts made on Budget day itself, and it is right that the provisions for the new charge on gifts with reservation should come into force at the same time. If they did not, a gift made on 18 March would have the benefit of the new reliefs without being subject (where appropriate) to the new charge.

Johnson Matthey Bank

Mr. Sedgemore asked the Chancellor of the Exchequer if he will make a statement on the sale of Johnson Matthey Bank.

Mr. Stewart: The sale is a matter for the Bank of England.

Mr. Sedgemore asked the Chancellor of the Exchequer if he will ensure that all public money put into Johnson Matthey Bank by the Bank of England are recovered with interest; and what he calculates the interest would be.

Mr. Ian Stewart: The recovery of money put into JMB is a matter for the Bank of England. I refer the hon. Member to the press release issued by the Bank of England on 10 April, a copy of which is in the Library.

Income Tax

Mr. Meacher asked the Chancellor of the Exchequer what has been the gain from the 1p cut in the pound in income tax to a taxpayer with a wife and two children aged five and 11 years earning £5,000, £7,500, £10,000, £15,000, £20,000, £30,000, £50,000 and £100,000 per annum respectively.

Mr. Moore: I shall let the hon. Member have a reply as soon as possible.

Dr. McDonald asked the Chancellor of the Exchequer (1) if he will up-date, to take account of the 1986 Budget, the information on income tax reductions provided in his reply of 4 April 1985 to the hon. Member for Thurrock, *Official Report* column *709-10*;

(2) if, pursuant to the answer given on 25 February, *Official Report*, columns *502-8*, about gains and losses from tax changes, he will show in each of the income ranges the number of units paying tax in 1986-87 and the aggregate and individual charges in 1986-87 compared with the indexed 1978-79 tax structure.

Mr. Moore [*pursuant to his replies*, 27 March 1986, c. *602* and 8 April 1986, c. *92*]: The table shows the reductions in income tax liabilities, at 1986-87 income levels, of the proposed 1986-87 allowances, thresholds and rates compared with the 1978-79 regime indexed to 1986-87 levels by reference to the statutory formula. The comparisons therefore allow for budgetary changes in income tax rates and allowances, but not for any changes in the definition of the income tax base. As child tax allowances were being phased out in 1978-79, they have been excluded from the comparison.

*Range of total income in 1986-87** £	*Number of units paying tax in 1986-87* (million)	*Reductions in income tax compared with 1978-79 indexed regime* *Amount* £ million	*Average per† tax unit* £
Under 5,000	3·8	280	60
5,000 to 10,000	7·8	1,420	180
10,000 to 15,000	4·9	1,720	350
15,000 to 20,000	2·2	1,160	530
20,000 to 30,000	1·3	1,210	930
30,000 to 50,000	0·4	1,030	2,320
Over 50,000	0·1	1,280	11,640
Total	20·5	8,100	380

* All information is in terms of tax units—that is, married couples are counted as one and their incomes combined.

† Based on numbers of tax units liable to pay tax under the indexed 1978-79 regime; this is 900,000 units more than expected under the Budget proposals (covering about 1·4 million individuals if working wives are counted separately). 750,000 of these tax units have income below £5,000 and the remaining 150,000 have incomes between £5,000-£10,000.

The levels of the main allowances and thresholds, compared with the proposed 1986-87 values, would be:

Personal allowances

	Indexed 1978-79 regime £	*1986-87* £
Single and wife's earned income allowance	1,985	2,335
Married man's allowance	3,095	3,655
Additional personal allowance	1,110	1,320
Aged single allowance	2,620	2,850
Aged married allowance	4,175	4,505
Aged income limit	8,100	9,400

Rate of tax (Percentage)	*Bands of taxable income* *Indexed 1978-79 regime* £	*1986-87* £
25	0–1,550	—
29	—	0–17,200
33	1,551–16,100	—
40	16,101–18,200	17,201–20,200
45	18,201–20,300	20,201–25,400
50	20,301–22,400	25,401–33,300
55	22,401–25,500	33,301–41,200
60	25,501–28,600	over–41,200
65	28,601–32,700	—
70	32,701–37,800	—
75	37,801–48,900	—
83	over 48,900	—

Investment Income Surcharge: Indexed 1978-79 regime
Bands of net investment income (£)

Non-aged	*Aged*	*Rate of Surcharge (percentage)*
0–3,450	0–5,050	Exempt
3,451–4,600	5,051–6,100	10
Over 4,600	over 6,100	15

Investment income surcharge was abolished in 1984-85.

Married Man's Tax Allowance

Dr. McDonald asked the Chancellor of the Exchequer, what is the cost to the Exchequer at the 1986-87 tax rates announced in the Budget of the married man's tax allowance in excess of the corresponding single person's allowance; how much of this cost is attributable to taxpayers aged below 65 years; and what is the weekly value of this extra relief to the married man paying income tax at the standard rate.

Mr. Moore [*pursuant to his reply*, 27 March 1986, c. 605]: The direct revenue cost of the married man's allowance, in excess of the single person's allowance, is estimated to be £4·5 billion in a full year at 1986-87 income levels. Of this, some £3·8 billion is in respect of those aged under 65. The extra relief is worth £7·36 a week in 1986-87 to a basic rate taxpayer not entitled to age allowance.

Tax and National Insurance

Mr. Gordon Brown asked the Chancellor of the Exchequer (1) if he will show tax and national insurance in 1986-87 as a proportion of earnings, together with a breakdown of the reliefs and allowances applicable in the cases of a married man with earnings of £100,000 per annum, making an annual investment of £40,000 from his earnings under the business expansion scheme as well as claiming tax relief on *(a)* a mortgage loan of £30,000, assuming a monthly interest payment of £306·25, *(b)* an annual investment of £5,000 into an approved pension and *(c)* a life insurance policy taken out before 13 March 1984 and with an annual premium of £1,000;

(2) if he will show tax and national insurance in 1986-87 as a proportion of earnings, together with a breakdown of the reliefs and allowances applicable in the case of a married man with earnings of £30,000 per annum, and making an annual investment from his earnings of £5,000 under the business expansion scheme as well as claiming tax relief on *(a)* a mortgage loan of £30,000, assuming a monthly interest payment of £306·25, *(b)* an annual investment of £1,500 into an approved pension and *(c)* a life insurance policy taken out before 13 March 1984 and with an annual premium of £200;

(3) if he will show tax and national insurance in 1986-87 as a proportion of earnings, together with a breakdown of the reliefs and allowances applicable in the following cases: *(a)* a married man with earnings of £30,000 per annum, *(b)* a married man with earnings of £100,000 per annum *(c)* a married man on the level of average male earnings assumed for 1986 and *(d)* a single person earning £100 per week.

Mr. Moore [*pursuant to his replies*, 8 April 1986, c. *98-9*]: The information is as follows:

1986-87 Gross earnings (£ per year)	Personal allowance (£ per year)	Relief due to pension contributions (£ per year)	Relief due to mortgate interest payments (£ per year)	Relief due to BES investments (£ per year)	Value of relief due on life insurance premium (£ per year)	Income tax (£ per year)	National insurance (£ per year)	Tax and National insurance as percentage of gross earnings (Percent)
*Married man**								
(i) 11,118	3,655	—	—	—	—	2,164·27	†1,000·62	28·5
(ii) 30,000	3,655	—	—	—	—	10,334·30	†1,333·80	38·9
(iii) 30,000	3,655	1,500	3,675	5,000	30	4,659·30	‡1,057·65	19·1
(iv) 100,000	3,655	—	—	—	—	49,910·00	†1,333·80	51·2
(v) 100,000	3,655	5,000	3,675	40,000	150	20,555·00	‡1,057·65	21·6
Single person								
(vi) 5,200	2,335	—	—	—	—	830·85	†468·00	25·0

* All occupations average earnings for males in full time employment paid at adult rates
† Contracted in rate
‡ Contracted out rate

DEFENCE

Research

Mr. Dalyell asked the Secretary of State for Defence what plans he has to spend more money in the universities on research.

Mr. Norman Lamont: Our aim is to increase defence spending on research work in universities and other institutions of higher education to at least £15 million a year.

Mr. Dalyell asked the Secretary of State for Defence what estimates he has for spending to date under the scheme for joint research grants for work of scientific merit as relevant to defence, in concert with the research council.

Mr. Norman Lamont: No expenditure has yet been incurred from defence funds. Spending is expected to build up during the present financial year but it is not possible at this stage to predict to what level.

Mr. Dalyell asked the Secretary of State for Defence what plans he has for greater collaboration with the academic sector in the provision and use of research facilities.

Mr. Norman Lamont: A joint capital investment review body has been set up, and information exchange on available and planned facilities is proceeding. Applications for joint research grants may, subject to availability, include the use of Ministry of Defence research facilities, and possibilities of wider use are being studied.

Mr. Dalyell asked the Secretary of State for Defence what plans he has to encourage co-operation in the research field between higher education and industry on defence-related matters.

Mr. Norman Lamont: The Government wishes to encourage co-operation in defence-related research between industry and higher education. We are currently studying the best ways of achieving this.

Sponsorship Scheme

Mr. Dalyell asked the Secretary of State for Defence what is the cost of, and how many students are involved in, his sponsorship scheme to assist those wishing to study *(a)* engineering and *(b)* science.

Mr. Norman Lamont: The current number of external students on the Ministry of Defence sponsorship scheme studying engineering is around 250, at a cost of approximately £500,000. The figures for science students are 108 and £200,000 respectively. It is planned to expand the scheme for the 1986 intake.

South Korea

Mr. Parry asked the Secretary of State for Defence how many United Kingdom military personnel are based in South Korea.

Mr. Stanley: There are 42 United Kingdom military personnel currently stationed in South Korea. Thirty-five serve with the United Nations honour guard and a further seven with the Commonwealth liaison mission to the United Nations command. These include our defence attache, who acts as Commonwealth member of the Military Armistice Commission and commands the Commonwealth liaison mission, and also an assistant defence attache.

Royal Navy (Emergencies)

Mr. Hancock asked the Secretary of State for Defence what are the numbers of ships under the United Kingdom flag which are available to the Royal Navy for use in emergencies; and how many there have been in each of the last five years.

Mr. Stanley: The number of United Kingdom registered mechant ships available in each of the years 1980-84 in the principal categories required for defence purposes are set out on page 30 of Vol. 1 of the "Statement on the Defence Estimates 1985" (Cmnd. 9430).

Submarine Refit Capacity

Mr. Warren asked the Secretary of State for Defence what assessment he has made of submarine refit capacity

in the private sector; what account he took of this in assessing the need for investment in Her Majesty's dockyard, Rosyth; and if he will make a statement.

Mr. Lee: Responses to the invitation to tender for the commercial refit of HMS Otter—one of the vessels in the comparability exercise in which commercial refits of a frigate and a submarine are being compared with dockyard refits—covered the extent of private sector capability for refitting conventional submarines. However, no United Kingdom company has the resources needed to undertake refuelling-refitting of nuclear submarines, for which the planned investment at Rosyth is primarily intended.

THE ARTS

Arts Funding

34. **Mr. Tony Banks** asked the Minister for the Arts what representations he has received from arts organisations whose funding has been affected by abolition of the Greater London council and metropolitan county councils.

Mr. Luce: I have had a considerable number of representations; but I am happy to say that the position of the vast majority of organisations in these areas has been made secure.

Sponsorship

40. **Mr. Proctor** asked the Minister for the Arts what extra amounts of private business revenue for the Arts he estimates will result from the changes announced by the Chancellor of the Exchequer in his Budget speech for the financial year 1986-87; and if he will make a statement.

Mr. Luce: I refer to the answer given to my right hon. Friend the Member for Ealing, North (Mr. Greenway).

European Community

41. **Mr. Murphy** asked the Minister for the Arts what discussions he has had within the framework of the European Community for the arts; and if he will make a statement.

Mr. Luce: I attended a meeting of European Ministers of Culture in Brussels on 20 December 1985. I expect to chair such a meeting myself later this year during the United Kingdom Presidency of the European Community.

Local Government Reform

Mr. Tony Banks asked the Minister for the Arts when, pursuant to his reply of 17 March, *Official Report*, column 86, the hon. Member for Newham North-West might expect to receive a breakdown by numbers and categories of full-time staff employed by the South Bank board in the South Bank concert halls following abolition of the Greater London council.

Mr. Luce: I shall let the hon. Member have a reply within the next two weeks.

Mr. Tony Banks asked the Minister for the Arts how many of the staff employed on the South Bank by *(a)* Argus Shield, *(b)* the Blue Arrow Company, *(c)* Pall Mall, and *(d)* Matthew Hall were previously employed by the Greater London Council or its contractors immediately prior to abolition of the council on 31 March.

Mr. Luce: Former GLC or subcontracted employees now working on the South Bank for the companies in question are as follows:

(a) Argus Shield—1
(two applications currently being considered);
(b) The Blue Arrow Company—2;
(c) Pall Mall—None;
(d) Matthew Hall—1.

Mr. Tony Banks asked the Minister for the Arts, pursuant to his answer of 24 March, *Official Report*, column 389, what is the policy of the South Bank board towards meeting the cost of members travelling from abroad to attend board meetings or business.

Mr. Luce: The board will consider such costs as and when they arise.

Mr. Tony Banks asked the Minister for the Arts if he will list the arts groups in London by name and location which have still not been informed of their funding pattern by the Arts Council following abolition of the Greater London Council.

Mr. Luce: The largest of the Arts Council's London clients (the National theatre, English national opera, the London festival ballet, and the London orchestral concerts board), have already been informed. Other settlements are in every case contingent on grant decisions yet to be announced by individual boroughs or, collectively, by the London boroughs' grant scheme. All announcements should have been made by the end of this month.

CIVIL SERVICE

Ethnic Monitoring

42. **Mr. Janner** asked the Minister for the Civil Service if he will make a statement on the current state of ethnic monitoring in the Civil Service.

Mr. Luce: The staff surveys are progressing and should be completed by mid 1988. Monitoring of executive officer recruitment nationally has begun and departments are monitoring a selection of their recruitment schemes this year as a trial run.

Written Answers to Questions

Tuesday 15 April 1986

SCOTLAND

Scottish Office, Whitehall

Mr. Gareth Wardell asked the Secretary of State for Scotland (1) if he will publish in the *Official Report* the area in square feet of the Scottish Office in Whitehall;

(2) if he will publish in the *Official Report* the number of people employed by the Scottish Office in Whitehall.

Mr. Rifkind: The area of my Department's Whitehall office is 25,192 sq ft gross and at 1 April 1986 43 people were based there.

Universities (Funding)

Mr. Peter Bruinvels asked the Secretary of State for Scotland, further to his answer to the hon. Member for Linlithgow (Mr. Dalyell), *Official Report*, 27 February, column *664*, how he intends to consult students whose student unions are not affiliated to the National Union of Students on the recommendations of the Scottish Tertiary Education Advisory Committee for the future funding of Scottish universities.

Mr. Allan Stewart: Student unions which are not affiliated to the National Union of Students, or which for other reasons wished to respond independently to the open invitation from my right hon. Friend the member for Ayr in his statement of 9 December 1985, at column *460*, were free to do so. A number did respond by 27 March, but further comments could still be considered.

Scottish Development Agency

Mr. Gordon Brown asked the Secretary of State for Scotlnd what is the proposed budget for the Scottish Development Agency in each year from 1986-87 to 1988-89.

Mr. Allan Stewart: For information on the agency's proposed budget for 1986-87 I refer the hon. Member to the answer which I gave the hon. Member for Glasgow, Shettleston (Mr. Marshall) on 20 March 1986, at columns 141-42. Decisions have not yet been taken on the agency's budget for 1987-88 and 1988-89. Information on the overall net provision for the agency and the Highlands and Islands Development Board is contained in the Scottish Office's commentary on the Scotland programme of the 1986 public expenditure White Paper, Cmnd. 9702.

Leukaemia

Mr. Corrie asked the Secretary of State for Scotland if the validation of the cases of leukaemia in 0 to 24-year-olds occurring in Scotland between 1968 and 1981 is now complete; and if he will make a statement.

Mr. Rifkind: The validation of the Scottish figures given to the Black inquiry, appointed to investigate the possible raised incidence of cancer in west Cumbria, has now been completed. Validation was undertaken by teams of haematologists who reviewed the available notes, slides and other information on every known case of leukaemia in 0 to 24-year-olds in Scotland between 1968 and 1981. The results, which show virtually no change from the information given to the Black inquiry, are shown in the tables.

My principal concern now is to put these figures in the context of a study of leukaemia clusters throughout Scotland being undertaken by the information services division of the Common Services Agency. This study, which is I believe the first of its kind, will use small area data to identify clusters. It should allow us to establish where and when clusters of leukaemia occur. The results of this new study, which will be published, will also be submitted to the Committee on the Medical Aspects of Radiation in the Environment.

Table I

Pre-Validation Registrations (and average annual registrations) rates per 100,000) for Leukaemia for age group 0 to 24

Area and period	*Lymphoid*	*Myeloid*	*Other (monocytic, other, and unspecified)*	*All Leukaemia*
1968-74				
West Coast	24 (1·4)	20 (1·2)	12 (0·7)	56 (3·3)
West Inland*	33 (1·8)	11 (0·6)	3 (0·2)	47 (2·5)
Rest of Scotland	233 (1·8)	74 (0·6)	39 (0·3)	346 (2·6)
All Scotland	257 (1·7)	94 (0·6)	51 (0·3)	402 (2·7)
1975-81				
West Coast	36 (2·2)	15 (0·9)	4 (0·2)	55 (3·4)
West Inland*	46 (2·6)	11 (0·6)	2 (0·1)	59 (3·3)
Rest of Scotland	254 (2·2)	93 (0·8)	23 (0·2)	370 (3·1)
All Scotland	290 (2·2)	108 (0·8)	27 (0·2)	425 (3·2)

* Data included in Rest of Scotland

Table II
Post-Validation Registrations (and average annual registration rate per 100,000 population for Leukaemia for age group 0 to 24)

Area and Period	Lymphoid	Myeloid	Other (monocytic, other, and unspecified)	Total
1968-74				
West Coast	29 (1·7)	18 (1·1)	6 (0·4)	53 (3·1)
West Inland*	39 (2·1)	8 (0·4)	4 (0·2)	51 (2·8)
Rest of Scotland	254 (1·9)	76 (0·6)	27 (0·2)	357 (2·7)
All Scotland	283 (1·9)	94 (0·6)	33 (0·2)	410 (2·8)
1975-81				
West Coast	36 (2·2)	16 (1·0)	1 (0·1)	53 (3·2)
West Inland*	43 (2·4)	11 (0·6)	2 (0·1)	56 (3·1)
Rest of Scotland	249 (2·1)	103 (0·9)	13 (0·1)	365 (3·1)
All Scotland	285 (2·1)	119 (0·9)	14 (0·1)	418 (3·1)

* Included in Rest of Scotland

Table III
Observed (O) and Expected (E) registrations of Leukaemia for 0-24 age group population resident within 10 mile radius of Hunterston—pre validation data

	O	*E*	*P*
	1968-74		
Myeloid	4	1·94	NS
Lymphoid	4	5·29	NS
All leukaemia	8	8·28	NS
	1975-81		
Myeloid	6	2·32	NS
Lymphoid	11	6·23	NS
All leukaemia	18	9·23	<0·05

NS = non-significant.

Table IV
Observed (O) and Expected (E) registrations of Leukaemia for 0-24 age group resident within 10-mile radius of Hunterston validated data

	O	*E*	*P*
	1968-74		
Myeloid	2	1·94	NS
Lymphoid	4	5·83	NS
All leukaemia	6	8·44	NS
	1975-81		
Myeloid	6	2·56	NS
Lymphoid	12	6·10	<0·05
All leukaemia	19	8·96	<0·05

NS = non-significant.

ATTORNEY-GENERAL

Welsh Language (Cheques)

Mr. Wigley asked the Attorney-General if cheques made out in the Welsh language by residents of Wales, payable to the county court or to the Lord Chancellor finance branch, are accepted by the Lord Chancellor's Department and by the courts in Wales.

The Attorney-General: Yes, subject to the normal checks required for confirmation to the collecting bank.

Court of Appeal (Judgment on Appeal)

Mr. Meadowcroft asked the Attorney-General if he will state the circumstances in which the arguments on which a judgment on appeal is based in the Court of Appeal (Civil Division) are recorded.

The Attorney-General: The Association of Shorthand Writers Ltd. records all proceedings before the Court of Appeal (Civil Division), including the submissions of counsel.

Mr. Meadowcroft asked the Attorney-General if he will state the circumstances in which a transcript of the relevant proceedings of a judgment on appeal in the Court of Appeal (Civil Division) may be made available to the parties concerned.

The Attorney-General: Transcripts of the judgments given by the Court of Appeal (Civil Division) and of any orders made as to costs are held by the Supreme Court library and are available for public inspection free of charge. Transcripts of any part of the proceedings before the Court of Appeal (Civil Division) may be purchased by the parties from the Association of Shorthand Writers Ltd. on payment of the appropriate fee.

TRANSPORT

Motorways (Construction Contracts)

Mr. Harrison asked the Secretary of State for Transport if, for each of the 39 motorway construction contracts announced by his Department for 1986-87, he will specify the total cost involved; and if he will also give the cumulative cost to public funds of the whole programme.

Mr. Ridley: The information requested for each of the 39 contracts is set out in the table. The total cost of the 39 contracts is estimated at about £89 million. That includes six reserve schemes (numbers 34-39) estimated to cost about £6 million, which will proceed in 1986-87 if funds are available.

Major motorway programme for 1986-87

Reference number	*Road number*	*Agent*	*Location of works junctions*	*Dates*	*Estimated* cost £ million*	*Description of work*
1	M1	Hertfordshire	8-9	May-December	3·744	Overlay and joints (north and south bound)
2	M1	Bedfordshire	11	April-October	5·505	100 mm overlay (south bound) and central reserve hardening
3	M1	Buckinghamshire	14-15	September-December	2·041	Reconstruction/overlay (north and south bound)
4	M1	Northamptonshire	14-16	March-September	9·300	Central reserve hardening, reconstruction/ overlay (south bound), advance works
5	M1	Leicestershire	20-21	May-June	2·567	Overlay (north and south bound)
6	M1	Nottinghamshire	27-28	September-October	2·076	Overlay/reconstruction (north and south bound)
7	M1	Sir Owen Williams and Partners	31-33	August-October	3·432	Reconstruction/overlay (north and south bound)
8	M2	Kent	5-7	September-December	4·220	Overlay and concrete repairs (north and south bound)
9	M3	Surrey	3-4	May-July	1·209	Reconstruction/overlay (west bound)
10	M4	Berkshire	8/9-10	May-August	3·006	Reconstruction/overlay (west bound)
11	M4	Wiltshire	16-17	April-July	1·448	Overlay/reconstruction (east bound)
12	M5	Birmingham	1-2	June-September	1·300	Resurface, joint replacement, water proofing (north and south bound)
13	M5	Gloucestershire	9-10	April-August	3·070	Reconstruction (north bound)
14	M5	Avon	14-15	April-June	0·880	Overlay (south bound)
15	M5	Somerset	24-25	September-October	0·465	Overlay/reconstruction (south bound)
16	M6	Warwickshire	1 and 4	May-June	1·329	Replacement of WC (west and east bound)
17	M6	Warwickshire	4-5	July-September	1·800	Overlay/resurface (west and east bound)
18	M6	Staffordshire	15-16	April-May	0·487	Resurface (west and east bound)
19	M6	Cheshire	17-18	September-October	0·776	Resurface (north bound only)
20	M6	Lancashire	32-33	April-October	6·000	Overlay and concrete repairs (north and south bound)
21	M6	Cumberland	40-42	July-September	2·557	Overlay/reconstruction (north bound)
22	M18	Sir Owen Williams and Partners	2-1	August-October	0·640	Overlay/reconstruction (south bound)
23	M18	Humberside	6-7	June-November	3·897	CROP overlay (north and south bound)
24	M20	Kent	7-8	May-November	2·696	Reconstruction (west bound)
25	M25	Hertfordshire	24-25	May-November	1·552	Concrete repairs (west and east bound)
26	M27	Hampshire	2, 3, 4	April-June	0·443	Concrete repairs (west and east bound)
27	M40	Oxford	5-6	?	0·850	Concrete repairs (west and east bound)
28	M50	Hereford and Worcester	2-3	April-August	3·320	Reconstruction/overlay (west and east bound)
29	M56	Cheshire	8-9	April-July	2·258	Overlay/reconstruction (west and east bound)
30	M62	Ward Ashcroft and Partners	19-21	May-August	3·321	Overlay/reconstruction (west and east bound)
31	M62	Cheshire	7-9	June-September	2·111	Overlay (east bound)
32	M62	Frank Graham and Partners	33-34	August-October	3·000	Overlay/reconstruction (west and east bound)
33	A1(M)	Durham	A68-A167	May-July	1·500	Overlay (north and south bound)
Reserve schemes						
34	M1	Hertfordshire	7-6A	May-August	0·614	Concrete joint repairs (north and south bound)
35	M1	Leicestershire	24		1·890	Overlay (north and south bound)
36	M1/M18	Sir Owen Williams and Partners	M1-M18 link	?	0·324	Earthworks (north and south bound)
37	M4	Berkshire	13-12	?	1·040	Overlay (east bound)
38	M5	Gloucestershire	13-14	?	1·175	Overlay (north bound)
39	M56	Ward Ashcroft and Partners	3-6	June-July	1·118	Resurfacing (west and east bound)

* The estimated costs represent the Department's pre-contract estimates of total costs to public funds of each scheme, including, supervision and administration.

Marine Pilotage

Mr. Colvin asked the Secretary of State for Transport what is his estimate of the proper number of pilots required in the Southampton and Isle of Wight district.

Mr. Ridley: It is not for me to make such estimates. The most recent returns available for the Pilotage commission show a "proper or agreed number" of 56·46 on 31 December 1984 for the Isle of Wight pilotage district, which includes Southampton.

Mr. Colvin asked the Secretary of State for Transport what is his estimate of the proper number of pilots required in the United Kingdom.

Mr. Ridley: The number of pilots required is at present a matter for the pilotage authorities. Following the proposed reorganisation of pilotage, the numbers required will be for the harbour authorities to decide in the light of decisions on future pilotage requirements. It is not for me to make estimates of commercial demand.

Mr. Colvin asked the Secretary of State for Transport what plans he has for the publication of a White Paper on marine pilotage.

Mr. Ridley: It is too early to say whether there should be a White Paper before I bring forward new legislative proposals.

Traffic Commissioners (Staff)

Mr. Amess asked the Secretary of State for Transport how many people were employed in the traffic commissioners' offices in each of the last five years.

Mr. David Mitchell: The staff complements for the 11 traffic area offices covering Great Britain for each of the last five years were as follows:

	Number
1981-82	1,399
1982-83	1,312
1983-84	1,257
1984-85	1,257
1985-86	1,124

London Underground (Accident)

Mr. Cohen asked the Secretary of State for Transport if he will make a statement about the accident on the Central line underground on Tuesday 4 March as a consequence of preparation work for the new Hackney-M11 link road; and what arrangements are in hand to ensure that such accidents do not occur during the road construction phase.

Mr. Peter Bottomley: Boreholes were being sunk to obtain soils information needed for the redesign of the proposed Green Man interchange announced last October. A drilling rod penetrated the lining of an Underground tunnel damaging two trains and causing slight injuries to the driver of the first. This most unfortunate incident resulted from an error in setting out the boreholes. The question of liability is being discussed with our consulting engineers and the contractor. Drilling will not restart adjacent to the tunnels until London Regional Transport is satisfied that it will be safe. Similar arrangements would also apply to any works during the road construction phase.

LRT Stations (Disabled Persons)

Mr. Cohen asked the Secretary of State for Transport what information he has as to the London boroughs which in their 1986-87 budgets have no plans or estimates to use powers under section 59 of the London Regional Transport Act 1984 to fund improved access facilities for the disabled at stations in their area.

Mr. David Mitchell: I do not have this information, as it is a matter between the boroughs and the Railways Board what use is made of these powers. I understand that the board is exploring with London boroughs various possibilities for improving passenger facilities and I welcome this.

Flight Delays

Mr. Batiste asked the Secretary of State for Transport what proportion of flights from United Kingdom airports during (i) 1984 and (ii) 1985 were delayed *(a)* between two and four hours, *(b)* between four and eight hours, *(c)* between eight and 12 hours and *(d)* in excess of 12 hours; and if comparative statistics are maintained as to the delays attributable to each airline operating from the United Kingdom.

Mr. Michael Spicer: Information in the form requested is not available. In 1985, however, the departure pattern was as follows:

	per cent.
On time or early	11·4
0 to 15 minutes late	56·8
15 to 30 minutes late	13·5
30 to 60 minutes late	8·3
Over 1 hour late	10·0

Mr. Batiste asked the Secretary of State for Transport if he has any plans to review the existing legislative framework for air travellers who have experienced flight delays to obtain compensation; and if he will make a statement.

Mr. Michael Spicer: There are no plans to introduce specific statutory compensation for flight delays. Most airlines nevertheless offer compensation of some form to passengers suffering substantial delays.

Nuclear Waste

Mr. Dixon asked the Secretary of State for Transport if he will make a statement on the emergency procedures to be followed in the event of an accident involving a train or road vehicle carrying nuclear waste.

Mr. Peter Bottomley: National regulations require anyone transporting radioactive materials, including nuclear waste, to make appropriate arrangements to give specialist assistance to the civil emergency services in the event of any accident.

The police can also obtain emergency advice through the national arrangements for incidents involving radioactivity (NAIR) scheme which is co-ordinated by the National Radiological Protection Board.

MOT Certificates

Mr. McCrindle asked the Secretary of State for Transport if adequate supplies of MOT certificates are now available from the Goods Vehicle Centre in Swansea; and if he will make a statement.

Mr. Peter Bottomley: Yes. Supplies of MOT certificates are available from the Goods Vehicle Centre in Swansea. Garages should apply by first-class post in the normal way.

Lorries (Fuel Injection Equipment)

Mr. Gareth Wardell asked the Secretary of State for Transport if any further progress has been made towards developing a tamper-proof mechanism on fuel-injection equipment for heavy goods vehicles.

Mr. Peter Bottomley: No. At present it still does not seem possible to overcome the practical problems for preventing tampering whilst at the same time permitting bona fide adjustments to be made.

BAA and CAA (Staff Statistics)

Mr. Tony Banks asked the Secretary of State for Transport what was the number of staff employed by *(a)* the British Airports Authority and *(b)* the Civil Aviation Authority in 1979 and 1985.

Mr. Michael Spicer: The British Airports Authority employed 7,298 staff in the year ended 31 March 1979, and 6,959 in the year ended 31 March 1985. The numbers of staff employed by the Civil Aviation Authority in the same periods were 7,471 and 6,824 respectively.

Sellafield

Mr. Foulkes asked the Secretary of State for Transport what information he has received in relation to the British Nuclear Fuels report of the panel of investigation under the chairmanship of Mr. Donoghue on transport of flasks between Sellafield and CEGB power stations; what action he has taken as a result; and if he will make a statement.

Mr. David Mitchell: This report, which records an internal meeting between BNFL and CEGB in 1983, has been copied to my Department. I understand that the recommendations made in it to minimise the contamination of fuel flasks have been implemented. My Department is being kept aware of the current situation.

HOUSE OF COMMONS

Trade and Industry Committee (Mr. Alan Bristow)

Mr. Dalyell asked the Lord Privy Seal what action he proposes to take to enable the House to express a view on the special report from the Trade and Industry Committee concerning the conduct as a witness before that Committee of Mr. Alan Bristow; and if he will make a statement.

Mr. Biffen: None. The hon. Gentleman should however note that, further to its special report on Tuesday, the Trade and Industry Committee has now received a copy of a letter in which Mr. A. E. Bristow gives the answers to the questions put to him by that Committee (Votes and Proceedings for Wednesday 9 April, page 483.).

South-West Mechanised Letter Office

Mr. Peter Bruinvels asked the Lord Privy Seal, pursuant to the answer of 20 March to the hon. Member for Leicester, East, *Official Report*, column *294*, if he will initiate discussions about the installation of a House of Commons postmark facility under secure arrangements, at the south-west mechanised letter office; and if he will make a statement.

Mr. Biffen [*pursuant to his reply*, 26 March 1986, c. *495*]: I have asked that this matter be referred to the Accommodation and Administration Sub-Committee of the Services Committee.

PRIME MINISTER

Abdul Haq

Q82. **Mr. Ron Brown** asked the Prime Minister if she will make a statement about the cost to public funds in bringing Abdul Haq to the United Kingdom as an official guest of Her Majesty's Government.

The Prime Minister: Abdul Haq was responsible for his own travel costs; Her Majesty's Government arranged his accommodation and programme in the United Kingdom.

British Nuclear Fuels Ltd.

Mr. Chris Smith asked the Prime Minister to which Department of state the board of directors of British Nuclear Fuels Ltd. is answerable.

The Prime Minister: The board of British Nuclear Fuels plc is answerable to the Secretary of State for Energy, who holds all the shares in the company with the exception of one held by the Treasury Solicitor as his nominee.

Plutonium

Mr. Chris Smith asked the Prime Minister if she will list in the *Official Report* all the uses to which plutonium is put.

The Prime Minister: Most of the plutonium produced in the United Kingdom is held in store for fast reactor use. Other uses include the fuelling of the prototype fast reactor at Dounreay and research into fast reactor and thermal reactor fuel. Plutonium is also produced as necessary by the military reactors at Calder Hall and Chapelcross, operated by BNFL, for defence purposes.

Mr. Chris Smith asked the Prime Minister if any plutonium produced by the reprocessing of spent fuel from any British civil reactor has ever been used in nuclear weapons programmes; and if she will make a statement.

The Prime Minister: No plutonium produced in civil reactors, in this country has been transferred to defence use or exported for such use during the period of this administration.

Council of Europe

Mr. Alton asked the Prime Minister what changes have been made in the composition of the United Kingdom delegation to the Parliamentary Assembly of the Council of Europe.

The Prime Minister: I have appointed the hon. Member for Isle of Wight (Mr. Ross) a Representative in place of the hon. Member for Inverness, Nairn and Lochaber (Sir R. Johnston). I have appointed the Lord Mackie of Benshie in the place of the hon. Member for Isle of Wight, who was previously a Substitute Member.

Engagements

Mr. Ron Brown asked the Prime Minister if she will list her official engagements for Tuesday 15 April.

Mr. Peter Bruinvels asked the Prime Minister if she will list her official engagements for Tuesday 15 April.

Mr. Cohen asked the Prime Minister if she will list her official engagements for Tuesday 15 April.

Mr. Ron Davies asked the Prime Minister if she will list her official engagements for Tuesday 15 April.

Mr. Pike asked the Prime Minister if she will list her official engagements for Tuesday 15 April.

Mr. Greenway asked the Prime Minister if she will list her official engagements for Tuesday 15 April.

The Prime Minister: This morning I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in this House I shall be having further meetings later today.

ENERGY

Wylfa and Transfynydd Power Stations

Mr. Best asked the Secretary of State for Energy when the Nuclear Installations Inspectorate last carried out a full survey of Wylfa and Trawsfynydd nuclear power stations.

Mr. Goodlad: The Nuclear Installations Inspectorate surveys the operation of nuclear power stations by a regular system of inspections, visits and meetings. The most recent for Wylfa was from 13 to 21 March, and for Trawsfynydd from 25 to 28 February 1986. Biennial reactor inspections took place at Wylfa reactor No 1. during July-September 1985 and at reactor No 2. during May-July 1984, and Trawsfynydd reactor No 1. during December 1985-February 1986 and reactor No 2. during October 1984-January 1985.

AGRICULTURE, FISHERIES AND FOOD

Soviet Union (Butter Sales)

Mr. Teddy Taylor asked the Minister of Agriculture, Fisheries and Food why the EEC Commission has agreed to sell butter to the Soviet Union at 10p per pound; how much butter was involved in the most recent sale; and why Her Majesty's Government agreed to the regulation which made such sales to the Soviet Union possible.

Mr. Gummer: The Community currently has over 1 million tonnes of butter in store, of which about half is more than 18 months old. These stocks place a considerable financial burden on the Community and depress the world butter market.

The Government have consistently taken the lead in arguing for measures to curb surplus production and bring supply and demand into better balance. But while surpluses continue to exist, the problem of their disposal remains.

Several schemes already provide for butter to be sold at a reduced price within the Community. But there is a limit to the amount which can be sold in this way without disrupting sales of fresh butter and leading to a further growth in intervention stocks.

Against this background, the most economical way of disposing of stocks is often to sell them on the world market. That is why we recently supported the introduction of a regulation enabling butter at least 18 months old to be sold to the USSR, Mongolia, India and Pakistan.

The terms of this regulation provide for the price to be determined by competitive tender. In the first round of applications the Commission considered that the prices offered were too low and proposed the rejection of all bids. But in the second round (which closed on 8 April) the Commission considered that the prices were the best that could be realised given the state of the market. It therefore proposed that bids for 100,000 tonnes for sale to the USSR (including 11,000 tonnes from United Kingdom stocks) should be accepted. A majority of member states supported this decision, but the United Kingdom abstained. When account is taken of transport and other costs, including a margin for the trade, the price to the Soviet authorities will be about 13p per pound.

ADAS (Charges)

Mr. Walters asked the Minister of Agriculture, Fisheries and Food what representations he has received from farmers about the proposed Agricultural Development and Advisory Service charges for statutory work in connection with milk and dairies regulations.

Mr. Gummer [*pursuant to his reply*, 14 April 1986]: I have received a number of representations from and on behalf of dairy farmers opposed to the introduction of charges for the work done by our officials in connection with the enforcement of milk and dairies regulations. I recognise the concern that has been expressed, but I consider that charging is appropriate where the producer derives benefit from the work. It is clear that this applies in the case of milk where the high quality and reputation of the product helps to maintain consumption and thus benefits producer returns.

Mr. Walters asked the Minister of Agriculture, Fisheries and Food if there are any proposals to abolish compulsory dairy inspections for farmers whose milk falls into category A and B of the Milk Marketing Board total bacteriological count.

Mr. Gummer [*pursuant to his reply*, 14 April 1986]: No. I do not consider that it would be appropriate to rely solely on the results of the total bacterial count testing done by the Milk Marketing Board. These results do not necessarily demonstrate compliance with the milk and dairies regulations. This can be checked only by inspecting the farm concerned; however, the board's results may help us to direct this enforcement effort more effectively, and thus more economically.

Asbestos (Dumping)

Mr. Godman asked the Minister of Agriculture, Fisheries and Food how widespread is the practice of dumping asbestos or asbestos-contaminated material in United Kingdom estuarial waters; how such dumping is monitored and regulated; and if he will make a statement.

Mr. Gummer [*pursuant to his reply*, 14 April 1986]: Asbestos or asbestos-contaminated material originating on land is not currently disposed of at sea in United Kingdom waters. However, some harbour dredgings may contain very small quantities of saturated asbestos along with other contaminants. Disposal of such material at sea is governed by part II of the Food and Environment Protection Act 1985 and, in considering whether approval should be given for such disposal, the appropriate licensing authority is required to have regard to the need to protect the marine environment, the living resources it supports, and human health; to prevent interference with legitimate uses of the sea; and to have regard to the practical availability of alternative methods of disposal. Staff of the appropriate authority would monitor any sea disposal of such material in the usual way.

HOME DEPARTMENT

Hackney Carriage Licences

Mr. Amess asked the Secretary of State for the Home Department if he will call for a report from chief constables on the practice of police forces with regard to checks as to whether or not those people issued with hackney carriage licences have a criminal record and on the passing of such information to licensing authorities.

Mr. Giles Shaw: No. Guidance to the police on the disclosure of criminal records in exceptional cases does not provide for disclosure for this purpose.

Police Statistics

Mr. John Mark Taylor asked the Secretary of State for the Home Department if he will call for reports from the appropriate chief constables as to the numbers of police per head of population in *(a)* Solihull, *(b)* Birmingham, *(c)* Coventry, *(d)* Wolverhampton, *(e)* Manchester and *(f)* Bury.

Mr. Giles Shaw: I understand from the chief constables concerned that the population per police officer in these areas is as follows:

	Numbers
Solihull	1:639
Birmingham	1:425
Coventry	1:540
Wolverhampton	1:542
Manchester	1:252
Bury	1:607

Scrap Metal Dealers Act 1964

Mr. Barnett asked the Secretary of State for the Home Department what recommendations he has received from the Association of Chief Police Officers with regard to the operation of the Scrap Metal Dealers Act 1964.

Mr. Giles Shaw: None, since I wrote to the hon. Member on 13 June.

Sentencing

Mr. Holt asked the Secretary of State for the Home Department if he has any plans to introduce legislation to increase the powers of sentencing available to the courts; and if he will make a statement.

Mr. Mellor: The Government's proposals are set out in the recently published White Paper "Criminal Justice: Plans for Legislation" (Cmnd. 9658).

Rewards

Mr. Cohen asked the Secretary of State for the Home Department if he will call for a report from the Commissioner of Police of the Metropolis as to how much money it has provided, in each year since 1980, to facilitate the payment of rewards offered by private institutions such as insurance companies, banks, and so on; how many individual cases were concerned; whether, in any individual cases, more than £5,000 from public funds was offered or provided; and if he will make a statement.

Mr. Giles Shaw: The Commissioner of Police of the Metropolis tells me that the number of rewards from private sources which were facilitated by the metropolitan police in each year from 1981 to 1985 was as follows: 1981, 46; 1982, 48; 1983, 71; 1984, 61; and 1985, 75. These did not involve the payment of any money from police funds. Comparable information for 1980 is not readily available. There has been no case since 1980 in which the Metropolitan police have offered or provided a reward from public funds of over £5,000.

Naturalisation

Mr. Cohen asked the Secretary of State for the Home Department how many applications for naturalisation he has *(a)* received and *(b)* decided upon in each year since 1983; and how many in the latter category were (i) granted and (ii) refused.

Mr. Waddington: The information is as follows:

Naturalisation Applications

	Received	*Decided Upon*	*Granted*	*Refused*
1983	15,366	8,226	7,407	819
1984	14,971	14,862	13,615	1,247
1985	16,619	15,999	14,978	1,021

Notes:
1. The figures for 1985 are subject to verification following a stock-take at the end of the financial year 1985-86.
2. The figures for decided application exclude those which were withdrawn, postponed or abandoned and those from applicants who were found already to possess British citizenship.

Mr. Cohen asked the Secretary of State for the Home Department whether, after the elapse of a period of time when he refused an application for naturalisation, he is prepared to consider a new naturalisation application from the individual concerned.

Mr. Waddington: Yes, but unless the circumstances have changed the outcome is unlikely to be different.

Shops Bill *[Lords]*

Mr. Wigley asked the Secretary of State for the Home Department how many representations he has received to date on the Shops Bill *[Lords]*.

Mr. Waddington: We have received 20,736 representations in favour of our proposals and 47,354 representations against since the debate on the Auld report in the House of Commons in May last year.

Dr. Adrian Tibbitts

Mr. Meadowcroft asked the Secretary of State for the Home Department if he will institute an inquiry into the interference in the private affairs of Dr. Adrian Tibbitts by security service personnel, including a named individual, as alleged in the letter of 22 November 1984 from Dr. Tibbitts to his predecessor; and if he will make a statement.

Mr. Hurd: No.

Prison Staff (Travel Allowances)

Mr. Hancock asked the Secretary of State for the Home Department what was the cost of travel allowances

for representatives from each prison establishment to travel to regional offices on 25 March to collect a package concerning copies of a statement by him on the same day.

Mr. Mellor: This cost could be separately identified only at disproportionate expense.

ENVIRONMENT

Parish Councils

Mr. Wigley asked the Secretary of State for the Environment what funding is provided directly or indirectly by his Department to support the work of parish councils in England; and if he will give estimates of such funding under suitable headings.

Mrs. Rumbold: At present, no parish council receives any direct funding from my Department in 1986-87. However, money from my Department granted to district councils or organisations such as the Sports Council, the Development Commission or English Heritage may ultimately reach parish councils. Information on such indirect funding is not readily available.

Housing Investment Programme

Mr. Chris Smith asked the Secretary of State for the Environment if he will lay in the Library a copy of the standard letter and proforma circulated to local housing authorities by his Department's urban housing renewal unit inviting bids for additional housing investment programme allocations in 1986-87, for projects drawn up in consultation with his Department's urban housing renewal unit; and if he will publish his Department's procedure for the assessment and approval of such bids.

Sir George Young: I have today placed in the Library a copy of the letter and the proforma which local authorities have been asked to complete in respect of bids for additional housing investment programme allocations for schemes submitted to the urban housing renewal unit. Each bid is being considered on its merits.

Architects (Indemnity Insurance)

Mr. Barnett asked the Secretary of State for the Environment what representations he has received from the Royal Institute of British Architects about his newly imposed rules for architects commissioned by Government Departments and the Housing Corporation, requiring professional indemnity insurance cover of £250,000 to be extended over a period of six years.

Sir George Young: The requirement to which the question refers was introduced in 1984. The RIBA has recently expressed concern both at the duration of insurance cover required and at the default powers of the Secretary of State. Its representations are mow under consideration.

London Residuary Body

Mr. Cohen asked the Secretary of State for the Environment how much his Department expects to receive for the renting of its premises in Orange street to the London Residuary Body for the period April 1986 until April 1987.

Mr. Tracey: I would refer the hon. Gentleman to my answer to him on Friday 11 April 1986, at column *208*.

Polar Bears

Miss Fookes asked the Secretary of State for the Environment if he will take steps to institute an inquiry into the condition of polar bears in captivity, in the light of the zoo check report written by Mr. Paul V. Horsman, a copy of which has been sent to him by the hon. Member for Plymouth, Drake; and if he will make a statement.

Mrs. Rumbold: I shall study the report, which I have just received, and write to my hon. Friend in due course.

Local Government Reform

Mr. Lawler asked the Secretary of State for the Environment if he will list those submissions from Bradford metropolitan district council for receipt of transitional grant following abolition of West Yorkshire county council which were approved.

Mrs. Rumbold: The submissions from Bradford metropolitan district council which have been approved for transitional grant, and the amounts approved, are as follows:

Proposed local authority grant 1986-87

	£
1. Data	29,660
2. Project Comtran	26,500
3. Bradford Resource Centre	12,000
4. Suffa-tul-Islam	11,100
5. Bradford Rape Crisis	9,600
6. Bradford and West Yorkshire Methodist Housing Ltd.	8,557
7. Asian Tuition Association	8,360
8. The Bridge Project	8,000
9. Dial Sheltered Workshops	7,200
10. Bangladesh Porishad	7,000
11. Bradford Voluntary Action Group	6,772
12. Bradford Asian Girls Association	6,000
13. Bradford City Farm	6,000
14. Gingerbread Centre	6,000
15. Karmand Community Centre	6,000
16. Bangladeshi Youth Organisation	5,100
17. Polish Saturday School	4,750
18. Oriental Arts	4,000
19. Keighley Asian Women	3,200
20. Girlington Centre	3,000
21. West Bowling Advice Centre	1,220
22. Irish Music Association	1,150
23. Bradford Cyclists Action Group	1,040
24. Blackshaw Beck Youth Centre	1,000
25. Black Dyke Mills Band	1,000
26. Saltaire Village Society	1,000
27. Multicultural Festival Committee	600
28. Vishwa Hindu Parishad	500
Total	186,309
29. Bradford Cab (Debt Counselling Unit)	*32,966

* From April 1987.

Mr. Tony Banks asked the Secretary of State for the Environment when he expects to be in a position to give an estimate of *(a)* the redundancies and *(b)* the overall costs of savings arising from the abolition of the Greater London council.

Mr. Tracey: Estimates of initial redundancies will be available shortly. Overall savings will depend on decisions by successors, and any early assessment would be affected by transitional costs. We have no reason to change our estimate that the abolition of the GLC would make possible savings of around £50 million annually from rationalisation alone.

Nitrates and Nitrites

Mr. Boyes asked the Secretary of State for the Environment what are the levels of nitrates and nitrites in the water provided for public consumption within each of the Thames water supply districts; whether the levels conform to European Economic Community directive 80/778; if the authority has applied for any deregulations made under article 9 of the European Economic Community directive 80/778; and if he will make statement.

Mr. John Patten: Nitrate and nitrite levels in all areas supplied by Thames water authority are below the limit specified in EEC directive 80/778 except in those areas mentioned in the reply I gave on 14 March, at column 620, in respect of nitrite. The maximum nitrite level reached in any of those areas is 0·35 mg/L. Applications for derogations for those areas have been forwarded to the European Commission under article 20 of the directive with a recommendation that they be approved for a two-year period.

Town and Country Planning Use Classes Order

Mr. Macfarlane asked the Secretary of State for The Environment when he expects to complete his consultation round with appropriate authorities over the Town and Country Planning Use Classes Order; and if he will make a statement.

Mr. Tracey: We published the Property Advisory Group sub-group's report on the Town and Country Planning Use Classes Order on 2 December and sought responses from consultees by 3 February. We are carefully considering the large number of responses received. My right hon. Friend is not yet ready to make a statement.

Tobacco and Sports Sponsorship

Mr. Macfarlane asked the Secretary of State for the Environment if he will obtain copies of the minutes of the Sports Council's recent discussions on tobacco and sports sponsorship; and if he will place them in the Library.

Mr. Tracey; Yes. I have today placed a copy of the relevant extract from these minutes in the Library.

Pollution (Access to Information)

Mr. Forman asked the Secretary of State for the Environment when he will publish the report of the working party on public access to information held by pollution control authorities.

Mr. Waldegrave [*pursuant to his reply,* 20 December 1985, c. *368*]: The report is being published today. I am arranging for copies to be placed in the Library of the House.

The Government accept the broad thrust of the report and will now consult the various interested parties on detailed implementation.

The report recommends:

i. legislation to give Ministers power to make information public on radioactive wastes;

ii. legislation to give Ministers power to disclose information on disposal to land of other wastes;

iii. an extension of the informaton made available on air pollution, in the form of public registers.

In 1984 the Government accepted the recommendation of the Royal Commission on environmental pollution that there should be a presumption in favour of unrestricted access to information which the pollution control authorities obtain or receive by virtue of their statutory powers. The working party was set up to make recommendations on the best ways of implementing that recommendation.

The report notes that a number of legislative changes since 1984 have met the Royal Commission's recommendation, notably:

Pesticides — provisions for public access to information about pesticides in the Food and Environment Protection Act 1985.

Discharges to water — regulations now require water authorities to keep public registers of discharge consents.

Property Services Agency

Mr. Dalyell asked the Secretary of State for the Environment on how many occasions, and for what value in each case, the Property Services Agency has recovered excess profits from contractors *(a)* as a result of information given by employees to his Department and *(b)* otherwise; and if he will make a statement.

Sir George Young [*pursuant to his reply,* 14 April 1986]: The Property Services Agency does not normally let contracts under which the amount due to the contractor is in any way dependent upon the financial return achieved. I am not aware of any case in which a return of excess profits has been sought.

Cases do arise in which overpayments related to the value or amount of work done under a particular contract are recovered from contractors. A very small percentage of such cases originates from information from sources outside the agency, but the detailed information requested is not available.

TRADE AND INDUSTRY

Property Unitisation

Mr. Heddle asked the Secretary of State for Trade and Industry, further to his reply of 27 March, *Official Report,* column *612,* to the hon. Member for Mid Staffordshire, which interested parties including other Government Departments are engaged in the discussions on the concept of unitising property.

Mr. Howard: There have been discussions with representatives of: The Royal Institution of Chartered Surveyors; The Working Party on Unitisation of Property chaired by Mr. R. R. St. Barkshire; The British Property Federation; and the Stock Exchange. In addition a number of other Government Departments have been consulted.

Law Society (Competition Policy)

Mr. Weetch asked the Secretary of State for Trade and Industry if he will institute an inquiry into the professional conduct rules of the Law Society to ascertain their compatibility with his Department's competition policy and whether or not such rules are in restraint of trade.

Mr. Howard: The rules governing advertising by solicitors in England and Wales were the subject of a report by the Monopolies and Mergers Commission, published in 1976. This led to the Law Society amending its rules to permit solicitors to advertise their services and charges. The Director General of Fair Trading has a

general duty to keep commercial activities under review; he is always prepared to consider complaints about specific practices. In addition, he is undertaking, at the request of my predecessor, a programme of reviews into restrictions in the professions, with a view to establishing whether further relaxations would be justified. This programme includes a review of restrictions on the kind of organisation through which members of professions (including solicitors) may offer their services (for example, restrictions in inter-professional links or mixed partnerships).

EC (Insurance)

Mr. Teddy Taylor asked the Secretary of State for Trade and Industry what steps he will be taking, in the light of the new majority voting procedures under the Single European Act, to encourage the adoption by the Council of measures creating a free market in insurance; and if he will make a statement.

Mr. Howard: The creation of a free market in insurance in the EEC depends primarily on the adoption by the Council of a liberal non-life insurance services directive. Draft proposals for such a directive have already been put by the Commission to the Council of Ministers. We hope that rapid progress can be made with the directive as soon as the judgments in the four insurance cases brought by the Commission before the ECJ are available. No specific additional steps are called for in the light of the proposed adoption of majority voting procedures.

Regional Selective Assistance

Mr. Colin Shepherd asked the Secretary of State for Trade and Industry if he will now indicate for the Ross and Cinderford travel-to-work area in respect of regional selective assistance the cumulative totals to the latest available date for *(a)* the number of inquiries received, *(b)* the number of cases requiring further detailed appraisal, *(c)* the number of cases withdrawn/rejected, *(d)* the number of cases approved, *(e)* the number of cases still under appraisal, *(f)* the amount of the total grant approved, *(g)* the associated project cost, *(h)* the number of jobs created and *(i)* the number of jobs safeguarded.

Mr. Peter Morrison: In order not to risk breaches of commercial confidentiality, I cannot give information on the number of cases withdrawn/rejected, the number of cases approved, nor the number of cases still under appraisal. I am pleased to tell my hon. Friend that, from 29 November 1985 to 11 April 1986, 397 initial inquiries about assistance were received in the Cinderford and Ross-on-Wye TTWA. Of these, 54 were taken to the preliminary stages of appraisal by a request for financial projections; these have been received in 27 instances. Regional selective assistance of £1,316,000 has been offered for projects of total cost of £20,180,394 to create and safeguard 736 jobs.

British Telecom (Exhibition)

Mr. Ashley asked the Secretary of State for Trade and Industry if his Department has considered an application for an exhibition relating to British Telecom to be displayed in the Upper Waiting Hall.

Mr. Butcher: Arrangements have been made for such an exhibition in the Upper Waiting Hall to take place from Monday 28 April to Friday 2 May 1986.

Bankruptcies

Mr. Barry Jones asked the Secretary of State for Trade and Industry how many bankruptcies there have been in Wales in each year from 1979-80 to 1985-86 in firms of *(a)* up to 20 employees, *(b)* 20 to 50 employees, *(c)* 50 to 100 employees and *(d)* 100 and over employees.

Mr. Howard: The information requested is not available because no records are kept of the number of employees of individuals and partnerships declared bankrupt.

Regional Grants

Mr. Gordon Brown asked the Secretary of State for Trade and Industry when he expects to complete his review of the new regional grants scheme; and if he will consider representations about the assisted areas map.

Mr. Peter Morrison: I shall reply to the hon. Member as soon as possible.

Regional Development Programme

Mr. Gordon Brown asked the Secretary of State for Trade and Industry when he expects to submit his regional development programme to the European Commission.

Mr. Peter Morrison: I expect the complete United Kingdom regional development programme for 1986-90 to be with the EC Commission by about the end of May 1986. Individual sections are, however, being submitted as soon as they are ready in order that applications for European regional development fund assistance can be considered

Regional Aid

Mr. Gordon Brown asked the Secretary of State for Trade and Industry if he will list *(a)* the budgeted and *(b)* the actual payments of (i) regional development grants and (ii) regional selective assistance in the financial year 1985-86 for (1) England, (2) Scotland and (3) Wales; and if he will list the English payments by regional areas.

Mr. Peter Morrison: The original budget estimates and provisional outturn figures for regional development grant and regional selective assistance in England, Scotland and Wales in the financial year 1985-86 are provided in table 1. Estimates of the annual spend on each of these schemes are not made in respect of regional areas in England. Provisional outturn figures by region for regional development grant in England are provided at table 2. Similar figures for regional selective assistance are not yet available, but I shall write to the hon. Gentleman with this information as soon as possible.

Table 1
1985-86 (£ million)

	Original budget Estimate	*Provisional outturn*
Regional Development Grant		
England	188·05	165·97
Scotland	107·50	107·50
Wales	60·50	84·41

	Original budget Estimate	Provisional outturn
Regional Selective Assistance		
England	83·60	75·50
Scotland	39·20	52·40
Wales	33·39	26·56

Table 2
1985-86 (£ million) Regional Development Grant

Region	Provisional outturn
North East	46·06
North West	83·35
Yorkshire and Humberside	24·30
East Midlands	4·37
South West	7·89
TOTAL	165·97

Life Assurance and Unit Trust Salesmen

Mr. Tim Smith asked the Secretary of State for Trade and Industry if he has received a response to the latest Marketing and Investments Board organising committee proposals on the registration of life assurance and unit trust salesmen from the Consumers Association, the National Consumer Council and the Office of Fair Trading; and if he will place a copy of each in the Library.

Mr. Howard: I have received representations on the proposals from, among others, the organisations mentioned. The situation remains as set out in my reply to my hon. Friend the Member for Brentwood and Ongar (Mr. McCrindle), on 14 April 1986.

NORTHERN IRELAND

Portadown

Mr. John David Taylor asked the Secretary of State for Northern Ireland if representations were received from the Government of the Republic of Ireland in advance of the proposed parades on Portadown this Easter.

Mr. Tom King: No representations on the details of specific parades and marches have been received from the Irish Government. These involve police operations and are therefore not within the terms of the Anglo-Irish agreement. I am, of course, aware of the views of the Government of the Republic of Ireland on the general issue of parades and marches in Northern Ireland.

Royal Victoria Hospital, Belfast

Mr. Beggs asked the Secretary of State for Northern Ireland what is the total annual expenditure on security at the Royal Victoria hospital, Belfast.

Mr. Needham: The latest information available is for the 1984-85 year in which total expenditure on salaries and wages for security staff at the Royal Victoria hospital, Belfast was approximately £544,000.

Other security costs, for example, for petrol and uniforms are not identifiable separately within the accounts.

Mr. Beggs asked the Secretary of State for Northern Ireland what are the average annual earnings of personnel employed to provide security at the Royal Victoria hospital, Belfast.

Mr. Needham: At 31 March 1985 the average annual earnings were £12,463.

EDUCATION AND SCIENCE

Student Grants

Mr. McTaggart asked the Secretary of State for Education and Science if he will publish in the *Official Report* the allowances made for parental contributions to student grants in each year since 1978-79; and if he will show parental contributions as a percentage of the full student grant in each year.

Mr. Walden: The information is as follows:

Assessed Parental Contributions as a Percentage of Expenditure on Maintenance

Academic Year and Parental Contribution Scale	Per cent.
1978-79 £1 assessed for every £5 of income for residual incomes from £3,800 to £5,200; then £1 in £10 to £7,300; and £1 in £12 thereafter	24·6
1979-80 £1 in £8 for residual incomes from £4,700 to £9,700; and £1 in £13 thereafter	20·0
1980-81 £1 in £7 for residual incomes from £5,800 to £7,300; then £1 in £8 to £11,600; and £1 in £13 thereafter	19·6
1981-82 £1 in £7 for residual incomes from £6,600 to £8,300; then £1 in £5 to £13,200; and £1 in £13 thereafter	22·1
1982-83 Unchanged	24·6
1983-84 £1 in £7 for residual incomes from £7,100 to £9,000; then £1 in £8 to £14,300; and £1 in £13 thereafter	25·3
1984-85 £1 in £7 for residual incomes from £7,600 to £9,700; and £1 in £6 thereafter	*30·7
1985-86 £1 in £7 for residual incomes from £8,100 to £10,300; then £1 in £5 to £15,000; and £1 in £4 thereafter up to a maximum contribution of £4,000	*†34·8

* Estimate.
† Minimum maintenance award abolished.

Mr. McTaggart asked the Secretary of State for Education and Science if he will publish in the *Official Report* the average level of mandatory grant available to students in each year since 1978-79 as a percentage of average male earnings in each year.

Mr. Walden: The information requested is as follows:

Academic Year	1978-79 £	1979-80 £	1980-81 £	1981-82 £	1982-93 £	1983-84 £	1984-85* £
(1) Average Male Earnings (April of each Academic Year)	5,151	6,335	7,117	7,899	8,400	9,088	9,797
(2) Average Full Value Maintenance Grant per Mandatory Award Holder	1,135	1,295	1,489	1,617	1,705	1,760	1,855
(3) (2) as percentage of (1)	22	20	21	20	20	19	19

* (provisional).

Notes:

(1) Earnings figures from 1982-83 relate to all males on adult rates. Earlier figures relate to all males aged 21 and over.

(2) Grant figures include the average amount paid out in supplementary allowances and are gross of assessed contributions.

Mr. McTaggart asked the Secretary of State for Education and Science if he will publish in the *Official Report* the percentage of full-time students *(a)* receiving the maximum student grant with no parental contribution and *(b)* receiving the minimum student grant with full parental contribution, in each year since 1978-79.

Mr. Walden: The figures have been expressed as a percentage of the total number of students in receipt of a mandatory or full-value discretionary award, with the exception of 1983-84, in respect of which information on mandatory awards only is available.

England and Wales *Percentage*

	1978-79	1979-80	1980-81	1981-82	1982-83	1983-84*
Students whose parents have been assessed for a "nil" contribution	36	39	40	40	37	36
Students in receipt of the minimum award	7	8	8	10	11	13

* Mandatory awards only.

Sunderland Polytechnic

Mr. Bagier asked the Secretary of State for Education and Science what representations he has received about the implications for Sunderland polytechnic of the proposals of the National Advisory Body for Public Sector Higher Education in relation to the closure of the civil engineering department; and if he will make a statement.

Mr. Walden: None. The proposals relating to Sunderland polytechnic form part of a consultative process engaged in by the NAB secretariat with a view to the formulation of draft advice to my right hon. Friend the Secretary of State for consideration by the NAB board and committee later this year.

The NAB committee has adopted its own internal assumption that the level of funding available will require a reduction in total intakes to public sector higher education in 1987-88. It has instructed the committee to prepare its proposals for consultation with institutions on that basis.

However, the NAB committee will only finalise its advice to the Secretary of State once the level of funding in 1987-88 is determined in the autumn, and may then wish to consider other options. Only then will my right hon. Friend be involved. Decisions on intakes to and financial allocations for individual institutions are matters for my right hon. Friend.

In the meantime, any representations about the NAB secretariat's proposals should be made to the secretariat by 13 June 1986, as requested in the secretariat's covering letter of 4 April 1986.

WALES

Sea Fisheries Committees (Appointments)

Mr. Wigley asked the Secretary of State for Wales what appointments he has made to *(a)* the South Wales Sea Fisheries Committee and *(b)* the Lancashire and Western Sea Fisheries Committee since May 1979.

Mr. Mark Robinson: We appoint nine members to the South Wales sea fisheries committee and, jointly with my right hon. Friend the Minister of Agriculture, Fisheries and Food, 18 members to the Lancashire and Western sea fisheries joint committee. Appointments since May 1979 are as follows, with the dates of appointment.

South Wales Sea Fisheries Committee

1 July 1981	*1 July 1985*
Mr. G. P. Evans	Mr. D. J. O Chant
Mr. W. J. Garner	Mr. G. P. Evans
Mr. B. A. Greenway	Mr. G. M. Hughes
Mr. H. E. Kerr	Mr. M. E. Jay
Mr. H. Phillips	Mr. M. P. Jenkins
Lt. Cmndr. P. E. R. Raggett	Lt. Cmndr. P. E. R. Raggett
Mr. W. E. Thomas	Mr. W. E. Thomas
Dr. P. A. Tyler	Dr. P. A. Tyler
Mr. C. V. Wareham	Mr. C. V. Wareham

13 March 1982

Mr. D. J. O. Chant (replacing Mr. H. Phillips)

Lancashire and Western Sea Fisheries Joint Committee

1 July 1981	*1 July 1985*
Mr. S. Baxter	Mr. S. Baxter
Mr. K. P. Brown	Mr. R. Beech
Mr. J. Corlett	Mr. J. Corlett
Mr. R. G. B. Elliot	Mr. R. G. B. Elliot
Mr. D. W. Evans	Mr. P. L. Evans
Dr. J. D. Fish	Dr. J. D. Fish
Mr. T. H. Jones	Mr. R. I. Greenwood
Mr. D. G. McCreadie	Mr. T. H. Jones
Mr. C. H. Mealor	Mr. A. H. Long

Professor W. T. W. Potts	Mr. W. J. Meddings
Mr. J. A. E. Povah	Professor W. T. W. Potts
Mr. D. C. Rainford	Mr. J. A. E. Povah
Mr. A. Spencer	Mr. E. I. S. Rees
Mr. H. J. Webb	Mr. G. Roberts
Mr. W. S. Wignall	Mr. J. K. Roberts
Mr. J. H. Williams	Mr. A. Spencer
Mr. A. J. F. Wilson	Mr. W. S. Wignall
Mr. M. J. Woodhead	Mr. A. J. F. Wilson

13 October 1981
Mr. E. I. S. Rees (replacing Mr. D. G. McCreadie)

11 July 1983
Mr. A. J. Regan (replacing Mr. M. J. Woodhead)

10 January 1986
Mr. R. G. Groman (replacing Mr. P. L. Evans)

Voluntary Service Councils

Mr. Wigley asked the Secretary of State for Wales if he will publish the main conditions under which grants are made available by his Department to the voluntary service councils in each county in Wales.

Mr. Mark Robinson: Grants are paid mainly for salaries and administrative expenditure at a level which reflects the Department's assessment of the needs of the organisation concerned and the contribution which it is in a position to make to the community.

Garden Festival 1992

Mr. Wigley asked the Secretary of State for Wales if he will publish in the *Official Report* details of each of the factors taken into account by the Welsh Office in short-listing sites in Wales for the 1992 Garden Festival; and if he will indicate the way in which each of the chosen locations meets these criteria and the deemed shortcomings of other locations which led to their exclusion.

Mr. Mark Robinson: The main issues taken into account were those set out in the attachments to the Department's letter of 27 February 1985 which invited local authorities to express interest in hosting the Festival (a copy of which was sent to the hon. Gentleman on 28 November 1985).

The decision was not a mechanistic one based on a fixed set of criteria. It was taken on the basis of full and careful consideration of all the information provided by the local authorities in support of their bids.

District Health Authorities

Mr. Wigley asked the Secretary of State for Wales if he will publish a table showing the capital expenditure incurred in each of the district health authority areas in Wales for each year since reorganisation of the Health Service, including, and separately identifying, both the capital spending funded by each of the authorities and by the Welsh Health Technical Services Organisation.

Mr. Mark Robinson: The information is given in the table:

£000

	1974-75	*1975-76*	*1976-77*	*1977-78*	*1978-79*	*1979-80*	*1980-81*	*1981-82*	*1982-83*	*1983-84*	*1984-85*
Clwyd											
Health Authority	964	1,188	795	1,261	1,820	2,551	2,503	2,899	2,636	2,244	4,474
Welsh Health Technical Services Organisation	1,301	2,287	1,929	1,129	577	1,691	2,688	2,461	5,788	4,935	2,529
Total	2,265	3,475	2,724	2,390	2,397	4,242	5,191	5,360	8,424	7,179	7,003
*East Dyfed**											
Health Authority	314	852	818	829	965	857	793	980	1,274	1,758	2,204
Welsh Health Technical Services Organisation	1,880	2,291	1,533	536	534	598	938	788	2,118	2,975	1,253
Total	2,194	3,143	2,351	1,365	1,499	1,455	1,731	1,768	3,392	4,733	3,457
*Pembrokeshire**											
Health Authority	—	—	—	—	—	—	—	—	286	650	1,260
Welsh Health Technical Services Organisation	—	—	—	—	—	—	—	—	65	169	112
Total	—	—	—	—	—	—	—	—	351	819	1,372
Gwent											
Health Authority	785	1,204	849	1,414	2,078	2,367	1,175	2,956	3,869	3,619	4,101
Welsh Health Technical Services Organisation	788	2,073	2,279	1,858	701	1,403	3,316	2,691	851	410	366
Total	1,573	3,277	3,128	3,272	2,779	3,770	4,491	5,647	4,720	4,029	4,467
Gwynedd											
Health Authority	483	854	370	615	701	971	1,336	918	939	1,390	2,811
Welsh Health Technical Services Organisation	353	659	1,742	4,271	5,713	4,530	3,884	3,050	3,539	4,053	1,152
Total	836	1,513	2,112	4,886	6,414	5,501	5,220	3,968	4,478	5,443	3,963
Mid Glamorgan											
Health Authority	1,139	2,088	1,270	1,378	1,764	1,515	1,244	2,050	2,106	2,250	3,013
Welsh Health Technical Services Organisation	2,772	3,040	1,774	796	1,151	495	1,274	1,411	5,868	8,407	4,779
Total	3,911	5,128	3,044	2,174	2,915	2,010	2,518	3,461	7,974	10,657	7,792
Powys											
Health Authority	234	401	259	309	453	400	309	545	547	554	948
Welsh Health Technical Services Organisation	2	17	182	315	361	190	316	193	14	89	1,216
Total	236	418	441	624	814	590	625	738	561	643	2,164

	1974-75	1975-76	1976-77	1977-78	1978-79	1979-80	1980-81	1981-82	1982-83	1983-84	1984-85
South Glamorgan											
Health Authority	1,579	2,482	1,288	2,478	3,018	2,092	3,756	5,502	5,431	5,012	6,245
Welsh Health Technical Services Organisation	871	576	432	136	112	661	2,511	931	1,170	550	2,909
Total	2,450	3,058	1,720	2,614	3,130	2,753	6,267	6,433	6,601	5,562	9,154
West Glamorgan											
Health Authority	835	1,189	927	1,168	1,844	2,117	2,187	2,513	2,914	2,473	5,259
Welsh Health Technical Services Organisation	385	591	633	343	659	418	1,405	4,883	5,381	5,625	3,605
Total	1,220	1,780	1,560	1,511	2,503	2,535	3,592	7,396	8,295	8,098	8,864
Welsh Health Technical Services Organisation's own expenditure†	860	1,275	1,328	1,426	1,613	1,815	2,942	5,098	2,924	3,296	3,442
Wales											
All Health Authorities	6,333	10,258	6,576	9,452	12,643	12,870	13,303	18,363	20,002	19,950	30,315
Total Welsh Health Technical Services Organisation	9,212	12,809	11,832	10,810	11,421	11,801	19,274	21,506	27,718	30,509	21,363
Total	15,545	23,067	18,408	20,262	24,064	24,671	32,577	39,869	47,720	50,459	51,678

* Prior to 1982-83 the Dyfed Area Health Authority covered the whole county.

† Welsh Health Technical Services Organisation's own expenditure includes salaries etc. of staff of professional and technical departments charged to the capital account and expenditure on buildings and equipment for Welsh Health Technical Services Organisation's own use.

Glamorgan Community Services Council

Mr. Wigley asked the Secretary of State for Wales why the relative funding by his Department of the Glamorgan Community Services Council is significantly lower than the funding of other such bodies in Wales in 1985-86.

Mr. Mark Robinson: The funding of the Glamorgan Community Services Council in 1985-86 relects the scale of its operations and the nature of the application received.

Hospital Closures

Mr. Wigley asked the Secretary of State for Wales if he will list each of the hospitals and other medical facilities which have been closed down in Wales since 1 April 1974.

Mr. Mark Robinson: A list of hospitals closed in Wales between 1 April 1974 and 31 December 1985 (the latest date for which information is available), and the dates on which each closure took place is given in the table. However, information about the closure of other medical facilities is not available.

District	*Hospital*	*Date Closed*
Gwent	Victoria Cottage	11 January 1976
Gwent	St. James	23 January 1976
Mid Glamorgan	The Rest, Porthcawl	28 January 1976
Gwent	Chepstow and District	2 April 1976
Gwent	Lydia Beynon	1 March 1977
Clwyd	Bronynant Isolation	1 August 1977
Mid Glamorgan	Abertysswg Workmens	28 February 1978
Mid Glamorgan	Merthyr General	30 March 1978
Mid Glamorgan	Bedwellty	24 May 1978
Dyfed	Kensington	14 June 1978
Dyfed	Pembroke County War Memorial	December 1978
Dyfed	St. Thomas	December 1978
West Glamorgan	Llwynderw	20 May 1979
Mid Glamorgan	Glyncornel	27 October 1979
Clwyd	Prince Edward War Memorial	31 May 1980
Mid Glamorgan	St. Tydfils	28 June 1980
Gwent	Snatchwood	9 November 1980
Gwynedd	Gors Maternity	28 November 1980
Clwyd	Llangwyfan	7 August 1981
Gwent	Cefn Mably	18 April 1983
Dyfed	Cilwymaenllwyd	13 January 1984
Gwynedd	Minffordd	17 July 1984
Gwynedd	Caernarvonshire and Anglesey General	28 September 1984
Gwynedd	Galltysil	1 March 1985
Mid Glamorgan	Blackmill	12 October 1985
Mid Glamorgan	Bridgend and District	12 October 1985
Mid Glamorgan	Cefn Hirgoed	12 October 1985
Clwyd	Colwyn Bay Maternity	20 October 1985

GCSE (Reports)

Mr. Gareth Wardell asked the Secretary of State for Wales if he will publish in the *Official Report* a list of those secondary schools on which in-depth reports have been published since January 1983, where the inspectors examined the degree of preparedness of the schools for the general certificate of secondary education.

Mr. Wyn Roberts: No reports have been published which have been directed specifically at the preparedness of schools for the general certificate of secondary education. Formal inspections are designed to give an overall picture of individual institutions and to build up a representative picture of the system.

Schools Inspectors

Mr. Gareth Wardell asked the Secretary of State for Wales if he will publish in the *Official Report* the criteria used by Her Majesty's inspectors of schools in Wales to select those schools in which to carry out in-depth reports.

Mr. Wyn Roberts: The selection is made to provide, over a period, reports on a representative range of schools of various sizes and types, serving a variety of areas and exemplifying issues of current development innovation and concern.

Mr. Gareth Wardell asked the Secretary of State for Wales if he will publish in the *Official Report* the number of Her Majesty's inspectors of schools in Wales who have been seconded on a full-time basis to industry since being appointed.

Mr. Wyn Roberts: None. Some Inspectors visit outside industries to keep in touch with new technology and methods.

Mr. Gareth Wardell asked the Secretary of state for Wales if he will publish in the *Official Report* the number of Her Majesty's inspectors of schools in Wales who receive their current salary on *(a)* Grade 4, *(b)* Grade 5 and *(c)* Grade 6.

Mr. Wyn Roberts: The numbers are:
Grade 4—1
Grade 5—7
Grade 6—46

Mr. Gareth Wardell asked the Secretary of State for Wales if he will publish in the *Official Report* for each of the last five years the total salaries paid to Her Majesty's inspectors of schools in Wales.

Mr. Wyn Roberts: The total salaries paid were:

	£
1981-82	974,687
1982-83	964,179
1983-84	915,491
1984-85	998,585
1985-86	1,122,221

Mr. Gareth Wardell asked the Secretary of State for Wales why he considers it inappropriate to monitor actions in detail that follow Her Majesty's inspectors of schools reports, as announced in paragraph 7 of Welsh Office circular 11/83

Mr. Wyn Roberts: It is for a local education authority to decide what action may be appropriate in the light of each report of Her Majesty's inspectors of schools. The aim of the procedures following the publication of a report is to seek from the authority an account of the actions they propose, and to ensure that local education authorities have appropriate mechanisms for considering the implications of such reports and for taking action on them.

Mr. Gareth Wardell asked the Secretary of State for Wales if he has any plans to restore the number of Her Majesty's inspectors of schools in Wales to the 31 December 1983 figure.

Mr. Wyn Roberts: The number of Her Majesty's inspectors of schools employed by the Department is kept under constant review; I have no plans to reduce the number to the 31 December 1983 level.

Mr. Gareth Wardell asked the Secretary of State for Wales if he will publish in the *Official Report* the number of Her Majesty's inspectors of schools in Wales who have been appointed with specific responsibility for *(a)* mathematics and *(b)* Welsh.

Mr. Wyn Roberts: The information requested is as follows:

	Number
Mathematics	4
Welsh	3

Mr. Gareth Wardell asked the Secretary of State for Wales if he will publish in the *Official Report* the number of Her Majesty's inspectors of schools in Wales who do not possess a recognised qualification in education.

Mr. Wyn Roberts: All Her Majesty's inspectors of schools in Wales are professonally qualified; two of them do not possess a specific degree or diploma in education.

Mr. Gareth Wardell asked the Secretary of State for Wales what categories of information his Department holds pertaining to the qualifications of Her Majesty's inspectors of schools in Wales.

Mr. Wyn Roberts: The categories of information held are as follows:
a. First Degree Qualifications.
b. Post-graduate Qualifications.
c. Other relevant Qualifications.

Mr. Gareth Wardell asked the Secretary of State for Wales if he will publish in the *Official Report* a table showing for each of Her Majesty's inspectors of schools in Wales *(a)* the number of years of teaching experience in primary schools, *(b)* the number of years of teaching experience in secondary schools, *(c)* the class of initial degree awarded and main subject area, *(d)* the kind of higher degree awarded and main subject area, *(e)* the length in years of post-doctoral research undertaken, *(f)* the titles of any published works, *(g)* the number of years employed in industry previous to appointment and *(h)* the number of years since employed as a full-time teacher.

Mr. Wyn Roberts: This information is not readily available and could only be provided at disproportionate cost.

Mr. Gareth Wardell asked the Secretary of State for Wales if he will publish in the *Official Report* the current salaries of those of Her Majesty's inspectors of schools in Wales who have had no experience of teaching in schools.

Mr. Wyn Roberts: The information requested is as follows:
£20,796; £22,926; £24,296; £25,533; £25,533.
No distinction is drawn between the salaries of those Her Majesty's inspectors of schools who have no experience of teaching in schools and those who have such experience.

Mr. Gareth Wardell asked the Secretary of State for Wales if he will publish in the *Official Report* the number of Her Majesty's inspectors of schools in Wales currently in post who have gained additional qualifications since their appointment.

Mr. Wyn Roberts: The information requested is not available.

There is no requirement for Her Majesty's inspectors of schools to gain additional qualifications following their appointments.

Mr. Gareth Wardell asked the Secretary of State for Wales if he will publish in the *Official Report* the number of Her Majesty's inspectors of schools in Wales currently in post who have been seconded to full-time teaching in schools since their appointment for periods *(a)* in excess of one week, *(b)* in excess of two weeks, *(c)* in excess of three weeks and *(d)* in excess of one month.

Mr. Wyn Roberts: None.

Mr. Gareth Wardell asked the Secretary of State for Wales if he will publish in the *Official Report* a summary of the relevant experience of each of Her Majesty's inspectors of schools in Wales who have had no experience of teaching in schools.

Mr. Wyn Roberts: The information requested is as follows:

1. Lecturer and Senior Lecturer in various Colleges of Technology.
2. Lecturer in College of Technology and University.
3. Teaching Army personnel; Assistant Lecturer and Senior Lecturer in an Agricultural Institution.
4. Assistant Lecturer, Lecturer, Senior Lecturer and Principal Lecturer in Colleges of Technology.
5. Research Assistant; Lecturer and Senior Lecturer in various Colleges; and Director of curriculum development project.

Welsh Office

Mr. Gareth Wardell asked the Secretary of State for Wales if he will publish in the *Official Report* the area in square feet of the Welsh Office in Whitehall.

Mr. Wyn Roberts: The total area of the Department's offices in London is 8,910 sq ft.

Mr. Gareth Wardell asked the Secretary of State for Wales if he will publish in the *Official Report* the number of people employed by the Welsh Office in Whitehall.

Mr. Wyn Roberts: Three Ministers and 33 staff are based at the Department's offices in London. A further three staff work there regularly although they are based elsewhere.

Schools (Reports)

Mr. Gareth Wardell asked the Secretary of State for Wales if Her Majesty's inspectorate will conduct more in-depth surveys of *(a)* primary schools in Gwynedd and *(b)* secondary schools in Dyfed, leading to published reports.

Mr. Wyn Roberts: The forward programme of Her Majesty's inspectors of schools is not published but in formulating their programme the inspectorate will continue to have regard to the need for such surveys throughout Wales.

NHS (Dietitians)

Mr. Barry Jones asked the Secretary of State for Wales how many dietitians are employed by the National Health Service in Wales.

Mr. Mark Robinson: At 30 September 1985, the National Health Service in Wales employed the whole-time equivalent of 54·6 dietitians.

South Glamorgan Health Authority (Funds)

Mr. Barry Jones asked the Secretary of State for Wales if he will allocate extra funds to South Glamorgan health authority; and if he will make a statement.

Mr. Mark Robinson: For 1986-87 the South Glamorgan health authority has received a revenue allocation of some £135 million. This represents a cash increase of 5·6 per cent. over its 1985-86 provision which is marginally higher than the 5·5 per cent. increase which has been made available on average for district health authorities in Wales. This cash increase, together with the further efficiency savings which all authorities are expected to make, should be sufficient to meet both the cost of pay and price increases in 1986-87 and the additional service requirements arising from Government policy objectives, demographic changes and medical and technological advances. In addition, the authority stands to benefit from various centrally funded developments for which supplementary allocations will be provided during the course of the year.

The authority has received a discretionary capital allocation of £1·965 million which was determined by a formula agreed by all health authorities. It will also benefit during the course of 1986-87 from centrally financed capital schemes amounting to £6·846 million.

Education Expenditure

Mr. D. E. Thomas asked the Secretary of State for Wales what was the expenditure per pupil on school books in each of the local education authorities in Wales in *(a)* the primary sector and *(b)* the secondary sector in the last year for which figures are available and in each year since 1979 at constant prices.

Mr. Wyn Roberts: Figures for expenditure on books, including equipment and materials, are given in the following table:

	1979-80	*1980-81*	*1981-82*	*1982-83*	*1983-84*	*1984-85**
	£'s at outturn prices					
Expenditure per primary pupil:						
Clwyd	11·6	14·8	17·8	18·6	21·0	20·6
Dyfed	14·7	16·4	21·7	19·7	19·5	16·8

	1979-80	1980-81	1981-82	1982-83	1983-84	1984-85*
Gwent	8·9	12·8	14·9	19·1	18·2	18·1
Gwynedd	10·9	13·1	12·6	14·9	15·8	15·5
Mid Glamorgan	12·5	13·6	20·0	16·1	19·6	15·9
Powys	12·8	11·8	19·6	22·2	22·7	22·1
South Glamorgan	13·3	14·1	16·6	17·1	18·8	16·9
West Glamorgan	17·4	18·8	19·0	23·4	23·3	19·9
			£'s at 1984-85 prices†			
Clwyd	17·6	18·9	20·7	20·2	21·9	20·6
Dyfed	22·3	21·0	25·3	21·4	20·3	16·8
Gwent	13·5	16·4	17·3	20·8	19·0	18·1
Gwynedd	16·6	16·8	14·7	16·2	16·5	15·5
Mid Glamorgan	19·0	17·4	23·3	17·5	20·4	15·9
Powys	19·5	15·1	22·8	24·1	23·6	22·1
South Glamorgan	20·2	18·0	19·3	18·6	19·6	16·9
West Glamorgan	26·5	24·1	22·1	25·5	24·3	19·9
			£'s at outturn prices			
Expenditure per secondary pupil:						
Clwyd	20·0	25·2	32·3	33·4	46·6	44·0
Dyfed	21·4	22·3	28·8	33·6	33·6	30·0
Gwent	20·5	25·6	30·0	33·6	37·3	45·2
Gwynedd	21·2	26·0	28·4	30·7	34·8	46·3
Mid Glamorgan	23·9	26·3	24·0	30·9	33·9	36·5
Powys	25·1	23·1	35·7	36·7	35·3	61·0
South Glamorgan	23·8	26·1	28·6	32·3	33·6	32·0
West Glamorgan	27·5	24·4	26·4	39·2	42·6	40·5
			£'s at 1984-85 prices†			
Clwyd	30·4	32·3	37·6	36·3	48·5	44·0
Dyfed	32·5	28·5	33·5	36·5	35·0	30·0
Gwent	31·2	32·8	34·9	36·5	38·8	45·2
Gwynedd	32·2	33·3	33·1	33·4	36·2	46·3
Mid Glamorgan	36·3	33·7	27·9	33·6	35·3	36·5
Powys	38·2	29·6	41·6	39·9	36·8	61·0
South Glamorgan	36·2	33·4	33·3	35·1	35·0	32·0
West Glamorgan	41·8	31·2	30·7	42·6	44·4	40·5

* Provisional.
† Outturn prices deflated to 1984-85 prices using the GDP deflator.

Mr. Barry Jones asked the Secretary of State for Wales how much was spent per pupil in primary schools in Wales in each year from 1978-79 to 1985-86 in cash terms and real terms.

Mr. Wyn Roberts: The available information is as follows:

*Expenditure per pupil (£'s)**

	At outturn prices	At 1984-85 prices (†)
1978-79	384	682
1979-80	446	678
1980-81	572	732
1981-82	650	756
1982-83	714	777
1983-84	758	789
‡ 1984-85	774	774

* Net recurrent institutional costs.
† Outturn prices deflated to 1984-85 prices using the GDP deflator.
‡ Provisional.

Visual Arts

Mr. Grist asked the Secretary of State for Wales if he will place a copy of the report on the "Preliminary Appraisal of Housing the Visual Arts in Wales" in the Library.

Mr. Wyn Roberts: I have done so.

NATIONAL FINANCE

Private Health Insurance

Mr. Gordon Brown asked the Chancellor of the Exchequer how much has been paid out in tax relief for private health insurance since 1979, showing separately the figures for the financial year 1985-86.

Mr. Moore: I shall let the hon. Member have a reply as soon as possible.

Volunteer Lifeboat Men (Call-out Fees)

Mr. Harris asked the Chancellor of the Exchequer if he will make a statement on the tax treatment of call-out fees to volunteer lifeboat men.

Mr. Moore: I am grateful to my hon. Friend for giving me the opportunity to clarify what seems to be a misunderstanding. The only payment made to the vast majority of volunteer crew-men and helpers is the fee they receive when called out to attend the lifeboat. Contrary to some recent reports, the Inland Revenue has not proposed any change in the tax treatment of these payments. Indeed, the Revenue advised the Royal National Lifeboat Institution last year that, as in the past, these payments to voluntary lifeboat men could continue to be made without deduction of tax under PAYE. That remains the position.

Tied Aid Credits

Mr. Heathcoat-Amory asked the Chancellor of the Exchequer if he will report the outcome of the discussion on tied aid credits at the informal ECOFIN of 4-6 April.

Mr. Lawson: The EC Economic and Finance Council meeting I attended at Ootmarsum in the Netherlands on 4 to 6 April convened as a formal Council to agree the European Commission's negotiating mandate on tied aid credits for the wider OECD negotiations that are to take place on 17-18 April. This Government's position remained as before to seek greater controls on tied aid credits by reaching international agreement to further measures of transparancy and discipline. A vote was taken on the mandate which was supported by the United Kingdom and approved by qualified majority.

Tax Yields

Dr. McDonald asked the Chancellor of the Exchequer if, pursuant to the answer given on 27 February, *Official Report*, column *693*, concerning current tax yields at 1978-79 rates, he will publish an updated table on direct revenue effects for 1986-87.

Mr. Moore [*pursuant to his reply*, 8 April 1986, c. *99*]: The table shows the additional yield in respect of 1986-87 from the specified taxes if 1978-79 rates, allowances and rate bands (after indexation to 1986-87 levels) were substituted for 1986-87 rates, allowances and rate bands.

Additional yield from reverting to 1978-79 structure on 1986-87 tax base

	£ million
Income tax	8,100
of which:	
Investment Income Surcharge	825
Rates and thresholds above the basic rate (excluding IIS)	1,485
Capital Transfer Tax/Inheritance Tax	185
Capital Gains Tax	650

In each case the 1986-87 tax base is taken as given, except that any increase in lifetime transfers as a result of their exemption is disregarded. It is not possible to determine to what extent changes in the taxes between 1978-79 and 1986-87 may have affected levels of income and transfers and disposals of capital.

PRIVATISATION

Mr. Heseltine asked the Lord Privy Seal if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Chancellor of the Exchequer if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Secretary of State for Education and Science if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Secretary of State for Energy if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Secretary of State for Defence if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Secretary of State for Scotland if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Secretary of State for Wales if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Paymaster General if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Minister of Agriculture, Fisheries and Food if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Secretary of State for Transport if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Secretary of State for Northern Ireland if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Secretary of State for Foreign and Commonwealth Affairs if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Secretary of State for the Home Department if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Secretary of Trade and Industry if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Secretary of State for the Environment if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Secretary of State for Social Services if he will list all the measures of privatisation undertaken by his Department since 1979, including details of the proceeds received, and the estimated savings achieved.

Mr. Heseltine asked the Attorney-General if he will list all the measures of privatisation undertaken by his Department and the Lord Chancellor's Department, since 1979, including details of the proceeds received and the estimated savings achieved.

Mr. Moore: I have been asked to reply.

Net receipts treated as central privatisation proceeds for each of the years 1980-81 to 1984-85 are set out in table 2.23 of the 1986 public expenditure White Paper, Cmnd. 9702-II. For 1979-80, this information is available in table 2.14 of the 1985 public expenditure White Paper, Cmnd. 9428-II. In 1985-86, the estimated net total of central privatisation proceeds shown in table 2.11 of Cmnd. 9702-II, was £2,622 million; the main components of this were the second instalment payable on British Telecom shares sold in November 1984 and receipts from the sales of residual Government shareholdings in British Aerospace, Britoil and Cable and Wireless.

Details of manpower and administrative savings made as a result of privatisation and contracting out are contained in the annual reports by the Treasury to the Treasury and Civil Service Select Committee which are available in the House of Commons Library. These reports cover each year up to 1984-85. The report for 1985-86 will be available in the autumn.

EMPLOYMENT

Labour Statistics

Mr. Coombs asked the Paymaster General if he will give as a percentage of the total population of the United Kingdom, for each of the last 20 years for which figures are available, the number of those *(a)* in employment, *(b)* seeking work and *(c)* the totals of *(a)* and *(b)*.

Mr. Lang: The following table gives the available series of estimates.

June	*Employed labour force as per cent. of population of all ages*	*Unemployed claimants as per cent. of population of all ages*	*Working population as per cent. of population of all ages*
1965	46·4	0·6	46·9
1966	46·4	0·5	46·9
1967	45·5	0·9	46·4
1968	45·0	1·0	46·0
1969	44·8	0·9	45·8
1970	44·5	1·0	45·5
1971	43·8	1·2	45·1
1972	43·7	1·4	45·1
1973	44·6	1·0	45·6
1974	44·7	0·9	45·6
1975	44·5	1·5	46·0
1976	44·2	2·3	46·4
1977	44·2	2·4	46·7
1978	44·5	2·4	46·9
1979	45·1	2·2	47·3
1980	44·9	2·7	47·6
1981	43·1	4·2	47·4
1982	42·4	4·9	47·3
1983	41·8	5·3	47·1
1984	42·5	5·4	47·8
1985	43·0	5·6	48·6

Mr. John Fraser asked the Paymaster General how many of those who are unemployed are married men with working wives.

Mr. Lang: According to the results of the labour force survey, in Great Britain in spring 1984, there were 219,000 men without a job and seeking work, with wives who had a paid job.

Walthamstow

Mr. Deakins asked the Paymaster General what are the latest unemployment figures for each ward in the constituency of Walthamstow.

Mr. Lang: The following information is in the Library. The numbers of unemployed claimants in the wards of the Walthamstow parliamentary constituency as at 6 February 1986 are:

	Number
Higham Hill	455
High Street	635
Hoe Street	927
Lloyd Park	670
St. James Street	908
Wood Street	719

Community Programme

Mr. Freeman asked the Paymaster General if he will give the figures for the number working on the community programme for the latest available date.

Mr. Lang: At the end of February 1986, the latest date for which figures are available, there were 191,900 people employed on the community programme.

Workfare Schemes

Mr. Colvin asked the Paymaster General what information he has on workfare schemes for the unemployed in operation in the United States of America; and if he will make a statement.

Mr. Lang: There is a great variety of schemes in operation in the United States of America which come under the general heading of "workfare". They have in common the aim of enabling recipients of welfare benefits to do useful work in return for their benefit. But the schemes vary considerably, in their target group, the way they are administered, the nature and location of the work performed, and the amount of training and support services provided. Most schemes are still at an early or experimental stage, and cover only a proportion of welfare recipients. The Department will continue to study the American experience of workfare schemes to see whether they could have any application in this country.

London (Employment)

Mr. Dubs asked the Paymaster General if he has any new proposals to reduce unemployment in London.

Mr. Lang: The Government's economic strategy is providing the climate of low inflation and sustained growth which is the only sensible way to secure real jobs in London and elsewhere. London will also benefit from the new package of measures announced in the Budget statement, at columns 166-84, to accelerate the growth of enterprise, boost opportunities for the young, and help the long-term unemployed find work.

Young Workers Scheme and Community Programme

Ms. Clare Short asked the Paymaster General if he will provide an occupational or industrial breakdown of the jobs covered by the young workers scheme and the community programme.

Mr. Lang: The table gives the breakdown by industrial division of the support being given under the young workers scheme at the end of March 1986. Figures of occupational or industrial breakdowns for the community programme are not available.

Current Support under the Young Workers Scheme

Standard industrial classification	*Numbers*	*Percentage*
0 Agriculture, forestry and fishing	1,633	3
1 Energy and water supply industry	75	—
2 Extraction of minerals and ores other than fuels; manufacture of metals, mineral products and chemicals	691	1
3 Metal goods, engineering and vehicles industries	4,655	9
4 Other manufacturing industries	7,548	14
5 Construction	5,973	11
6 Distribution; hotels and catering; repairs	16,296	30
7 Transport and communication	1,233	2
8 Banking, finance, insurance, business services and leasing	4,917	9
9 Other services	11,327	21
Total	54,348	100

Excavators

Mr. Nicholas Winterton asked the Paymaster General upon what evidence of safety levels he based his decision to introduce condition 6 of the certificate of exemption No. CON(LO)/1981/82 (General) concerning the use of excavators for pipe-laying and related practices.

Mr. Trippier: It is standard practice to fit safety devices to hydraulic cranes to prevent the load falling due to hydraulic failure. In issuing the certificate of exemption, Her Majesty's Chief Inspector of Factories required that the same standards of safety should apply to excavators used as cranes.

Mr. Nicholas Winterton asked the Paymaster General what estimate he has made of the cost to the construction industry of the modifications to plant required by condition 6 of the certificate of exemption No. CON(LO)/1981/82 (General) governing the use of excavators in pipe-laying and related activities.

Mr. Trippier: No estimate is available. The construction industry was extensively consulted on the terms of this certificate of exemption. The cost of modifying plant will depend on the type of excavator and the modifications needed. Some employers may decide not to use excavators for these purposes.

Employment Schemes

Mr. Gordon Brown asked the Paymaster General how many workers he currently estimates will be on employment schemes in each year to 1989; and if he will list the estimated numbers for each scheme.

Mr. Lang: The estimated number on each of the employment schemes at the end of each financial year is given in the table.

	March 1987	*March 1988*	*March 1989*
Community Industry	8,000	8,000	8,000
Community Programme	255,000	255,000	255,000
Enterprise Allowance Scheme	80,000	94,000	94,000
Job Release Scheme	27,000	27,000	26,000
Job Splitting Scheme	1,000	1,000	1,000
New Workers Scheme	63,000	76,000	76,000
Total	434,000	461,000	460,000

Mr. Gordon Brown asked the Paymaster General how many entrants there have been in *(a)* England, *(b)* Scotland and *(c)* Wales to the enterprise allowance scheme since its inauguration; how many entered in 1985-86; and how many he expects to enter in 1986-87.

Mr. Trippier: The number of entrants since the beginning of the pilot scheme to the end of February 1986 is as follows:

	Number
England	110,010
Scotland	11,153
Wales	8,977
Total	130,140

Final figures are not yet available for 1985-86, but the following provides a breakdown of those joining the scheme between 1 April 1985 and 28 February 1986.

	Number
England	44,882
Scotland	4,659
Wales	3,602
Total	53,143

There will be 86,000 places available in Great Britain in 1986-87 and 100,000 per year thereafter. The MSC is now finalising the revised allocation of the extra places for 1986-87 as a result of the expansion announced in the Budget and therefore no breakdown of these figures is available for England, Scotland and Wales.

Mr. Gordon Brown asked the Paymaster General what is the estimated proportion of enterprise allowance scheme entrants who are still in business after *(a)* six months, *(b)* one year and *(c)* two years.

Mr. Trippier: Statistics collected by the Manpower Services Commission show that 94 per cent. of entrants to the enterprise allowance scheme are still in business after six months and that 89 per cent. of the scheme's entrants are still trading at the end of 12 months.

There is no information available about the proportion of EAS entrants who are still in business two years after joining the scheme. However, a survey of entrants who joined the pilot scheme showed that 61 per cent. of those who took advantage of the full year's allowance were still trading two years later or three years after joining the scheme.

Mr. Gordon Brown asked the Paymaster General how many jobs he estimates to be generated by the enterprise allowance scheme.

Mr. Trippier: Latest survey evidence into the pilot enterprise allowance scheme shows that for every 100 continuing business three years after start up 99 additional new jobs had been created, of which 50 were full time and 49 were part time. This survey supplements evidence from an earlier survey of the national scheme which showed that for every 100 continuing business 15 months after start up, 68 additional new jobs had been created 24 of which were full time and 44 were part time.

Training Loan Scheme

Mr. Gregory asked the Paymaster General whether he intends to introduce a loan scheme for training, as proposed in his consultation paper issued in November 1984; and if he will make a statement.

Mr. Trippier: My right hon. and noble Friend today announced the introduction of a pilot scheme to make available loans for vocational training for an experimental period of three years. The new scheme, career development loans, will be run in partnership with three banks, Barclays, Clydesdale and the Co-operative Bank, in four pilot areas, Aberdeen, Bristol-Bath, Greater Manchester and Reading-Slough. Anyone aged over 18 who lives or intends to train in one of these areas will be able to apply. The Government will be providing an incentive to borrowers by paying interest on their behalf during the period of training and up to three months afterwards. The Government will also be guaranteeing a proportion of the loans to make it easier for banks to consider lending for vocational training.

SOCIAL SERVICES

European Community (Health Provision)

Mr. Irving asked the Secretary of State for Social Services if he will set out in the *Official Report* the policy objectives of the Council of Ministers with regard to health provision in the European Community.

Mr. Whitney: The Council of Ministers as such has not adopted policy objectives with regard to the general level of health provision in member states because this is not a matter which falls within the formal competence of the Community. Recent informal meetings of European Community Health Ministers have discussed relative provision in specific fields, such as measles vaccination and action against drug misuse and have also discussed ways of containing the growth of expenditure on health services and obtaining better value for money.

Mr. Irving asked the Secretary of State for Social Services what was the total expenditure on health provision in each of the member countries of the European Community in *(a)* 1975 and *(b)* 1985; and if he will express these figures as a proportion of gross domestic product in respect of each member state.

Mr. Whitney: The following tables give the information, which my hon. Friend requested. The expenditure figures, which include health expenditure by both publicly and privately financed bodies, have been converted into sterling by using purchasing power parity exchange rates for the year in question. Expenditure figures for Luxembourg are not available. The figures are presented for 1975 and 1982, since 1982 is the most recent year for which figures are available for the other members of the European Community. According to the 1985 edition of the *National Accounts*, the United Kingdom spent 6·1 per cent. of the gross domestic product on health care in both 1983 and 1984. Although the United Kingdom spends less on health as a proportion of GDP than most other member states, its life expectancy and infant mortality usually fall in the middle of the Community's range.

*Total Expenditure on Health Provision (£ million)**

	1975	*1982*
United Kingdom	5,879	16,347
France	8,356	29,175
Germany	10,412	29,439
Italy	6,056	18,557
Belgium	1,094	3,387
Netherlands	2,198	6,588
Denmark	693	2,035
Ireland	298	1,000
Greece	379	1,242
Spain	2,564	8,545
Portugal	471	1,337

* Expenditure in national currency units has been converted into sterling by means of general purchasing power exchange rates for the year in question.

Total Expenditure on Health Care Expressed as a Percentage Share of the Gross Domestic Product

	1975	*1982*
United Kingdom	5·5	5·9
France	7·6	9·3
Germany	8·1	8·2
Italy	6·7	7·2
Belgium	5·5	6·2
Netherlands	7·7	8·7
Denmark	6·5	6·8
Ireland	7·7	8·2
Greece	4·0	4·4
Spain	5·1	6·3
Portugal	6·4	5·7

Mr. Irving asked the Secretary of State for Social Services what information he has as to the total numbers of people employed in the state-run health services of the member countries of the European Community; if he will break down by categories the number of people employed in these services; and if he will compare the present position with the situation in 1975.

Mr. Whitney: I regret detailed information is not available on the number of staff employed in all the agencies involved in providing health care in the different member states. It would not in any event enable meaningful comparisons to be made because of the substantial differences between national health systems. In some, health services are provided entirely on a contractual basis, with hospitals and general practitioners contracting with state and private insurance funds to provide services to insured members. In others, services are provided by both directly employed and contracted services, the mix varying from member state to member state.

Mr. Irving asked the Secretary of State for Social Services if he will estimate the number of beds in state-run hospitals in each of the member countries of the European Community; and what was the position in 1975.

Mr. Whitney: In Belgium, Germany, France, Luxembourg and the Netherlands hospitals are not run

directly by the state but provide services on a contractual basis to insured members of state and private insurance funds. For these countries no precise data are readily available on the proportion of the total number of beds in public, private and voluntary hospitals used to provide services to members of state insurance schemes. On the assumption that the proportion is the same as the proportion of expenditure on health care generally by the public sector relative to total health care expenditure, the following rough estimates can, however, be made (the years indicated are the latest for which total bed figures are readily available):

Country and Year	*Number*
Belgium (1977)	68,850
Germany (1976)	580,000
France (1975)	314,000
Netherlands (1976)	115,450
Luxembourg (1976)	4,000

For the remaining countries, the number of beds in state-run hospitals for the latest year for which figures are readily available is as follows:

Country and Year	*Numbers*
Denmark (1977)	53,000
Ireland (1974)	24,600
(1984)	21,300
Italy (1975)	480,000
Spain (1982)	135,400
Portugal (1980)	32,000
Greece (1981)	27,500

(Comparable figures for the United Kingdom for 1975 and 1983 were 491,000 and 440,600 respectively).

These figures underestimate, in some cases considerably, the number of beds available to the public hospital sector because of the contractual arrangements made by the state health sector for the use of beds in private and voluntary hospitals

I regret that more comprehensive and up to date data on the lines requested could be obtained only at disproportionate cost.

European Community (Geriatric Care)

Mr. Irving asked the Secretary of State for Social Services what arrangements have been made for geriatric care for citizens of the European Community who may seek such assistance in Spain and Portugal following their accession to the Community; and if he will make a statement.

Mr. Whitney: European Community nationals resident in Spain and Portugal who are in receipt of a state retirement pension from another member state may receive state health care in Spain and Portugal on the same terms and conditions as pensioners of those countries, including such geriatric care as may be necessary. Recipients of United Kingdom retirement pensions resident in Spain and Portugal have been informed individually of these rights. European Community nationals of any age who are insured for health care in another member state and who visit Spain and Portugal are also eligible for any immediately necessary treatment they may require during the visit.

NHS (Dietitians)

Mr. Holt asked the Secretary of State for Social Services how many dietitians were employed in the National Health Service in each of the following years: 1960, 1965, 1970, 1975, 1980 and 1985, respectively.

Mr. Whitney: The information is as follows:

National Health Service Dietitians at 30 September

1960	*1965*	*1970*
England and Wales†		
n/a	210	320
*Whole-time equivalents (WTE)**		
1975	*1980*	*‡1984*
England		
460	720	940

Source: DHSS Annual Census of Non-Medical Manpower

* All figures rounded to nearest 10.

† Before 1971, separate figures were not available for England. The estimated England figure for 1970 was around 310 WTEs.

‡ Latest figures available to this level of detail.

Drugs, Alcohol and Tobacco (Abuse)

Mr. Kirkwood asked the Secretary of State for Social Services if he will list Government expenditure on combating *(a)* drug abuse, *(b)* alcohol abuse and *(c)* smoking, for the latest year for which figures are available; and if he will give the latest estimate of the number of deaths resulting from each.

Mr. Whitney: The table gives the number of deaths in England and Wales in 1984 where the underlying cause of death was stated to be drug dependence or non-dependent abuse of drugs or was a cause associated with alcohol consumption. Except for deaths due to toxic effects of alcohol, figures are not readily available for accidental deaths with any mention of alcohol. However, it is estimated that in 1984 at least one road death in four was associated with alcohol ie about 1,200 road accident deaths in England and Wales.

The Royal College of Physicians estimated in 1981 that at least 100,000 deaths per year in the United Kingdom were related to smoking.

Expenditure on preventive activities by the Department in 1985-86 was as follows:

	£ million
(a) Illegal Drugs: DHSS education and information campaign	2
(b) Alcohol—regional education campaigns, publications and work in schools undertaken by the Health Education Council	0·4
Preventive and educational work by Alcohol Concern	0·3
(c) Tobacco — Health Education Council smoking education programme	2
DHSS teenage smoking campaign	0·65
Publicity and education by Action on Smoking and Health	0·15
Research into prevention	0·1

Deaths associated with drug abuse and alcohol consumption England and Wales 1984

*ICD**	*Cause of death*	*Number of deaths*
304	Drug dependence	102
305.2 to 305.9	Non-dependent abuse of drugs	25
291	Alcoholic psychoses	13
303	Alcohol dependence syndrome	97
305.0	Non-dependent abuse of alcohol	108
425.5	Alcoholic cardiomyopathy	58
571.0 to 571.3	Chronic liver disease and cirrhosis, alcohol reported as cause	951
571.4 to 571.9†	Chronic liver disease and cirrhosis, alcohol not specifically reported as cause	1,329
980	Toxic effect of alcohol	102

* International Classification of Diseases. 9th revision.

† Some deaths in this category are thought to be associated with excessive alcohol consumption.

AIDS

Mr. Kirkwood asked the Secretary of State for Social Services if he will list in the *Official Report* all current official programmes designed to contain the spread of acquired immune deficiency syndrome.

Mr. Hayhoe: I refer the hon. Member to the reply given by my right hon. Friend the Prime Minister to the right hon. Member for Barnsley, Central (Mr. Mason) on 24 February at column *410-11*. The public information campaign mentioned in the reply commenced on 16 March.

Mr. Kirkwood asked the Secretary of State for Social Services what plans he has to involve *(a)* the British Medical Association, *(b)* the Health Education Council and *(c)* the Terrence Higgins Trust in programmes to combat acquired immune deficiency syndrome.

Mr. Hayhoe: My Department already consults these organisations on matters relating to AIDS.

Hospital Unit Managers

Mr. Forth asked the Secretary of State for Social Services if he will give details of the latest number of hospital unit managers appointed as a result of the Griffiths management reorganisation of the National Health Service; and how many of these are qualified nurses.

Mr. Hayhoe: I understand health authorities have so far appointed 513 unit general managers. Of these 54 are nurses.

Board and Lodging

Mr. Kirkwood asked the Secretary of State for Social Services how many applications he has received from boarders on supplementary benefit for exemption under *(a)* Requirements Regulation 9(17)(i) and *(b)* Requirements Regulation Schedule 2A paragraph 5(4)(m), and, in each of those categories, how many applications were successful.

Mr. Newton: The number of applications for the exercise of the Secretary of State's discretion under Requirements Regulation 9(17)(i) received in Headquarters is 103. Of these 45 were successful, five were unsuccessful and the remainder are still being considered. The number of applications received under Requirements Regulation schedule 2A paragraph 5(4)(m) is 67, of which 14 have been successful.

Perinatal Mortality

Mr. Carter-Jones asked the Secretary of State for Social Services what are the perinatal mortality and handicap figures for the years 1979 to 1985 inclusive for *(a)* England and *(b)* the Salford health authority area; and if he will make a statement.

Mr. Whitney: The following table gives the perinatal mortality figures for *(a)* England, and *(b)* Salford district health authority for the years 1979-1984. The 1985 figures are not yet available. Statistics on perinatal handicap are not available.

Numbers and rates of perinatal mortality in England and Salford District Health Authority, 1979-1984

	England	*Salford DHA**
1979		
Number	8,839	69
Rate	14·6	22·2
1980		
Number	8,316	44
Rate	13·4	13·7
1981		
Number	7,044	36
Rate	11·7	11·6
1982		
Number	6,670	32
Rate	11·2	10·2
1983		
Number	6,158	30
Rate	10·3	9·3
1984		
Number	6,065	23
Rate	10·0	7·3

Perinatal mortality rate = Deaths under 1 week plus stillbirths per 1,000 total births

* Salford Health District 1979-82

Mr. Carter-Jones asked the Secretary of State for Social Services (1) what special support his Department gives to health authorities where the perinatal mortality and disability rate are above average to seek to reduce the figures; and if he will make a statement;

(2) what additional support he plans to give to special baby care units; and if he will make a statement.

Mr. Whitney: No special support has been made available to regional health authorities over and above their cash allocations. We have asked regions to send in reports on their neonatal services and their plans for improving them, where they consider this necessary, in the light of the recommendations in the three reports of the maternity services advisory committee.

Ophthalmic Surgery Services

Mr. Carter-Jones asked the Secretary of State for Social Services what representations he has received regarding ophthalmic surgery services in the north-western region and in Salford in particular; what action he has taken in the light of these; and if he will make a statement.

Mr. Hayhoe: A few representations have been received but the issues raised are matters for the North-Western regional health authority and the district health

authorities concerned, and for the regional health authority to address through its strategic plans, in the light of local needs and priorities. The hon. Member may therefore wish to contact the chairman of North-Western regional health authority.

Health Certificates (Charges)

Mr. Ashley asked the Secretary of State for Social Services in what circumstances a National Health Service doctor may not charge for the issuance of a certificate, letter, and so on, relating to the health of a patient.

Mr. Hayhoe: Under his terms of service a general medical practitioner must issue to his National Health Service patients or their personal representatives free of charge medical statements for the purposes listed as follows and for statutory sick pay unless, for the conditions to which the statement relates, the patient—*(a)* is being attended by another doctor other than his own doctor's partner, assistant or deputy or; *(b)* is not being treated by, or under the supervision of, a doctor.

Medical Statement	*Legislation*
1. To support a claim or obtain payment either personally or by proxy under the enactments specified.	Family Allowances Acts 1965 to 1969
	Parts I and III of the Social Security and Housing Benefits Act 1982 (1982 c. 24).
	Social Security Act 1975
	Supplementary Benefits Act 1966 to 1973
	Industrial Injuries and Diseases (Old Cases) Acts 1967 to 1973
2. To prove inability to work or incapacity for self-support for the purposes of an award by the Secretary of State for Social Services	Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 (2 & 3 Geo. 6 c. 83)
	Pensions (Mercantile Marine) Act 1942 (5 & 6 Geo. 6 c. 26)
3. To enable proxy to draw pensions etc.	Naval and Marine Pay and Pensions Act 1865 (28 & 29 Vict. c. 73)
	Air Force (Constitution) Act 1917 (7 & 8 Geo. 5 c. 51)
	Personal Injuries (Emergency Provisions) Act 1939 (2 & 3 Geo. 6 c. 82)
	Polish Resettlement Act 1947 (10 & 11 Geo. 6 c. 19)
	Home Guard Act 1951 (15 & 16 Geo. 6 and 1 Eliz. 2 c. 8)
4. To establish pregnancy for the purpose of obtaining welfare foods	Emergency Laws (Re-enactments and Repeals) Act 1964 (1964 c. 60)
5. To establish fitness to receive inhalational analgesia in child-birth	Midwives Act 1951 (14 & 15 Geo. 6 c. 53)
6. To secure registration of still birth	Births and Deaths Registration Act 1953 (1 and 2 Eliz. 2 c. 20)
7. To enable payment to be made to an institution or other person in case of mental disorder of persons entitled to payment from public funds	Section 138 of the Mental Health Act 1959 (7 & 8 Eliz. 2 c. 72)
8. To establish unfitness for jury service	Criminal Justice Act 1972 (1972 c. 71)
9. To establish unfitness to attend for medical examination	National Service Act 1948 (11 & 12 Geo. 6 c. 64)
10. To support late application for reinstatement in civil employment or notification of non-availability to take up employment owing to sickness	Reinstatement in Civil Employment Act 1944 (7 & 8 Geo. 6 c. 15)
	Reinstatement in Civil Employment Act 1950 (14 & 15 Geo. 6 c. 10)
	Reserve and Auxiliary Forces (Training) Act 1951 (14 & 15 Geo. 6 c. 23)
	Army Reserve Act 1962 (10 & 11 Eliz. 2 c. 10)
	Ulster Defence Regiment Act 1969 (1969 c. 65)
11. To enable a person to be registered as an absent voter on grounds of physical incapacity	Representation of the People Act 1949 (12, 13 & 14 Geo. 6 c. 68)
12. To support application for certificates conferring exemption from charges in respect of drugs, medicines and appliances	National Health Service Act 1977 (c. 49)

Medical statements issued for Social Security purposes on the basis of a report received from another doctor within one month of the earlier examination must also be issued free of charge.

Supplementary Benefit (Uprating)

Mr. Terry Fields asked the Secretary of State for Social Services if he intends increasing in the November uprating the £1 available scale margin, which is offset against weekly additions by virtue of regulation 11(2)a of the Supplementary Benefit (Requirement) Regulations 1983; and if he will make a statement.

Mr. Newton: My right hon. Friend the Secretary of State announced on 24 February at columns *680-81* the details of the uprating which will take place this year in July. It is not intended to make any change in the level of the available scale margin.

Benefits

Mr. Terry Fields asked the Secretary of State for Social Services if he will publish a table showing *(a)* the number of people currently receiving each short-term national insurance benefit, *(b)* the numbers of people receiving reduced benefit because of inadequate national insurance contributions and *(c)* the numbers of these who are women.

Mr. Major: The information requested is given in the table.

	Unemployment Benefit (May 1985)	*Sickness Benefit (March 1985)*	*Maternity Allowance (March 1985)*
Total beneficiaries	914,600	180,000	107,200
Women beneficiaries	337,100	46,000	107,200
Total receiving reduced rate	46,900	6,300	8,100
Women receiving reduced rate	21,800	3,100	8,100

National Insurance

Mr. Terry Fields asked the Secretary of State for Social Services if he will publish a table showing the number of people currently paying national insurance contributions on earnings between £35 and £38 per week and the numbers of those who are women.

Mr. Major: From 6 April 1986 there is no liability for payment of national insurance contributions on earnings below £38 a week.

Children in Care

Mr. Barry Jones asked the Secretary of State for Social Services (1) how many children born in each year from 1979 to 1986 inclusive have been born into *(a)* two-parent families and *(b)* one-parent families and taken into care within six months of birth in (i) Wales, (ii) England and (iii) Mid Glamorgan;

(2) how many children born in each year from 1979 to 1986 inclusive have been taken into care within six months of birth in *(a)* Wales, *(b)* England and *(c)* Mid Glamorgan.

Mr. Whitney: Information readily available to this Department and to the Welsh Office is given in the table.

Children aged under one year admitted to care of local authorities
Admitted during the year ended 31 March

Numbers

	1979	*1980*	*1981*	*1982*	*1983*	*1984*	*1985*
England*	4,550	4,110	3,970	3,960	3,570	3,220	†n/a
Wales	226	232	212	216	259	195	205
Mid Glamorgan	41	56	37	45	54	38	41

* Estimated.
† Not yet available.

Midwives

Mr. Hancock asked the Secretary of State for Social Services (1) how many qualified midwives are employed by the National Health Service and working as midwives;

(2) what is the total number of vacancies for midwives in the health services;

(3) what estimates there are of the numbers of qualified midwives who do not work as midwives but take other nursing jobs.

Mr. Hayhoe: I regret that information on which an estimate of the number of qualified midwives who take other nursing jobs or the total number of vacancies for midwives in the National Health Service is not available. However, the Department is aware of a survey recently conducted of a sample of district health authorities in England which showed that at 31 March 1985 slightly less than 4 per cent. of midwifery posts have been vacant for three months or more compared with about 5 per cent. found in a similar survey in 1984. At 30 September 1984 in England 17,860 whole time equivalent midwives, (excluding administrative staff but including agency staff) were employed in the National Health Service as midwives.

Private Hospitals (Development Assistance)

Mr. Gordon Brown asked the Secretary of State for Social Services what financial assistance is available for *(a)* new private hospital developments and *(b)* new private nursing homes.

Mr. Hayhoe: There are no funds held centrally by my Department for grants and loans to private health sector developments. Health authorities may make grants or loans to non profit making bodies, subject to the approval of the Treasury, and can also give financial assistance with capital work at a private establishment providing services to the National Health Service. These powers are not widely used.

In appropriate cases, regional selective assistance can be given by the Department of Trade and Industry to investment in new private hospitals and nursing homes operating on a commercial basis in the assisted areas, provided that the criteria governing eligibility for this type of assistance are fully met. Regional development grants are not currently available for private health sector developments.

Finance is of course available from banks and other sources. Tax relief may also be available to individuals who invest in companies which meet the qualifying conditions of the business expansion scheme.

Advisory Committee on Irradiated and Novel Foods

Mr. Frank Cook asked the Secretary of State for Social Services if he will make available to interested parties a list of references to the scientific literature reviewed by the Advisory Committee on Irradiated and Novel Foods in reaching its conclusions in the report on the safety and wholesomeness of irradiated food, published on 10 April.

Mr. Whitney: Although the text of the report does not contain specific references to source material, the bibliography at appendix G lists the major publications which the advisory committee and the specialist bodies it consulted took into account in reaching their conclusions. Unpublished data and summaries of them held at the international food irradiation project, Karlsruhe, were also considered.

Interested parties have been invited to comment on the report by the end of July. The advisory committee will be

asked to advise Ministers on comments received, with particular reference to any source material cited which is not included in the report's bibliography.

Nuclear Installations (Cancer)

Mr. Teddy Taylor asked the Secretary of State for Social Services which areas of the United Kingdom have the highest incidence of those forms of cancer which have been correlated with atomic radiation; and whether any of these areas are in the immediate vicinity of nuclear power installations.

Mr. Whitney *[pursuant to his reply,* 5 March 1986, c. *149]*: The numbers of deaths in 1984 from 14 specific forms of cancer have been abstracted for each of 33 London boroughs, 36 Metropolitan districts and 297 county districts in England, for 37 county districts in Wales, for 53 local government districts in Scotland and for Northern Ireland as a whole, making 457 areas in all.

Myeloid leukaemia is the form of maligancy which is most closely associated with exposure to atomic radiation. The following table shows the 20 areas which had the greatest relative excess number of deaths from myeloid leukaemia in 1984. The excess has been identified by calculating the numbers of deaths which would have been expected in each area, allowing for the size of its population and its age and sex distribution, if the death rates in that area had been the same as the national (United Kingdom) average. The table also shows the crude death rates from myeloid leukaemia for these areas, which may be compared with the national rate of 3·85 per 100,000 persons.

Out of the 457 areas there are 25 which contain nuclear installations, and of these two are among the 20 areas listed in the table. It should be remembered that the numbers of deaths from myeloid leukaemia are small and the number in any particular area may fluctuate considerably from year to year. No great significance should therefore be attached to the rate for any particular area in just one year.

The other 13 forms of cancer for which data have been extracted are malignant neoplasm of the liver, lung, bone, female breast, testis, brain, and thyroid glands; Hodgkins's disease; other malignant neoplasm of lymphoma; multiple myeloma; lymphoid leukaemia; monocytic leukaemia; and other specified and unspecified leukaemia. The excess mortality of these other 13 forms of malignancy has been examined for those 25 areas which contain a nuclear installation. Ynys Mon (Anglesey) and Northavon feature in the table for myeloid leukaemia; Ynys Mon was also 44th in the ranking for other malignant neoplasms of lymphoma, whilst Northavon was 20th in the ranking for liver neoplasms. These results are also based on very small numbers of deaths. There is also a tendency for the 25 areas to be low in the ranking for lung cancer, and this is consistent with the rural nature of these areas.

Ranking of Local Authority Areas (Highest Twenty) for Myeloid Leukaemia, United Kingdom, 1984

Area	*Observed Deaths*	*Population*	**Crude Rate*	*Expected Deaths*	*Ratio of Observed to Expected*
1 Ynys Mon (Anglesey) CD†	9	68,700	13·10	2·7	3·38
2 Hereford CD	5	47,900	10·44	1·9	2·65
3 Harlow CD	6	76,800	7·81	2·3	2·57
4 Erewash CD	10	104,200	9·60	4·0	2·53
5 Hart CD	6	79,000	7·59	2·4	2·52
6 Brighton CD	17	145,600	11·68	6·9	2·48
7 Bolsover CD	7	70,900	9·87	2·9	2·45
8 Dover CD	11	103,200	10·66	4·5	2·44
9 S. Norfolk CD	10	98,300	10·17	4·3	2·34
10 Braintree CD	10	114,700	8·72	4·3	2·33
11 Burnley CD	8	90,600	8·83	3·5	2·30
12 Northavon CD‡	9	123,100	7·31	3·9	2·29
13 Tamworth CD	4	66,800	5·99	1·8	2·28
14 Canterbury CD	13	126,600	10·27	5·8	2·25
15 S. Northamptonshire CD	5	66,200	7·55	2·3	2·22
16 Broadland CD	9	99,400	9·05	4·1	2·19
17 Worcester CD	6	76,200	7·87	2·8	2·12
18 Crawley CD	6	83,600	7·18	2·8	2·11
19 Sedgemoor CD	8	91,600	8·73	3·8	2·09
20 Rushmoor CD	5	80,600	6·20	2·4	2·08

* Crude Rate per 100,000 population CD=County District
† Nuclear Installation present within Authority Wylfa power station
‡ Nuclear Installation present within Authority Oldbury power station

DEFENCE

NATO Meeting

4. **Mr. Randall** asked the Secretary of State for Defence if he will make a statement on his discussions with the NATO Defence Ministers on 20 March.

34. **Mr. D. E. Thomas** asked the Secretary of State for Defence whether he will make a statement on the nuclear planning group meeting he attended in March.

Mr. Straw asked the Secretary of State for Defence if he will make a statement on the meeting of the NATO nuclear planning group.

Mr. Younger: Defence Ministers of the members of NATO's nuclear planning group held one of their regular twice yearly meetings in Wurzburg on 20 and 21 March. We discussed a range of topics, including the status of nuclear forces and arms control, and I provided a

comprehensive briefing on British nuclear forces. A copy of the communiqué of the meeting has been placed in the Library.

37. **Mr. Wigley** asked the Secretary of State for Defence what subjects he will be discussing at the NATO ministerial meeting in May.

Mr. Younger: I refer the hon. Member to the reply I gave to my hon. Friend the Member for Bournemouth, East (Mr. Atkinson) on 11 March, at column 798. The agenda is confidential.

Nuclear Weapons

9. **Mr. Parry** asked the Secretary of State for Defence what new battlefield nuclear weapons he proposes British forces should have.

17. **Mr. Tony Lloyd** asked the Secretary of State for Defence what plans he has to replace the United Kingdom's free-fall nuclear bombs with nuclear missiles.

23. **Dr. Marek** asked the Secretary of State for Defence when, and with what weapons, British nuclear battlefield weapons will be replaced.

Mr. Stanley: I refer the hon. Members to the answer I gave to the hon. Member for Sheffield, Central (Mr. Caborn) on 20 January, at columns 90-91, and to the communiqué issued at the NATO nuclear planning group's meeting in March, a copy of which has been placed in the Library.

22. **Mr. Hoyle** asked the Secretary of State for Defence what information on Britain's plan to modernise its nuclear weaponry was given to the NATO Defence Ministers meetings, held on 20 March.

Mr. Stanley: I cannot add to what is said in paragraph 2 of the final communiqué of the NATO nuclear planning group issued on 21 March, a copy of which is in the Library.

European Fighter Project

15. **Mr. Pike** asked the Secretary of State for Defence what progress has been made in the European fighter project.

Mr. Younger: Work on the project definition phase of the European fighter aircraft project is proceeding well; the industrial reports on this phase are due to be submitted to the four Governments later this year.

Auxiliary Oiler and Replenishment Vessel

16. **Mr. Dixon** asked the Secretary of State for Defence when he will place the orders for the auxiliary oiler and replenishment vessels; and if he will make a statement.

Mr. Lee: I have nothing to add to the reply I gave my hon. Friend the Member for Eastbourne (Mr. Gow) on 9 April 1986, at column 128.

ROF plc

18. **Mr. Fisher** asked the Secretary of State for Defence if he will make a statement on the future flotation of ROF plc.

Mr. Norman Lamont: As I announced last October, we would hope that Royal Ordnance plc could move to the private sector in mid-1986, subject to the usual caveats of trading performance and stock market conditions.

British Army of the Rhine

19. **Mr. Leigh** asked the Secretary of State for Defence if he plans any changes in force ceilings in the British Army of the Rhine.

Mr. Stanley: Our present plans remain as in the "Statement on the Defence Estimates," in which we stated our intention of increasing the size of BAOR to 56,000 by the end of the decade.

27. **Mr. Meadowcroft** asked the Secretary of State for Defence what effects the coinciding of the Tornado programme with the first years of the Trident programme will have on the planned re-equipment of the British Army of the Rhine.

Mr. Norman Lamont: Whilst expenditure on Trident is beginning to build up, the burden of the Tornado programme has declined from its peak four years ago. As summarised in chapter 4 of the "Statement on the Defence Estimates 1985", a comprehensive modernisation programme is under way in all areas of capability, including BAOR.

Regional Employment Policy

20. **Mr. Willie W. Hamilton** asked the Secretary of State for Defence what specific initiatives he is taking to ensure that the location of military establishments forms an integral part of Her Majesty's Government's regional employment policy.

Mr. Lee: The Department of Employment and other Departments concerned are given advanced notification of any plans to re-deploy or close defence establishments and consultations take place as plans are developed. The possibility for relocating defence establishments to areas away from the south-east of England are the subject of continuing review. All proposals will need to stand on their operational and economic merits.

Strategic Defence Initiative

21. **Mr. Dalyell** asked the Secretary of State for Defence what inquiries he has made, pursuant to *Official Report*, 13 March, column *1221*; about an American offer of participation in the strategic defence initiative programme by Argentina.

Mr. Norman Lamont: As my hon. Friend the Parliamentary Under-Secretary of State for Defence Procurement said in his letter of 24 March to the hon. Member, no United States Government invitation has been extended to Argentina to participate in the SDI research programme.

Mr. Dalyell asked the Secretary of State for Defence what recent discussions he has had with *(a)* the United States Administration and *(b)* British firms about the application of current United States of America restrictions on technology transfer to British firms which participate in strategic defence initiative research.

Mr. Norman Lamont: The terms and conditions for United Kingdom participation in United States SDI research, including those related to technology transfer,

have been extensively discussed with the United States Administration, with whom they were negotiated, and with British firms individually and at presentations held in London and Washington.

Mr. Dalyell asked the Secretary of State for Defence what is his latest analysis of the likely commercial spin-offs for British firms involved in strategic defence initiative research.

Mr. Norman Lamont: It is too soon to predict what specific research results will emerge from United Kingdom participation in SDI that offer prospects of civil spin-off.

Privatisation

24. **Mr. Thurnham** asked the Secretary of State for Defence what are the estimated savings as a result of placing work originally undertaken by his Department with private contractors.

Mr. Norman Lamont: We estimate that the contracting out completed over the six years up to 1 February 1986 accounts for a reduction of 8,625·5 posts. Savings amount to about £28 million a year. These figures exclude any RN refitting work placed with private contractors.

39. **Mr. Stevens** asked the Secretary of State for Defence if he will give an estimate of the savings in the last two years obtained from the competitive tendering procedures now in use.

Mr. Lamont: I refer my hon. Friend to the reply I gave to the hon. Member for Bristol, North-West (Mr. Stern) on 26 November 1985, at column 553.

Horses

25. **Mr. Greenway** asked the Secretary of State for Defence how much was spent in the latest year for which figures are available on horses for military duties; how many horses were purchased; and how many horses are currently in regular use by the Army; and if he will make a statement.

Mr. Lee: £12,250 was spent on procuring 73 horses for the Army in 1985-86. About 550 horses are currently in regular use by the Army and an additional 10 per cent. are under training and being conditioned.

Ulster Defence Regiment

26. **Mr. Mallon** asked the Secretary of State for Defence if he will make a statement on the rôle of the Ulster Defence Regiment.

Mr. Stanley: The Ulster Defence Regiment makes an indispensible contribution to Army operations in support of the Royal Ulster Constabulary in Northern Ireland.

Cruise Missiles

28. **Mrs. Currie** asked the Secretary of State for Defence whether he anticipates that cruise missiles will be stationed at Molesworth by 1988.

Mr. Stanley: Yes.

Crown Proceedings Act 1947

29. **Mr. Alton** asked the Secretary of State for Defence what action he intends to take to abolish section 10 of the Crown Proceedings Act 1947.

Mr. Lee: I cannot at present add to the reply given to the right hon. Member for Stoke on Trent, South (Mr. Ashley) on 26 July 1985, at columns 876-87.

Royal Navy (Target-towing Contract)

30. **Mr. Churchill** asked the Secretary of State for Defence how many tenders he has received in respect of the Royal Navy target-towing contract; and how many of these meet all the requirements of both his Department and the Civil Aviation Authority.

Mr. Lee: Invitations to tender are being reissued, with an amended specification. The successful tenderer will need to meet all the essential requirements of my Department and the Civil Aviation Authority.

British Aerospace

31. **Mr. Wood** asked the Secretary of State for Defence whether he has any plans to pay an official visit to British Aerospace in Stevenage.

Mr. Norman Lamont: My right hon. Friend has no definite plans to visit British Aerospace, Stevenage. I myself intend to visit there shortly.

Chemical Weapons

32. **Mr. Cartwright** asked the Secretary of State for Defence whether it is the policy of Her Majesty's Government at the meeting of NATO Defence Ministers on 22-23 May for NATO to approve the modernisation of the United States proportional share of the NATO chemical deterrent.

Mr. Stanley: I refer the hon. Member to the reply that I gave to the hon. Member for Cynon Valley (Mrs. Clwyd) on 7 March, at column 313.

Trident Submarine (VSEL Consortium plc)

33. **Mr. Franks** asked the Secretary of State for Defence when he expects to be able to sign the contract with VSEL Consortium plc for the first-of-class Trident submarine.

Mr. Lee: It is hoped to sign the contract with VSEL Consortium plc shortly for SSBN05, the first-of-class Trident submarine.

Ammunition Exports

35. **Mr Robert Atkins** asked the Secretary of State for Defence what is the total figure for exports of ammunition and related material for the latest year to date.

Mr. Norman Lamont: The total value of United Kingdom exports of ammunition in 1985 was £85 million. Totals for previous years are given in the annual "Statement on the Defence Estimates", volume 2.

Weapons and Munitions

36. **Mr. Campbell-Savours** asked the Secretary of State for Defence whether he will make a statement as to the weapons and munitions requirements of Her Majesty's Government for the year 1986-87.

Mr. Norman Lamont: I refer the hon. Member to the Supply Estimates for 1986-87 (class I, vote 2). Further information will be contained in the "Statement on the Defence Estimates 1986".

Territorial Army

38. **Mr. Conway** asked the Secretary of State for Defence if he is satisfied with recruiting levels for the Territorial Army.

Mr. Lee: Recruiting levels for the Territorial Army continue to give cause for satisfaction, having shown a steady increase over the past five years. I am aware, however, of the need to maintain this momentum and a number of initiatives have been put into effect in the areas of public relations and the promotion of employer awareness to this end.

Tornado Aircraft

40. **Mr. Forth** asked the Secretary of State for Defence what assessment he makes of the prospects for future sales of Tornado.

Mr. Norman Lamont: In the light of the proven excellence of the Tornado and of sales already achieved, the prospect for future sales must be very good. However, it has been the policy of this and successive Governments not to disclose details of sales or prospective sales.

Anti-tank Helicopter

41. **Mr. Wilkinson** asked the Secretary of State for Defence what progress has been made towards concerting operational requirements between the British and Italian Army staffs for a common dedicated anti-tank helicopter.

Mr. Norman Lamont: Discussions between the British and Italian defence staffs have established that their respective requirements for a light anti-tank helicopter to enter service in the 1990s could be met by a common design.

Officers (Resignations)

42. **Mr. Walters** asked the Secretary of State for Defence if he will make a statement on the number of Regular Army officers who have announced their intention of leaving the Army within the next 18 months.

Mr. Lee: Regular Army officers may not apply for permission to leave the Army more than 12 months before the date on which they wish to leave. 683 out of 752 such applications were approved over the last 12 months, but it is not possible without disproportionate effort to say how many of these relate to those who have yet to leave. 60 further applications are currently under consideration.

44. **Mr. Soames** asked the Secretary of State for Defence if he will make a statement on the number of Regular officers resigning their commissions in 1986.

Mr. Lee: The number of Regular officers resigning their commissions, having been called upon to do so by the Defence Council, in January and February 1986 were as follows:

	Number
Royal Navy	2
Army	*4
Royal Air Force	2
Total	†8

* Up to 2 April 1986.
† Figures exclude training failures.

FH7O Ammunition

43. **Mr. McWilliam** asked the Secretary of State for Defence if it is his intention to place the explosives order for the FH7O ammunition currently being manufactured in Germany with Royal Ordnance Factory, Bridgwater.

Mr. Norman Lamont: The responsibility for producing the complete shell lies with the German manufacturer. In carrying out that function, he has placed a sub-contract on Royal Ordnance, Bridgwater, for the explosive filling.

Trident Programme

45. **Sir Antony Buck** asked the Secretary of State for Defence if he will make a statement on the progress of the Trident programme.

Mr. Norman Lamont: I refer my hon. Friend to the reply given by my right hon. Friend the Secretary of State for Defence to the hon. Member for Suffolk, South (Mr. Yeo) on 11 March 1986, at column 800, and to the report placed in the Library of the House.

RIMPAC Exercise

46. **Mr. Terry Davis** asked the Secretary of State for Defence when the Royal Navy was invited to take part in the RIMPAC exercise in the central Pacific.

Mr. Stanley: A formal invitation was received in April 1985 following discussion between the United States Navy and the Royal Navy over previous months.

Microlight Aircraft

Viscount Cranborne asked the Secretary of State for Defence if he has made arrangements to monitor the development in western Europe and the Union of Soviet Socialist Republics of flex-wing microlight aircraft for military use.

Mr. Stanley: Appropriate arrangements exist to monitor such developments.

Service Personnel (Body Armour)

Mr. Madden asked the Secretary of State for Defence if, pursuant to his answer of 14 November, *Official Report*, column *259*, he will reconsider the proposed date for the general issue of body armour to service personnel.

Mr. Lee: No. The situation has not materially changed since my hon. Friend's answer on 14 November 1985.

Mr. Madden asked the Secretary of State for Defence what estimate he has of lives saved of United Kingdom

service personnel, on internal security duties within Northern Ireland, from the wearing of flak jackets made of woven synthetic fibre; how many such jackets have been purchased for use by British service personnel in each of the last three years; and if he will name the firms responsible for the manufacture of such jackets and the value of contracts placed with such firms.

Mr. Lee: Statistical evidence in the form requested is not available. The purpose of the "flak jacket" is to protect the soldier from the smaller flying fragments of exploding ordnance. It has never been claimed that this garment will stop directly aimed high velocity bullets or large exploding fragments. It has not been necessary to purchase any flak jackets in the last three years. We do not normally disclose the values or other details of Ministry of Defence contracts with supplier firms.

Mr. Madden asked the Secretary of State for Defence if he is satisfied with the protection offered to service personnel serving in Northern Ireland from the improved Northern Ireland body armour; why he is not planning to issue such body armour to Army personnel for general use before 1989; and if he will make a statement.

Mr. Lee: We are most encouraged by the performance of Improved Northern Ireland Body Armour (INIBA). However, there is a marked weight penalty for the wearer which makes INIBA unsuitable for general combat use. We are therefore working on a new form of combat body armour to supersede the "flak jacket"; this will better protect against flying fragments in a combat situation while affording the soldier greater mobility because the garment will be lighter and more comfortable to wear. Following trials, we still hope to introduce this protective garment in 1989.

Mr. Madden asked the Secretary of State for Defence if he will name the firms which have been responsible in the past three years for manufacturing and making up flak jackets for his Department.

Mr. Lee: No. It is not our policy to disclose details of individual contracts.

Eastney Barracks

Mr. Hancock asked the Secretary of State for Defence what renovation works are currently being carried out on Eastney barracks; and what is the expected cost and duration of works.

Mr. Lee: The renovation work currently being undertaken at the Royal Marine barracks, Eastney, involves repairs to the clock tower at an estimated cost of £90,000 and essential ongoing maintenance, including roof repairs and plumbing, at an estimated cost of £135,735.

HMS Illustrious

Mr. Hancock asked the Secretary of State for Defence what is the estimated time that it will take to repair the damage to HMS Illustrious following the recent fire.

Mr. Lee: On current information, the work should hopefully be completed towards the end of July.

Mr. Hancock asked the Secretary of State for Defence what is the estimated cost of the repair of the gearbox fire in HMS Illustrious.

Mr. Lee: Of the order of £4 million, on current information.

Technology Transfer

Mr. Dalyell asked the Secretary of State for Defence what policy on technology transfer in the defence field generally is operated by the United States of America Administration with respect to British firms.

Mr. Norman Lamont: It is not for Her Majesty's Government to give details of the policies operated by other Governments. In general terms, however, British firms maintain a good relationship with the United States in respect of technology sharing in the defence field.

Northern Ireland (Ministerial Visit)

Sir John Biggs-Davison asked the Secretary of State for Defence if he will make a statement about his visit to Her Majesty's forces in Northern Ireland.

Mr. Younger: I visited Northern Ireland last week and was able to see elements of all three services, including the Ulster Defence Regiment, and a number of different aspects of security forces operations in Northern Ireland. I also saw something of the difficult and dangerous conditions under which the security forces have to operate. I was very impressed by the professionalism and the commitment of all the security forces, and I am sure that the whole House shares my appreciation of their courage and dedication.

FOREIGN AND COMMONWEALTH AFFAIRS

South African Residents

Mr. Batiste asked the Secretary of State for Foreign and Commonwealth Affairs how many residents of South Africa have the right of residence in the United Kingdom.

Mr. Eggar: Precise details are not available. It is estimated that between 500,000 and 1 million residents in South Africa would be entitled to settle in the United Kingdom.

European Parliament

Mr. Teddy Taylor asked the Secretary of State for Foreign and Commonwealth Affairs why he decided to agree to that part of the Single European Act which changes the name of the European Assembly to the European Parliament; and if he will make a statement.

Mrs. Chalker: I refer my hon. Friend to the reply my right hon. Friend the Prime Minister gave him on 10 February, at column *309*.

European Court of Justice

Mr. Teddy Taylor asked the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement setting out the descriptions and purposes of the various courts attached to the European Court of Justice referred to in the Single European Act.

Mrs. Chalker: The Single European Act authorises the Council, at the request of the Court of Justice, to set up by unanimous agreement a Court of First Instance with

jurisdiction to hear and determine certain classes of action brought by individuals or companies. Its purpose will be to ease the workload on the Court of Justice (which has increased threefold over the last decade). The Court of Justice is expected to propose that the Court of First Instance should take over classes of action which typically involve time consuming fact-finding. These are likely to include applications concerned with the terms of service of Community employees which currently account for over half the cases that come before the court. There will be a right of appeal on points of law from the Court of First Instance to the Court of Justice.

Falkland Islands

Sir John Farr asked the Secretary of State for Foreign and Commonwealth Affairs what conclusions he has reached on the report by Dr. John Beddington on fisheries around Falklands; and if he will introduce the recommended management measures without delay.

Mr. Eggar: We have concluded that our policy should be to work for early agreement on a multilateral conservation and management regime under the auspices of the United Nations Food and Agriculture Organisation. Such agreement offers the best prospect of measures which are workable and effective. A technical assessment of the fish stocks, which is the essential first step for an agreement, is now being conducted by FAO experts.

British Council, Commonwealth Institute and Crown Agents

Mr. Tony Banks asked the Secretary of State for Foreign and Commonwealth Affairs what was the number of staff employed by *(a)* the British Council, *(b)* the Commonwealth Institute and *(c)* the Crown Agents in 1979 and 1985.

Mr. Eggar: The details are as follows:

	1979	*1985*
British Council	4,332	*4,165
Commonwealth Institute	132	119
Crown Agents	2,153	1,087

* This figure includes 108 staff taken on to administer the FCO scholarhip and awards scheme, and 60 staff transferred to the council as a result of the incorporation of the inter-university council and TETOC (Technical Education and Training).

Nuclear Weapons

47. **Mr. Simon Hughes** asked the Secretary of State for Foreign and Commonwealth Affairs what representations he has received seeking the introduction of a trial test ban for nuclear weapons in consultation with other nuclear powers.

Mr. Renton: We have received in recent months one letter from a member of the public suggesting a trial test ban.

Written Answers to Questions

Wednesday 16 April 1986

EDUCATION AND SCIENCE

Polytechnic and College Places

Mr. Andrew F. Bennett asked the Secretary of State for Education and Science if he will list in the *Official Report* the number, location and course types of polytechnic and college places which the National Advisory Body has recommended be removed from the public sector provision of higher education.

Mr. Walden: No. NAB itself has made no recommendations. The NAB secretariat has made proposals on its own authority as a basis for consultations with institutions and with a view to preparing draft advice to the Secretary of State for consideration by the NAB board and committee later this year. Decisions are taken by the Secretary of State.

The NAB secretariat's proposals are issued on a confidential basis for consultation to institutions, their maintaining local education authorities and a limited range of other bodies with a direct interest, such as those responsible for the validation of courses at particular colleges. Copies have been made available to my Department and to Her Majesty's Inspectorate on a similar basis.

MRC Unit Edinburgh University

Mr. Steel asked the Secretary of State for Education and Science if he will make a statement on the proposed closure of the Medical Research Council's unit in King's buildings, Edinburgh university.

Mr. Walden: The unit in question is the Medical Research Council's mammalian genome unit. Decisions on whether to close its establishments are a matter for the council. I understand that the council has been unable to identify a new director for this unit and has therefore decided, in principle, that the unit should close.

Academic Salaries

Mr. Gareth Wardell asked the Secretary of State for Education and Science what information he has as to how academic salaries in the United Kingdom compare with those in other Council of Europe countries.

Mr. Walden: This information is not available centrally.

Lunchtime Supervision

Mr. Stern asked the Secretary of State for Education and Science if he will list those education authorities which have still not submitted acceptable schemes for lunchtime supervision for 1986-87; and if he proposes to extend the present deadline for submission of such schemes.

Mr. Dunn: The following LEAs have submitted schemes for midday supervision for 1986-87 which are still under consideration:

Barnet
Enfield
Hillingdon
Kingston
Merton
Coventry
Wolverhampton
Wakefield
North Tyneside
Cambridgeshire
Hertfordshire
Humberside
North Yorkshire
Oxfordshire
Shropshire
Suffolk
Cumbria
Newcastle
Cheshire
Hounslow
Sandwell
Gateshead

The following LEAs have submitted no schemes for 1986-87 but some of them are understood to be submitting proposals to their education committees shortly:

Brent
Haringey
Harrow
Sutton
Walsall
Knowsley
Sefton
Wirral
Rochdale
Salford
Stockport
Tameside
Trafford
Wigan
Barnsley
Rotherham
Calderdale
Kirklees
Leeds
Isles of Scilly
Avon
Dorset
Lancashire
Havering
Liverpool
St. Helens
Doncaster
Bradford
Sunderland
Derbyshire
Isle of Wight
Leicestershire
Lincolnshire
Northumberland

My right hon. Friend is prepared to be flexible about the deadline for the submission of schemes for 1986-87, but I hope that those LEAs which have not yet done so will very shortly submit proposals for schemes of midday supervision which qualify for ESG.

Parent-Teacher Associations

Mr. Fisher asked the Secretary of State for Education and Science (1) what information he has as to how many *(a)* secondary, *(b)* primary and *(c)* special schools had parent-teachers' associations or parents' guilds in *(d)* 1974, *(e)* 1979, *(f)* 1982 and in the last year for which statistics are available;

(2) what information he has as to how many *(a)* secondary, *(b)* primary and *(c)* special schools have parent-teachers' associations or parents' guilds;

(3) what information he has as to how many *(a)* secondary, *(b)* primary and *(c)* special schools have parent-teachers' associations or parents' guilds that presently exist in each local education authority listed by authority;

(4) what information he has as to the percentage of *(a)* secondary, *(b)* primary and *(c)* special schools which have parent-teachers' associations or parents' guilds *(d)* as a percentage of the total and *(e)* as a percentage of the total in each local education authority, listed by authority.

Mr. Dunn: This information is not collected centrally.

EMPLOYMENT

Manpower Services Commission

Mr. Kenneth Carlisle asked the Paymaster General whether he is satisfied that the regional organisation of the Manpower Services Commission is able to cope effectively with the demands on it; and if he will make a statement.

Mr. Kenneth Clarke: The Government and the commission have recently been reviewing the commission's priorities over the next three years. We have agreed that the commission will have a central role to play in two distinct but related areas, vocational education and training, and employment and enterprise. Within each area we are steadily developing the Government's policies. We have therefore asked the commission to assist in the development of a training and vocational education system which will provide rapidly and flexibly the skills employers and individuals will need. We have also asked it to promote enterprise and employment so that we accelerate the growth of new jobs and also provide specific measures to help long-term unemployed people get back into the labour market.

To ensure that it is in a position to meet these challenges we have agreed that the commission should make some changes to its organisation. Two major linked operational groups matching the two broad priority areas will be created. Each group will have a regional network. For convenience, in each English region the regional employment and enterprise director will be the MSC and DE spokesman in each region. In Wales the employment director will act as prime representative of the commission and my Department on general issues and in Scotland the vocational education and training director.

An important feature of the proposals is the creation of a new east-midlands and eastern division of the MSC. The proposed coverage of each MSC region is set out below.

We aim to establish the new regional arrangements from 1 July this year. We are confident that they will enable the commission to tackle effectively the urgent and demanding tasks ahead.

List of MSC regions and proposed MSC areas

Scotland
- Ayrshire, Dumfries and Galloway
- Central and Fife
- Glasgow City
- Grampian and Tayside
- Highlands and Islands
- Lanarkshire
- Lothian and Borders
- Renfrew, Dunbarton and Argyll

Northern
- Cleveland
- County Durham
- Newcastle, North Tyne and Northumberland
- South Tyne, Sunderland and Gateshead

Yorkshire and Humberside
- Bradford, Calderdale, Kirklees
- Humberside
- Leeds and North Yorkshire
- Wakefield, Barnsley and Doncaster
- Sheffield, Rotherham

North West
- Cheshire
- Cumbria
- Lancashire
- Merseyside Inner
- Merseyside Outer
- Greater Manchester Central
- Greater Manchester East
- Greater Manchester North

West Midlands
- Birmingham
- Coventry
- Dudley and Sandwell
- Staffordshire
- Telford, Shropshire, Hereford and Worcester
- Wolverhampton, Walsall

East Midlands
- Derby
- Leicestershire
- Lincoln
- Nottingham
- Bedfordshire and Cambridgeshire
- Norfolk and Suffolk

Wales
- Cardiff
- Gwent
- Swansea
- Wrexham

South West
- Avon
- Devon and Cornwall
- Gloucester and Wiltshire
- Taunton, Somerset and Dorset

South East
- Kent
- Essex
- Berkshire and Oxfordshire
- Buckinghamshire and Hertfordshire
- Hampshire and Isle of Wight
- Sussex
- Surrey

London
- Central London (two new offices being created)
- North London outer
- East London outer
- South East London outer
- South and West London outer.

Tourist-Related Employment

Mr. Pawsey asked the Paymaster General if he will take steps to improve training and retraining for tourist-related employment.

Mr. Trippier: My Department is already heavily committed through the Manpower Services Commission to the provision of training and retraining for tourist-related jobs. In December 1985 more than 11,000 YTS places were available in tourism-related industries. Adult

training and retraining for the sector is also being assisted under MSC programmes such as training for enterprise, open-tech and the job training scheme. The commission has identified the development of training initiatives in the tourism sector as having a high priority.

Mines and Quarries Act

Mr. Batiste asked the Paymaster General whether he has plans to review the working of the Mines and Quarries Act in respect of safety, having regard to modern technological advances.

Mr. Trippier: Yes. The Health and Safety Commission is reviewing the Mines and Quarries Act 1954 and associated legislation. The review will take account of modern technological advances as well as other matters. The commission has issued consultative documents on three subjects and will be putting forward proposals to me in the light of the response.

City Action Teams

Mr. Livsey asked the Paymaster General what progress has been made in combating innercity unemployment by city action teams.

Mr. Kenneth Clarke: The main aim of the city action teams is to promote joint working between Departments so that their spending in the inner city areas they cover is more effective in terms of employment, industry and environment. I am satisfied that there has been significant progress over the past year through jobs created, training provided, industry assisted and urban areas improved.

Textile Industry

Mr. Kirkwood asked the Paymaster General whether he has any plans to sponsor retraining schemes in the textile industry; and if he will make a statement.

Mr. Trippier: Employers are primarily responsible for meeting their own training needs. However, the Government via the Manpower Services Commission provide support, principally through the job training scheme for unemployed people and local training grants to employers, for existing workers and new recruits. The commission's area offices will consider all applications for local training grants from employers including, of course, those in the textile industry. Funds are also available for retraining through industry training organisations, including those in the textile sector.

Computer Industry

Mr. Ashdown asked the Paymaster General if he will estimate the shortfall in computer skilled trainees for employment in the computer industry; and if he plans to close this gap.

Mr. Trippier: The Government are aware of a growing demand for skilled computer staff, from the computer industry itself, and more widely.

The Government are contributing to the alleviation of skills shortages in a number of ways. In March 1985, £43 million was allocated over three years to provide 5,000 extra engineering and technology places in higher education. Manpower Services Commission schemes, including the job training scheme, the threshold scheme and YTS training in information technology centres provide training in computing skills. Some 20 per cent. of local grant expenditure under the adult training programme is spent on helping firms to purchase training in information technology skills.

As well as using direct funding, it is a key aim of the adult training strategy to improve the working of the training market so that, among other things, firms and training providers take action earlier to perceive and tackle incipient skill shortages. The Government also welcome the establishment of the information technology skills agency which seeks to co-ordinate efforts by industry, education and the Government to overcome computing skills shortages.

Job Creation Scheme

Mr. Iain Mills asked the Paymaster General in what circumstances he would be prepared to waive the regulations governing the two-year rule between full-time education and school leaving age for retraining courses organised by the job creation scheme under the Manpower Services Commission; and if he will make a statement.

Mr. Trippier: I believe that the hon. Member is referring to the rule under the job training scheme which requires applicants to have spent a total of at least two years away from full-time education since the minimum school-leaving age. The purpose of this rule is to ensure that, with the limited support available, the scheme does not duplicate or replace other forms of initial training. This rule may be waived exceptionally where a national skill shortage would be alleviated by providing applicants normally ineligible under this rule with short courses designed to sharpen the relevance of their education to employment. In addition, the rule is waived for unemployed disabled applicants.

The Government and the Manpower Services Commission keep the rules of this and other training schemes under careful review.

Institute of Careers Officers

Mr. Dixon asked the Paymaster General if his Department has considered an application for an exhibition relating to the Institute of Careers Officers to be displayed in the Upper Waiting Hall.

Mr. Trippier: Yes. The proposal for this exhibition has our full support.

Labour Force Survey

Mr. Soames asked the Paymaster General when the results of the 1985 labour force survey are to be published.

Mr. Kenneth Clarke: Work is in hand to produce a range of preliminary results from the 1985 labour force survey similar to those for 1984 which appeared in *Employment Gazette* in May 1985. In the absence of an *Employment Gazette* in April, and to avoid undue delay, we intend to issue the preliminary results of the 1985 survey in a press release on 23 April: they will also appear in an article in the May *Employment Gazette* in the usual way.

The Department announced on 19 February that its employment estimates were to be revised in the light of the 1985 labour force survey and the 1984 census of

employment. However, the census timetable has been delayed because of operational difficulties and results are not now expected before the late summer. It has therefore been decided to revise the employment estimates in light of the 1985 labour force survey results without waiting for the census of employment results. These revised estimates were published in the labour market press notice which was released earlier today. Subsequent revision may be necessary when the census results become available later in the year.

ENVIRONMENT

Wild Birds

Mr. Kenneth Carlisle asked the Secretary of State for the Environment if he will state the number and area of special protection areas now notified to the European Commission under directive 79/409 on the conservation of wild birds; how many further sites identified as meeting the criteria for listing remain; and how many of these have been notified as sites of special scientific interest under the Wildlife and Countryside Act 1981.

Mrs. Rumbold: Eighteen special protection areas have so far been notified by the United Kingdom to the European Commission under EC directive 79/409 on wild birds. The total area involved is 40,720 hectares.

The Nature Conservancy Council has identified a further 135 sites which, in its opinion, are eligible for designation. The Nature Conservancy Council could not, except at disproportionate cost, identify which areas of these have so far been notified as sites of special scientific interest.

Rates (Electricity Boards)

Mr. Cohen asked the Secretary of State for the Environment (1) if he will set a date for the review of the formula for the calculation of rates by electricity boards; and if he will make a statement;

(2) if he will make it his policy to ensure that the review of the formula for calculation of rates payable by electricity boards will reduce the proportion of the payments falling on the London Electricity Board; and if he will make a statement.

Mrs. Rumbold: A review of all statutory rating formula, including that for the electricity supply industry, will be starting shortly. Consideration will of course be given to the relative proportion of the rate burden borne by the CEGB and each of the area electricity boards, but I cannot prejudge the outcome. It is intended that the review should be completed in time to be implemented with the revaluation of non-domestic property planned for 1 April 1990.

Water Authorities (Privatisation)

Mr. Pike asked the Secretary of State for the Environment when he next proposes to meet the trade unions to discuss conditions of employment and protection of pension rights of employees consequent on the privatisation of water authorities.

Mr. John Patten: I have no plans to meet the water industry trade unions to discuss these matters at present, though I met NALGO on 14 February at a seminar on privatising the water authorities, at which pensions were discussed.

Tobacco (Sports Championship)

Mr. Macfarlane asked the Secretary of State for the Environment when his Department requested the advice of the Sports Council on tobacco and sports sponsorship; and if he will publish any exchanges of relevant correspondence with the chairman of the Sports Council and place them in the Library.

Mr. Tracey: My Department sought the advice of the Sports Council on 31 December 1985. I have placed a copy of the relevant exchange of correspondence in the Library.

Property Services Agency

Mr. Conway asked the Secretary of State for the Environment (1) what he estimates to be the additional travelling costs for Property Services Agency staff involved in the proposal to relocate the Property Services Agency area tier from Shrewsbury to Birmingham;

(2) if he will state the estimated savings of the proposed closure of the area tier of the Property Services Agency.

Sir George Young: An exercise is currently being undertaken to assess the likely costs, including travel costs, and savings of the proposed regional reorganisation of PSA, and reliable estimates cannot yet be given.

Mr. Conway asked the Secretary of State for the Environment if he will state the number of people involved in the present area tiers of the Property Services Agency and the numbers estimated in the group management unit's proposals.

Sir George Young: At 1 March 1986 the number of staff in area offices (excluding London) was 1,668. Proposals for staffing in group manager commands are currently being prepared and reliable estimates cannot yet be given. When available, these numbers will not be comparable with the area numbers quoted because group managers will undertake a different range of functions to the present area offices.

Mr. Conway asked the Secretary of State for the Environment if he will state the number of people employed on an administrative and manual basis by the Property Services Agency in *(a)* Shrewsbury and *(b)* Shropshire.

Sir George Young: At 1 March 1986 the number of people employed was as follows:

	Non-industrial	*Industrial*
(a) Shrewsbury*	67	12
(b) Shropshire	126	125

* Included in (b).

Council Dwellings (Charges)

Mr. Hancock asked the Secretary of State for the Environment what information he has as to the number of local authorities which make a service charge for warden and other services over and above rents for council flats and houses.

Sir George Young: According to information provided by local authorities, 335 authorities received income from charges for heating, services and other amenities in 1984-85. No breakdown of this income is available.

Enforcement Notices (Compliance)

Dr. Glyn asked the Secretary of State for the Environment if he will introduce legislation to provide for a statutory time limit within which compliance with an enforcement notice issued by a local authority would be compulsory; and if he will make a statement.

Mr. Tracey: Section 87(13) of the Town and Country Planning Act 1971 already provides for an enforcement notice to take effect on a date to be specified in the notice by the local planning authority; and section 87(8) of the Act requires the planning authority to specify the period or periods within which any remedial steps required by the notice must be taken. Once any notice has taken effect, it is a criminal offence, open to prosecution under section 89 of the Act, not to comply with its requirements. My right hon. Friend has no proposals for amending these provisions at present.

Planning Compensation (Review)

Mr. Wheeler asked the Secretary of State for the Environment whether he is now in a position to publish the results of his review of planning compensation.

Mr. Tracey: My noble Friend the Minister of State has today made the following reply in another place:

"A consultation paper on the compensation provisions of the Town and Country Planning Act 1971 is being sent to interested bodies today and copies are being placed in the Library.

During the passage of the Town and Country Planning (Compensation) Act 1985, the Government undertook to review these provisions. The consultation paper concludes that there should be no change to the basic framework of the existing law of planning compensation, but proposes amendment of a number of the provisions.

A similar consultation paper on the compensation provisions of the Town and Country Planning (Scotland) Act 1972 is being sent to interested bodies in Scotland and copies are also being placed in the Library."

Rating Reform

Mr. Watts asked the Secretary of State for the Environment what representations he has received about the rating reform proposals in the Green Paper "Paying for Local Government", and what steps he has taken to bring his proposals to the attention of the general public.

Mr. Kenneth Baker: To date I have received 201 responses on this aspect of our proposals. The consultation period ends on 31 October. My Department has prepared a summary of the proposals in booklet form. Copies are available on request from my Department.

I have arranged for copies to be placed in the Library and in the Vote Office.

Sewage Plants

Mr. Boyes asked the Secretary of State for the Environment what information he has as to the effluent discharges standard at each sewage treatment plant in the Thames water authority.

Mr. John Patten [*pursuant to his reply*, 10 April 1986, c. *166*]: Records are held by this Department of consents issued to water authorities by my right hon. Friend under the Control of Pollution Act 1974. The detail is held separately for each discharge and is not readily collatable to form a complete listing. However, full information on all sewage treatment works operated by the Thames water authority is available from the public register maintained by that authority.

Water Industry (Privatisation)

Mr. Boyes asked the Secretary of State for the Environment what provision he proposes to make in the water industry privatisation legislation in relation to pension arrangements *(a)* during the period when the water services public limited companies are owned by the Government and *(b)* when they are sold to the private sector.

Mr. John Patten [*pursuant to his reply*, 14 April 1986, c. *302*]: The rights of existing and deferred pensioners and rights accrued by existing employees under the local government superannuation scheme are unaffected by privatisation. The industry is now considering the position of new employees and of existing employees in respect of future service. When I have received and considered their proposals I shall make clear the Government's position.

ATTORNEY-GENERAL

Crown Prosecution Service

Mr. Bermingham asked the Attorney-General what are the establishment numbers of staff for each Crown prosecution area in England and Wales tabulated by grade and position; and how many of each grade or position have been appointed by the last date information was available.

The Attorney-General: The information requested by the hon. Member is being collated. It will be made available as soon as practicable.

Ms. Adebola Makenjuola

Mr. Cohen asked the Solicitor-General if, pursuant to his answers of 21 November 1985, *Official Report*, column *266* and 19 December 1985, *Official Report*, column 252, concerning the alleged sexual assault on Ms. Adebola Makenjuola, the Director of Public Prosecutions has completed his consideration of the police report; and if he will make a statement.

The Solicitor-General: The Director of Public Prosecutions has completed his consideration of the police report concerning the alleged sexual assault on Ms. Adebola Makenjuola, and he has decided not to institute proceedings in this case.

Terrorism

Mr. Campbell-Savours asked the Attorney-General (1) if he will prosecute Control Risks Ltd. for soliciting or inviting other persons, in discussions in the United Kingdom, to give money to an organisation involved in terrorism, contrary to section 10 of the Prevention of Terrorism (Temporary Provisions) Act 1984; and if he will make a statement;

(2) if he will prosecute Control Risks Ltd. And Cassidy Davies Ltd., insurers for conspiring, in discussions held in London, to contravene sections 10 and 11 of the Prevention of Terrorism (Temporary Provisions) Act 1984; and if he will make a statement.

The Attorney-General: The Government are aware of the concern about kidnap ransom insurance and my right hon. Friend the Home Secretary has the position under consideration. However, I am satisfied that such insurance may be lawfully effected under English law. Those who advise the families of kidnapped persons must do so in a manner which complies with the requirements of sections 10 and 11 of the Prevention of Terrorism (Temporary Provisions) Act 1984. No evidence has ever been placed before me of the commission by Control Risks Ltd. or Cassidy Davies Ltd. of either substantive offences under sections 10 or 11 of the 1984 Act or conspiracy to contravene those provisions.

Mr. Campbell-Savours asked the Attorney-General what representations he has received from the Government of the Irish Republic regarding his policy towards prosecutions in kidnap cases under sections 10 and 11 of the Prevention of Terrorism (Temporary Provisions) Act 1984; and if he will make a statement.

The Attorney-General: None.

PRIME MINISTER

Libyan Nationals (Military Training)

Mr. Donald Stewart asked the Prime Minister how many Libyan nationals were receiving military training in the United Kingdom in *(a)* 1983, *(b)* 1984 and *(c)* 1985; how many are receiving such training at the present time; and if she will make a statement.

The Prime Minister: A number of Libyan armed forces personnel underwent training at defence establishments in the United Kingdom in 1983 and up to the end of April 1984. Immediately following the incident at the Libyan People's Bureau, in which WPC Fletcher was killed, all Libyan personnel on courses at defence establishments in the United Kingdom were sent home. We have not provided any training since this time.

Libya (Trade Sanctions)

Mr. Donald Stewart asked the Prime Minister if she will consider imposing trade sanctions upon Libya; and if she will make a statement.

The Prime Minister: Trade sanctions could be effective only if strictly observed by each and every nation. No universal agreement to impose them has ever been reached.

Royal Wedding

Sir Geoffrey Johnson Smith asked the Prime Minister if it is proposed that 23 July, the day of the wedding of His Royal Highness Prince Andrew to Miss Sarah Ferguson, should be a public holiday.

The Prime Minister: In accordance with the relevant precedents there are no plans that 23 July should be a public holiday.

OVERSEAS DEVELOPMENT

Tropical Moist Forests

Mr. Soley asked the Secretary of State for Foreign and Commonwealth Affairs whether he will list all development projects carried out in tropical moist forests since 1980 which have been wholly or partly funded through bilateral aid programmes of the Overseas Development Administration or the Commonwealth Development Corporation; and whether he will list the cost and type of aid contributed by the United Kingdom and the area of forest affected by each project.

Mr. Raison: Comprehensive information is not kept centrally in the form requested, and to collect it would incur disproportionate cost. ODA has procedures to ensure that in the consideration of all bilateral aid projects full account is taken of their environmental consequences, particularly for such important and fragile environments as the tropical rain forest. I am happy to approve aid projects designed to help developing countries in the sustainable management of this important natural resource. We have, for example, financed, or are financing, forest inventories in Ghana, Grenada and the Bangladesh Sundarabans.

Gibraltar

Mr. Bright asked the Secretary of State for Foreign and Commonwealth Affairs whether Her Majesty's Government have any plans to provide further aid to Gibraltar; and if he will make a statement.

Mr. Raison: The Government have offered to the Government of Gibraltar an additional grant of £2·4 million as a final contribution to the conversion of Gibraltar's naval dockyard into a commercial ship repair yard and up to £6 million for certain priority projects in Gibraltar's 1986-90 development plan.

HOME DEPARTMENT

Prisons (Statistics)

Mr. Bermingham asked the Secretary of State for the Home Department how many prisoners were detained in each of Her Majesty's prisons or detention centres or other institutions on *(a)* 1 january 1979 and *(b)* 1 January 1986; and how many prison officers were in post at each institution on these dates.

Mr. Mellor: The readily available information is as follows:

Establishment	*Population on 31 December*		*Prison Officer class staff in post 1 January*	
	1978	*1985*	*1979*	*1986*
Acklington	315	459	134	159
Albany	298	358	278	321
Aldington	98	97	34	36
Appleton Thorn	280	—	44	—
Ashford	264	420	218	197
Ashwell	360	346	61	65

Establishment	Population on 31 December		Prison Officer class staff in post 1 January	
	1978	1985	1979	1986
Askham Grange	116	106	27	39
Aylesbury	304	287	112	138
Bedford	272	306	142	172
Birmingham	933	944	320	391
Blantyre House	94	53	43	45
Blundeston	414	401	136	146
Bristol	559	603	224	240
Brixton	1,004	982	516	654
Brockhill	125	232	66·5	95
Buckley Hall	102	84	42	41
Bullwood Hall	104	*146	58	*77
Camp Hill	*457	*468	*180	*177
Campsfield House	51	51	33	37
Canterbury	355	280	151	187
Cardiff	*463	*431	*204	*211
Castington	—	175	—	106
Channings Wood	269	425	93	149
Chelmsford	†—	*346	121	*159
Coldingley	280	*288	141	*151
Cookham Wood	52	120	27	56
Dartmoor	527	741	215	235
Deerbolt	283	263	88	144
Dorchester	187	*163	79	*90
Dover	227	219	107·5	103
Drake Hall	137	*221	46·5	*70
Durham	*1,004	*968	*360	*381
East Sutton Park	*53	*70	*21·5	*26
Eastwood Park	116	82	44	50
Erlestoke	162	*175	70·5	*96
Everthorpe	368	360	95·5	114
Exeter	*470	*414	*210	*205
Featherstone	474	512	109	138
Feltham	271	222	129	157
Finnamore	55	70	19·5	16
Ford	449	492	88	97
Foston Hall	60	40	27·5	37
Frankland	—	432	—	364
Gartree	125	308	265	262
Gaynes Hall	149	—	55·5	3
Glen Parva	291	*648	124	*246
Gloucester	311	270	125	132
Grendon	*159	*241	*145	*148
Gringley	72	29	20·5	26
Guys Marsh	228	147	56·5	75
Haslar	69	72	35·5	42
Hatfield	198	153	53·5	68
Haverigg	455	501	104	103
Hewell Grange	128	146	44	54
Highpoint	208	*611	65	*200
Hindley	323	290	100	110
Hollesley Bay	*403	*429	*142	*207
Holloway	317	302	183·5	332
Hull	249	247	274	250
Huntercombe	152	182	61·5	56
Kirkham	378	480	72	79
Kirklevington	107	62	44	45
Lancaster	200	228	87	95
Latchmere House	113	137	77	78
Leeds	971	1,223	345	387
Leicester	345	335	212	215
Lewes	355	*527	167	*191
Leyhill	313	313	56	63
Lincoln	540	606	210	224
Liverpool	1,520	1,225	401	418
Long Lartin	347	398	297	312
Lowdham Grange	278	237	76·5	80
Low Newton	*180	*243	*94	*116
Maidstone	540	522	192	186
Manchester	*1,564	*1,549	*366	*536
Medomsley	112	54	33·5	44
Moor Court	86	—	35	—
Morton Hall	—	97	—	27
New Hall	95	56	37	41
Northallerton	184	208	73	87
Northeye	291	437	66	89

Establishment	Population on 31 December		Prison Officer class staff in post 1 January	
	1978	1985	1979	1986
North Sea Camp	173	97	52	60
Norwich	*459	*595	*206	*231
Nottingham	261	294	104	136
Onley	407	414	134	143
Oxford	287	216	105	104
Parkhurst	278	222	334	295
Pentonville	938	951	280	328
Portland	465	489	158	167
Portsmouth (Kingston)	137	137	59	62
Preston	538	571	137	137
Pucklechurch	*155	*145	*99·5	*103
Ranby	472	355	103	114
Reading	141	299	59	136
Risley	*859	*937	*449·5	*504
Rochester	331	317	123	123
Rudgate	274	296	55	57
Send	102	51	39·5	44
Shepton Mallet	243	245	71	79
Shrewsbury	219	177	105	94
Spring Hill	187	196	3	1
Stafford	754	651	195	203
Standford Hill	*492	325	*108	104
Stocken	—	287	—	105
Stoke Heath	403	394	124	138
Styal	*213	*261	*105·5	*128
Sudbury	339	377	60	66
Swansea	310	*280	126	*146
Swinfen Hall	181	181	82	99
Thorn Cross	—	222	—	69
Thorp Arch	138	245	57	91
Usk	*179	*143	*69	*77
Verne	503	509	111	133
Wakefield	727	740	357	424
Wandsworth	1,397	1,489	291	409
Wayland	—	466	—	128
Wellingborough	345	355	103·5	129
Werrington	99	89	34	46
Wetherby	233	176	61	72
Whatton	*195	*115	*73	*73
Winchester	*682	*641	*249	*258
Wormwood Scrubs	*1,639	1,304	*463	501
Wymott	—	800	24	213

*Combined total for multi-function establishment.
† Closed by fire.

PC John Fordham (Undercover Operation)

Mr. Cohen asked the Secretary of State for the Home Department if he will call for a report from the Commissioner of Police of the Metropolis stating what went wrong in the undercover operation at the home of Mr. Kenneth Noye which cost PC John Fordham his life; whether there has been any revision of police procedures in such cases as a result; and if he will make a statement.

Mr. Giles Shaw: As I explained in my reply to a question from the hon. Member on 21 January, at columns 171-72, PC John Fordham was acting in accordance with operational instructions. Given that only PC Fordham would have been able to provide further information as to precise events at Mr. Noye's home, the Commissioner does not consider that additional inquiries or a revision of operational procedures are necessary.

Police National Computer

Mr. Cohen asked the Secretary of State for the Home Department if he will now make a statement on the outcome of the inquiry into the misuse of the police national computer announced on 19 June 1985, *Official Report*, column *138*; and what measures are proposed to endeavour to avoid such misuse in future.

Mr. Giles Shaw: The Police Complaints Authority announced on 24 March 1986 that the investigation carried out by the assistant chief constable of Sussex under its supervision had been completed. It had revealed a number of incidents of misuse of the police national computer in respect of vehicle registration marks selected as winning numbers in the BP and national car registration number competition. No evidence was found that police officers had received money from such misuse, nor was any evidence found of the commission of a criminal offence. Twenty-five police officers are to face or have already faced disciplinary proceedings as a consequence of the investigation. In addition, three police officers resigned from their forces in the course of the investigation.

The authority indicated that the investigation revealed discrepancies between police forces in the way in which local force orders regulated access to the police national computer. They are to submit to my right hon. Friend a report containing their recommendations for the avoidance of future misuse of the computer. My right hon. Friend

will consider what action is necessary when he has received the report, which he is required to lay before Parliament and to publish.

Mr. Karabardak (Deportation Order)

Mr. Gareth Wardell asked the Secretary of State for the Home Department if he will indicate the likely date that he will issue an explanatory statement on the refusal to revoke the deportation order of Mr. Karabardak, of Swansea.

Mr. Waddington: The explanatory statement was dispatched to the appellate authorities on 10 April 1986.

News International Plant, Wapping

Mr. Leighton asked the Secretary of State for the Home Department if, pursuant to his answer of 17 March, *Official Report*, column *11*, a decision has yet been taken as to whether to bring charges against the driver of the lorry which drove into a meeting at Wapping on 12 March at which right hon. and hon. Members were present, and several people were injured.

Mr. Giles Shaw: I understand from the Commissioner that inquiries into this incident have not yet been completed.

Traffic Wardens

Mr. Peter Bruinvels asked the Secretary of State for the Home Department if he will call for a report from each chief constable giving details of the number of traffic wardens in each force area.

Mr. Giles Shaw: The information for England and Wales is as follows:

Number of Traffic Wardens on 31 December 1985

	Number
Avon and Somerset	142
Bedfordshire	31
Cambridgeshire	45
Cheshire	44
Cleveland	25
Cumbria	24
Derbyshire	82
Devon and Cornwall	117
Dorset	70
Durham	21
Dyfed Powys	23
Essex	112
Gloucestershire	33
Greater Manchester	194
Gwent	21
Hampshire	89
Hertfordshire	85
Humberside	66
Kent	117
Lancashire	91
Leicestershire	95
Lincolnshire	20
Merseyside	150
Norfolk	38
Northamptonshire	32
Northumbria	140
North Wales	30
North Yorkshire	22
Nottinghamshire	77
South Wales	95
South Yorkshire	61
Staffordshire	40
Suffolk	30
Surrey	41
Sussex	125
Thames Valley	110
Warwickshire	23
West Mercia	49
West Midlands	177
West Yorkshire	158
Wiltshire	44
City of London	79
Metropolitan	1,701
TOTAL	4,769

AGRICULTURE, FISHERIES AND FOOD

Battery Hens (Cage Sizes)

Mr. D. E. Thomas asked the Minister of Agriculture, Fisheries and Food if he will propose the introduction of measures specifying a minimum cage size of 600 sq cm for battery hens within the European Economic Community.

Mrs. Fenner: The Council directive adopted last month is based on a minimum space allowance of 450 sq cm for battery hens. The Government have already made clear their view that the directive did not go far enough to protect the welfare of battery hens, but that it represented the best that was negotiable at the present time. I see little point in trying to reopen the discussions now.

SCOTLAND

Edinburgh Prison

Mr. Steel asked the Secretary of State for Scotland (1) what measures are being taken to improve conditions in Edinburgh prison;

(2) what representations he has received about overcrowding in Edinburgh prison;

(3) if he will make a statement on conditions in Edinburgh prison.

Mr. Rifkind: As a result of a substantial rise in the inmate population, numbers in Edinburgh prison are currently just over 700, as compared with the design capacity of 547, but have recently exceeded 800. At this level of overcrowding, inmates in certain halls have to be housed two, and in some instances three, to a cell. Representations have been received from my hon. Friend the Member for Edinburgh, West (Lord James Douglas-Hamilton) and from the prison visiting committee.

In order to provide relief, the south wing at Polmont young offenders institution is being operated as an annexe of Edinburgh prison holding some 50 under-21 remand prisoners. As soon as necessary security measures currently in hand are completed, and subject to it being possible to provide sufficient accommodation for convicted young offenders, north wing at Polmont will be used for this purpose instead of south wing, allowing 30 additional under-21 remand prisoners from Edinburgh prison to be accommodated. No substantial reduction in overcrowding is, however, likely to be possible until phase II of Shotts prison becomes available for occupation early in 1987. Within the constraints imposed by overcrowding, everything possible is done to maintain a full and varied regime.

Trunk Roads

Mr. David Marshall asked the Secretary of State for Scotland what is his policy in regard to fitting hard shoulders as distinct from hard verges on trunk roads.

Mr. Ancram: It is not my right hon. and learned Friend's policy to provide hard shoulders on trunk roads other than motorways. It is becoming standard practice, however, to provide 1 m wide hard strips along the edges of new and improved single and dual carriageway trunk roads.

Salmon and Grilse Catches

Mr. McQuarrie asked the Secretary of State for Scotland what was the provisional total number of salmon and grilse caught by rod and line in Scotland during 1985; and if he will list these figures in the *Official Report*.

Mr. John MacKay: The reported catches of salmon and grilse during 1985, indicated by returns received up to the end of February 1986, caught by rod and line in Scottish rivers are 58,323 salmon and 17,614 grilse. Final catch statistics are not yet available.

Offences (Statistics)

Mr. Kaufman asked the Secretary of State for Scotland if he will list, in respect of each police force area in Scotland in 1985, the total number of *(a)* offences notified to the police, *(b)* offences of violence against the person, *(c)* burglaries, *(d)* thefts, *(e)* offences of fraud and forgery and *(f)* offences of criminal damage.

Mr. John MacKay: I shall reply to the right hon. Member as soon as possible.

Eastern Bloc Fish Processing Vessels

Mr. Randall asked the Secretary of State for Scotland what estimates he has made of the impact of the new Customs and Excise levies on supplies to Eastern bloc fish processing vessels on the sale of British fish; and if he will make a statement.

Mr. John MacKay: Until the scale and scope of these levies have been agreed, my right hon. and learned Friend is not in a position to estimate their effect on the sales of fish.

SOCIAL SERVICES

Pregnancy Testing

Mr. Cohen asked the Secretary of State for Social Services if he will list all the health authorities which do not provide the service of routine, not solely on medical grounds, pregnancy testing; and if he will make a statement.

Mr. Whitney: This information is not available centrally. Health authorities are aware of the importance of routine pregnancy testing facilities being readily available.

Elderly People (Domestic Services)

Mr. Cohen asked the Secretary of State for Social Services if he will make a statement about decisions reached following the joint seminar sponsored by his Department and the Department of the Environment on 5 March to discuss the various services which can help elderly people to stay in their own homes.

Mr. Whitney: This seminar, organised jointly by the Department of the Environment and the Department of Health and Social Security, was part of the follow up to a report by Dr. Anthea Tinker, a principal research officer with the Department of the Environment, entitled "Staying at Home—Helping the Elderly People." At the seminar the findings of the report and their implications for local authorities and for central Government were discussed with representatives of local and health authorities, professional organisations and voluntary bodies. Both Departments are now considering whether further guidance should be issued to authorities.

West Essex and District Community Health Council

Mr. Bowen Wells asked the Secretary of State for Social Services whether he expects to acknowledge receipt of the following letters from West Essex and district community health council *(a)* 25 February 1986, ref. AA/MK/SK/CHC.11/PLA.9D, *(b)* 23 January 1986, ref. AA/MK/SK/CHC.11/PLA.9D, *(c)* 11 December 1985, ref. AA/MK/SK/IS5/33A and *(d)* 29 October 1985, ref. AA/MK/SK/IS5.33A.

Mr. Whitney: The community health council's letter of 25 October requested a meeting to discuss the proposed closure of Forest hospital. The 11 December letter was a reminder letter. My response to both these letters was the meeting I held with the community health council on 17 December.

The letter of 23 January, together with a further letter of 25 February, was replied to on 24 March.

Pharmaceutical Companies

Mr. Jackson asked the Secretary of State for Social Services whether any United States or other overseas pharmaceutical companies in the United Kingdom have to his Department's knowledge announced substantial redundancies in existing or planned investment since the introduction of the selected list.

Mr. Hayhoe: A number of American pharmaceutical companies have recently announced changes in their investment plans in the United Kingdom. The introduction of the selected list has been given as one of many factors for the siting of production or research facilities elsewhere in Europe or other parts of the world.

Mr. Jackson asked the Secretary of State for Social Services when he last met representatives of United States pharmaceutical companies operating in the United Kingdom; and whether he will make a statement.

Mr. Hayhoe: I met representatives of the United States Pharmaceutical Manufacturers' Association on 1 October 1985. Both I and my ministerial colleagues have met representatives of individual companies on several other occasions and are well aware of their interests and concerns.

Smoking

Mr. Kirkwood asked the Secretary of State for Social Services if he will make a statement on the progress and effectiveness so far of the Government's campaign to discourage smoking amongst teenagers.

Mr. Whitney: This test campaign, which began in December, is being closely monitored. It would be premature to attempt to measure changes in behaviour, but the advertising was the subject of qualitive research over the period 21 February to 14 March. This has suggested ways of strengthening the advertising, which will be modified accordingly.

St. George's Hospital (Crown Interest)

Mr. Wheeler asked the Secretary of State for Social Services to whom the Crown's interest in the St. George's hospital site has now been sold; and at what price.

Mr. Hayhoe: St. George's hospital, Hyde park corner, has been empty since 1980 and protracted negotiations have been taking place since then with the trustees of the Grosvenor estate which owns the remainder of the site. The DHSS had previously agreed in principle to sell the Crown's interest in the site to the trustees, but despite lengthy negotiations it did not prove possible to reach agreement on the terms of the proposed sale. The Government have now accepted an offer of £10·75 million from HPC Trustees Ltd, a wholly owned subsidiary of Arbuthnot Properties Ltd. The offer now accepted was substantially more advantageous, by some £2·75 million, than the trustees' final offer which was made on Maundy Thursday. An agreement was then reached with the new owners who will be making their own press announcement. The proceeds of the sale will pass to the South-West Thames regional health authority.

Mobility Allowance

Mr. Adley asked the Secretary of State for Social Services if he will indicate, for each of the last five years for which figures are available, the total number of applications that have been made for mobility allowance, and the number of such claims that have been granted, for each year; and if he has any plans to modify his Department's procedures insofar as they relate to the award of mobility allowance to claimants.

Mr. Newton: I refer my hon. Friend to my reply to the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) on 27 March at column *569*. Decisions on eligibility are for the independent adjudicating authorities, but procedures for the processing and payment of claims are kept under review to ensure that they are as quick and effective as possible. We have no present plans for extending the scope of the allowance.

Benefits (Indexation)

Mr. Gordon Brown asked the Secretary of State for Social Services what is the first-year and full-year cost of extending the long-term rate of supplementary benefit to the long-term unemployed in 1985-86 and 1986-87 *(a)* net of the cost of indexation and *(b)* net of the cost of indexation and savings in other benefits as a direct result of this measure.

Mr. Newton [*pursuant to his reply*, 26 February 1986, c. *611*.]: The information requested is as follows:

Period	*Cost (£ million)**
November 1985—April 1986	190
April 1986—April 1987	530

* To nearest £10 million

There should be no savings in other benefits. Our proposals in the Social Security Bill currently before Parliament would replace the present supplementary benefit scheme structure, including the distinction between ordinary and long-term rates, by income support based on personal allowances and premiums.

NORTHERN IRELAND

Royal Ulster Constabulary Reserve

Mr. John David Taylor asked the Secretary of State for Northern Ireland how many members of the Royal Ulster Constabulary Reserve have resigned since 15 November 1985.

Mr. Scott: Seventy four members of the Royal Ulster Constabulary Reserve have resigned during the period 15 November 1985 to 6 April 1986.

Anglo-Irish Intergovernmental Conference

Mr. Beggs asked the Secretary of State for Northern Ireland what was the total cost of providing security for the Anglo-Irish Intergovernmental Conference held at Stormont on 11 March.

Mr. Scott: Precise details are not readily available. However, the cost of policing this event has been estimated at £60,000.

Neighbourhood Watch Schemes

Mr. Beggs asked the Secretary of State for Northern Ireland (1) how many neighbourhood watch schemes are operating in Northern Ireland;

(2) if he will take steps to encourage the development of neighbourhood watch schemes in Northern Ireland.

Mr. Scott: I have no plans to introduce such schemes in Northern Ireland at present.

Enniskillen Town Centre Plan

Mr. John David Taylor asked the Secretary of State for Northern Ireland why the publication of the Enniskillen town centre plan has been delayed; and whan he now expects it to be published.

Mr. Needham: The preparation of the plan has taken longer than expected due to the need to progress a number of town centre plans simultaneously. It is scheduled for publication in June 1986.

Armagh Prison (Strip Searches)

Mr. McNamara asked the Secretary of State for Northern Ireland how many strip searches were made of female prisoners in Her Majesty's prison, Armagh, in March; if he will give the number of persons involved and

the number of times each person was searched; whether any prison contraband, smuggled item or illegal correspondence was discovered in any search, indicating which items; in how many cases prisoners refused to be searched and had to be restrained while the search was being conducted; and if he will indicate the reasons for the search, namely, making an appearance at Armagh courthouse on remand, attending trial, inter-prison visit or other reasons.

Mr. Scott: On 18 March Her Majesty's prison Armagh closed and the prisoners were transferred to Her Majesty's prison Maghaberry (female).

In respect of both establishments, during March 1986 a total of 36 searches were carried out on 22 prisoners; 10 prisoners were searched once, 10 were searched twice and two prisoners were searched on three occasions. No prohibited article was found during these searches, and no prisoner refused to be searched. Searches were carried out in the following circumstances:

	Numbers
First admission on remand or whilst awaiting trail	8
First admission on sentence or on final discharge	10
Attending Armagh remand court	nil
Attending other remand courts	7
Attending trial	1
Bail Court appearances	7
Going on, or returning from, home leave	3
Total	36

Belfast

Mr. Hume asked the Secretary of State for Northern Ireland (1) if he will make a statement on the meeting between the Parliamentary Under-Secretary of State, the hon. Member for Peterborough (Dr. Mawhinney), and representatives of Belfast community organisations on Monday 14 April;

(2) what information he has on the number of community groups which have closed down in Belfast, the number of jobs which have been lost and the types of facilities and services which have ceased due to the Belfast city council adjournment policy.

Dr. Mawhinney: Community group representatives advised me at the meeting that to date some 31 staff have been laid off, affecting a wide range of services provided by seven community councils, community resource centres and advice centres, which have been forced to close.

The group representatives were assured that the Government are keeping the situation under close review.

Mr. Hume asked the Secretary of State for Northern Ireland (1) how much money currently lies in the Department of Education's budget whose payment to Belfast city council's community services programme has been obstructed by that council's adjournment policy;

(2) what consideration he has given to exercising the Department of Education's powers under the Recreation and Youth Services (Northern Ireland) Order 1973 and the Community Relations (Amendment) (Northern Ireland) Order 1975 directly to grant aid those community organisations in Belfast which have, or are being, forced to close because of Belfast city council's adjournment policy.

Dr. Mawhinney: Just under £300,000 in respect of the 1986-87 financial year. While the situation is being kept under review, the Government presently have no proposals for making direct payments to the groups involved.

Firearms

Mr. McNamara asked the Secretary of State for Northern Ireland how many legally held firearms were stolen in Northern Ireland during 1985 from the Special Constabulary, giving a breakdown of weapons stolen.

Mr. Scott [*pursuant to his reply,* 14 April 1986, c. *243*]: During 1985 only one weapon, a pistol, was stolen from a member of the Royal Ulster Constabulary Reserve. It was taken during the attack on Ballygawley Royal Ulster Constabulary station on 7 December last year, in which two policemen died.

Scheduled Offences

Mr. McNamara asked the Secretary of State for Northern Ireland what are the figures for 1985 of the number of persons proceeded against for scheduled offences in Northern Ireland; how many persons pleaded guilty to the principal offence; and how many persons in such contested cases were found not guilty of the principal offence.

Mr. Scott [*pursuant to his reply,* 14 April 1986, c. *243*]: In 1985, 698 persons were proceeded against at the Crown Court in respect of scheduled offences. 552 of these pleaded guilty and 146 not guilty. 73 persons were found not guilty. Six persons were also tried summarily for scheduled offences during 1985; four of these pleaded guilty and two pleaded not guilty. The latter were all acquitted.

Remanded Persons

Mr. McNamara asked the Secretary of State for Northern Ireland what was *(a)* the average number of days spent on remand for both scheduled and non-scheduled offences together in 1985, *(b)* the total number of persons remanded in custody before trial for both scheduled and non-scheduled offences together in 1985, and *(c)* the number of bail applications refused for (i) scheduled, (ii) non-scheduled and (iii) both offences together in 1985.

Mr. Scott [*pursuant to his reply,* 14 April 1986, c. *243*]: For persons tried in 1985, and who were in custody at the time of their trial, the average length of time spent on custodial remand was 178 days.

In the same year 1,738 prisoners were remanded in custody prior to trial and 764 bail applications were refused. It is not possible, without incurring disproportionate cost, to say whether the bail applications were in respect of persons charged with scheduled or non-scheduled offences.

Prevention of Terrorism

Mr. McNamara asked the Secretary of State for Northern Ireland if he will publish in the *Official Report* the number of persons who were initially detained under other Acts and were subsequently charged under the Prevention of Terrorism (Temporary Provisions) Acts in 1985, by each quarter.

Mr. Scott [*pursuant to his reply*, 14 April 1986, c. *243*]: During 1985 no one charged under the Prevention of Terrorism (Temporary Provisions) Act 1984 had been arrested initially under another Act.

Plastic Baton Rounds

Mr. McNamara asked the Secretary of State for Northern Ireland how many formal complaints have been made about incidents of police use of plastic baton rounds in 1985 and the current year to date; in how many cases the complaint has been upheld; and in how many cases disciplinary action has been taken against the officers involved.

Mr. Scott [*pursuant to his reply*, 14 April 1986, c. *242*]: During 1985 six formal complaints were made about the use of plastic baton rounds by the Royal Ulster Constabulary. Four were later withdrawn and the others are still under investigation. To date in 1986 (10 April) one formal complaint has been made. This is also under investigation.

FOREIGN AND COMMONWEALTH AFFAIRS

United Nations General Assembly Resolution 40/64I

Mr. Caborn asked the Secretary of State for Foreign and Commonwealth Affairs if he will give the reasons why Her Majesty's Government voted against the 1985 United Nations General Assembly resolution 40/64I.

Mrs. Chalker: We voted against United Nations General Assembly resolution 40/64I because we considered that its call for the Security Council to consider the adoption of mandatory sanctions against South Africa would only make matters worse in that country.

Apartheid (United Nations General Assembly)

Mr. Caborn asked the Secretary of State for Foreign and Commonwealth Affairs on how many occasions the EEC has voted unanimously on apartheid in the United Nations General Assembly; and on how many occasions the United Kingdom has voted differently from the rest of the EEC.

Mrs. Chalker: The information requested is not readily available and could be obtained only at disproportionate cost. The answer in respect of the nine resolutions adopted at the 40th session of the United Nations General Assembly in 1985 is as follows:

EC member states all took the same position on two resolutions (40/64G and 40/64H).

The United Kingdom voted differently from the common position of the other EC member states on one resolution (40/64D).

The votes of the EC member states split three ways on four resolutions (40/64B, C, F and I).

Greece voted differently from the other EC member states on two resolutions (40/64A and E).

Single European Act

Mr. Teddy Taylor asked the Secretary of State for Foreign and Commonwealth Affairs why he considers that the Single European Act will not have any consequences for public expenditure in the United Kingdom; and if he will make a statement.

Mrs. Chalker: The European Communities (Amendment) Bill brings those parts of the Single European Act which relate to the European Communities into the corpus of Community law which applies in the United Kingdom as part of our domestic law. As stated in the explanatory memorandum, the Bill has no direct financial effect in the United Kingdom. Any implications for the EC budget and for United Kingdom public expenditure will arise from future Council decisions under the EC treaty, including those parts of it amended by the Single European Act, not from the Single Act or the Bill itself.

Mr. Teddy Taylor asked the Secretary of State for Foreign and Commonwealth Affairs why he considers that the Single European Act will have implications for the budget of the Communities; and if he will make a statement.

Mrs. Chalker: The provisions of the Single European Act do not in themselves affect the Community budget. Future Council decisions based on the new provisions may have implications for the Community budget: in particular, the establishment of a court of first instance by unanimous decision of the Council would involve direct costs to the Community budget.

Vietnamese Refugees (Hong Kong)

Mr. Best asked the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on his policy towards the welfare of Vietnamese refugees in Hong Kong, in the light of the report entitled "Refugees from Vietnam in Hong Kong", dated March 1986, by Refugee Action, a copy of which has been sent to him.

Mr. Renton: We and the Hong Kong Government keep under constant review the welfare of Vietnamese refugees in Hong Kong, with a view to ensuring that conditions in the refugee camps are as humane as possible. The Hong Kong Government are studying the report to which my hon. Friend refers, and will take account of its recommendations wherever practicable.

Immigration

Mr. Madden asked the Secretary of State for Foreign and Commonwealth Affairs when the immigration office at the British embassy in Islamabad ceased to accept letters from sponsors, solicitors and other representatives as applications for entry clearance; if this rule applies to other British posts; when this rule was introduced; what consultation was undertaken; and if he will make a statement.

Mr. Eggar: In the applicant's own interest a standard application form should be used where possible, but letters that contain all of the relevant details may still be sent to and accepted by British missions overseas, providing that the letter is accompanied by the appropriate fee paid in local currency. This applies to all entry clearance issuing posts, and is a result of the introduction of the entry certificate fee on 1 January 1985. Apart from visa nationals applying in the Republic of Ireland and those applying in the United Kingdom for re-entry visas, applications since 26 August 1985 must be lodged outside the common travel area.

Inter-Parliamentary Union (Mexico City)

Mr. Dalyell asked the Secretary of State for Foreign and Commonwealth Affairs if he has received a report on the meeting held between British and Argentine Members of Parliament attending the Mexico City Inter-Parliamentary Union conference on 9 April; and if he will make a statement.

Mr. Eggar: We welcome such contacts between parliamentarians, which can usefully supplement official exchanges and help promote better relations between the United Kingdom and Argentina.

TRADE AND INDUSTRY

Manufactured Goods

7. **Dr. Marek** asked the Secretary of State for Trade and Industry if he will indicate the nature and size of the current deficit in the balance of trade in manufactured goods.

Mr. Alan Clark: In 1985 the deficit in manufactured goods amounted to £3·0 billion compared with £3·9 billion in 1984.

Land Rover

16. **Mr. Simon Hughes** asked the Secretary of State for Trade and Industry if he will make a statement on the sale of the Land Rover division of British Leyland.

Mr. Channon: On 27 March the BL board asked for proposals for the Land Rover businesses to be submitted by 15 April. I can now confirm that BL received proposals yesterday from Lonrho, in respect of Land Rover and Range Rover; J. C. Bamford, in respect of Land Rover, Range Rover and possibly Freight Rover; Schroder Ventures (acting for a management and institutional consortium), in respect of Land Rover, Range Rover and Freight Rover; and Aveling Barford, in respect of Land Rover and Range Rover.

In order to clarify details of these proposals, BL intends to hold further discussions as necessary with the prospective purchasers. The proposals will then be fully considered by the BL board on their relative merits and in the light of the consequences for the BL Group as a whole. A recommendation will then be made to the Government as soon as possible as to whether one of these proposals or some other course should be pursued.

Privatisation

18. **Mr. McWilliam** asked the Secretary of State for Trade and Industry if he has any plans to seek to strengthen the provisions to protect the consumer in existing and proposed privatisation legislation; and if he will make a statement.

27. **Mr. Allen McKay** asked the Secretary of State for Trade and Industry if he has any plans to seek to strengthen the provisions to protect the consumer in existing and proposed privatisation legislation; and if he will make a statement.

Mr. Howard: Competition is the best protection for consumers. Where the scope for this is limited, we have provided tough and transparent regulation to protect consumers. We will continue to adopt this approach as appropriate in future privatisations.

Financial Services

21. **Mr. Gareth Wardell** asked the Secretary of State for Trade and Industry when he next proposes to meet the Confederation of British Industry to discuss the regulation of financial services.

39. **Mr. Tom Clarke** asked the Secretary of State for Trade and Industry when he next proposes to meet the Confederation of British Industry to discuss the regulation of financial services.

Mr. Howard: My right hon. Friend and I are always pleased to hear the views of the Confederation of British Industry, but we have no plans for a specific meeting at present.

32. **Mr. Nicholas Baker** asked the Secretary of State for Trade and Industry if he will make a statement about implementation of the decisions of the Milan summit in June 1985 with regard to insurance and other financial services.

Mr. Howard: The Milan summit considered that the creation of a free market in financial services, including insurance, should be a high priority in the programme for the completion of the common internal market. In December 1985 a directive was agreed harmonising Community rules for undertakings for collective investment in transferable securities. We hope to resume progress on the important non-life insurance services directive as soon as the judgments in the four cases currently before the European Court are available.

High Technology

22. **Mr. Alton** asked the Secretary of State for Trade and Industry if he will estimate the size of the deficit in Britain's high technology trade in the year 1986-87.

Mr. Pattie: The United Kingdom had a positive trade balance in the high technology goods of £75 million in 1985. I am confident that United Kingdom companies are well placed to take advantage of the export cpportunities which will arise in 1986 and 1987.

Mr. Ashdown asked the Secretary of State for Trade and Industry if, pursuant to his answer of 8 April, *Official Report*, column *20*, on assistance given in the procurement of United States re-export licences, he will give *(a)* the specific kind of goods which were to be exported, *(b)* the destinations to which they were to be exported and *(c)* the approximate percentage of American content in those goods; and if he will make a statement.

Mr. Alan Clark: In two cases the destination involved was USSR: in one, Hong Kong: in the other two cases, a number of destinations were involved. Information about the nature of the goods and the percentage of US content is commercially confidential.

Rolls-Royce

24. **Mrs. Beckett** asked the Secretary of State for Trade and Industry if he will take steps to safeguard Rolls-Royce from asset-stripping after privatisation; and if he will make a statement.

Mr. Pattie: The Government intend to take measures to ensure that their strategic interests in Rolls-Royce are

safeguarded after privatisation. The details of these measures are being discussed with the company. I shall make a further announcement in due course.

Shipbuilding (River Wear)

25. **Mr. Clay** asked the Secretary of State for Trade and Industry when he next plans to met the chairman of British Shipbuilders to discuss the future of shipbuilding on the river Wear; and if he will make a statement.

Mr. Peter Morrison: My right hon. Friend met the chairman-designate of British Shipbuilders, Mr. Phillip Hares, on Thursday 10 April. They had a wide-ranging discussion of the problems facing shipbuilding throughout the United Kingdom and the world as a whole.

Regional Policy

26. **Mr. Ron Davies** asked the Secretary of State for Trade and Industry when he next proposes to meet the National Economic Development Council to discuss the relationship between economic development and job creation in the regions.

34. **Mr. Haynes** asked the Secretary of State for Trade and Industry when he next proposes to meet the National Economic Development Council to discuss the relationship between economic development and job creation in the regions.

Mr. Peter Morrison: My right hon. Friend the Secretary of State for Trade and Industry intends to attend the next meeting of NEDC on 12 May. At this and subsequent NEDC meetings I expect a number of employment issues to be discussed.

Exporters (Departmental Support)

28. **Mr. Thurnham** asked the Secretary of State for Trade and Industry if he will increase the support given by his Department to British exporters to developing countries; and if he will make a statement.

Mr. Alan Clark: In addition to the substantive help already given by my Department, the ODA, and the commercial services of the FCO, the Government have introduced a new soft loan facility under the aid and trade provision. This is intended to enable a doubling by 1988-89 of the business able to be won using ATP in the developing countries.

Standard Telephone and Cables

29. **Mr. Chapman** asked the Secretary of State for Trade and Industry, pursuant to the answer to the hon. Member for Chipping Barnet of 12 March, *Official Report*, column 492, relating to trading opportunities with the Union of Soviet Socialist Republics, what advice his Department is giving to Standard Telephone and Cables in relation to a possible contract to supply telephone exchanges to the Union of Soviet Socialist Republics; and if he will make a statement.

Mr. Alan Clark: The advice given to specific companies is commercially confidential, but I am writing to my hon. Friend.

Footwear Manufacturing Industry

30. **Mr. Freeman** asked the Secretary of State for Trade and Industry when he last met representatives of the British footwear manufacturing industry; and what subjects were discussed.

Mr. Peter Morrison: My right hon. Friend last met representatives of the British footwear industry in December 1984 when he was Minister for Trade. The most recent meeting, however, between Ministers and industry representatives was in April last year, when matters of current concern to the industry were discussed.

Industrial Strategy

31. **Mr. Adley** asked the Secretary of State for Trade and Industry what is his industrial stategy.

Mr. Peter Morrison: I refer to the answer my right hon. Friend the Secretary of State gave to my hon. Friend the Member for Devizes (Mr. Morrison) on 8 April 1986, at column 21.

British Companies (United States Laws)

33. **Mr. Ashdown** asked the Secretary of State for Trade and Industry what steps he has taken to advise British firms of the Government's policy towards attempts by the United States Administration to impose their laws extraterritorially on British firms; and if he will make a statement.

Mr. Alan Clark: The Government's rejection of implied claims of the United States to jurisdiction in the United Kingdom has been publicly stated on many occasions. Officials in my Department advise the United Kingdom firms they deal with of this policy whenever appropriate.

Bankruptcies

35. **Mrs Clwyd** asked the Secretary of State for Trade and Industry how many bankruptcies there have been in the last 12 months.

Mr. Howard: The information asked for was published on page 56 of *British Business* dated 21 March 1986, which is available in the Library.

Strategic Defence Initiative

36. **Mr. Meadowcroft** asked the Secretary of State for Trade and Industry what recent discussions he has had about the impact on British firms and British research of the memorandum of understanding signed by the United States and United Kingdom Governments on the strategic defence initiative.

Mr. Pattie: I recently held a private seminar for United Kingdom firms which might be interested in participating in the SDI research programme. As a follow-up to the seminar, DTI would be interested to receive any comments by industry on SDI research. It would be premature, however, to predict what the impact of the research programme will be.

Industrial Development

37. **Mr. Ray Powell** asked the Secretary of State for Trade and Industry when he next proposes to meet the Trades Union Congress to discuss industrial development.

Mr. Channon: I and other Ministers of the Department meet the TUC at meetings of the National Economic Development Council, where such questions arise regularly.

Board of Trade

38. **Sir John Biggs-Davison** asked the Secretary of State for Trade and Industry if he will make a statement on the meeting of the Board of Trade at which he officiated as President.

Mr. Channon: The Board of Trade met on Friday 21 March 1986. It received and noted reports on the changing pattern of trade since its last meeting, overseas trade and exports, and company law and financial services.

EUREKA Programme

40. **Mr. Peter Bruinvels** asked the Secretary of State for Trade and Industry what are the objectives of the EUREKA programme; and whether he is satisfied with its progress.

Mr. Pattie: The objective of EUREKA is to improve the competitiveness of European industry on world markets for civil applications of new technologies. EUREKA provides a framework to encourage collaboration on cross-frontier projects whose aim is to produce high technology goods, processes and services with a worldwide sales potential. EUREKA is currently under United Kingdom chairmanship and the United Kingdom will be hosting the next EUREKA ministerial conference on 30 June. Since the initiative was launched in July 1985, 26 projects have been agreed, and some 50 more are under discussion. United Kingdom firms are involved in seven of the agreed projects and in over half of the projects under discussion. In the Government's view, although EUREKA is still at a formative stage, it is progressing satisfactorily and is now developing real momentum.

Space Projects

41. **Dr. Michael Clark** asked the Secretary of State for Trade and Industry what further major space projects with British participation are being considered following the success of the Giotto mission to Halley's Comet.

Mr. Pattie: The Giotto mission was indeed an outstanding success, and I was privileged to be present at Darmstadt when the signals from the encounter were received. This project formed part of the continuing United Kingdom space science programme. In the future, United Kingdom scientific groups will be involved in many international missions: for example in NASA's Hubble space telescope; in ROSAT, an X-ray mission being developed by Germany, the United Kingdom and the United States in ISO, an infra-red mission to be developed by ESA; and in UARS, the NASA upper atmosphere research satellite. Participation in ESA's solar terrestrial physics programme, in an X-ray astronomy mission and in a far infra-red astronomy mission is planned for the 1990s, as is significant use of the international space station.

In addition to the science programme the United Kingdom will continue to have a major programme in applications of space technology. We will play a leading role in ESA programmes for the development of advanced telecommunications satellites including marine and other mobile communications systems. There is a significant United Kingdom involvement in ESA's first earth remote sensing satellite, ERS-1 and we are considering participation in future remote sensing satellites for observation of the sea, ice and land regions.

We have subscribed to an ESA preparatory programme studying the European contribution to the international space station project and will shortly be considering participation in the development and exploitation phases.

I recently announced that the British National Space Centre was supporting "proof of concept" studies into HOTOL—a revoluntionary new launch vehicle which would take off and land horizontally. The use of an air-breathing engine and a single stage to orbit is intended to reduce launch costs by a factor of five.

Textile Industry

Mr. Sackville asked the Secretary of State for Trade and Industry if he will make a statement on the level of grant aid to the textile industry during the last 12 months.

Mr. Peter Morrison: During the financial year 1985-86 the textile industry in Great Britain was offered £7 million under regional selective assistance and £2 million under support for innovation and was paid £1 million under the new-style regional development grant. Other figures for 1985-86 are not available, but during the period April to December 1985 the industry in Great Britain were paid £3 million under the old-style regional development grant. During the latter period offers of aid to the textile industry in Northern Ireland amounted to £15 million. These figures exclude offers and payments to firms in the clothing industry.

Tin Mining Industry

43. **Mr. Rogers** asked the Secretary of State for Trade and Industry if he will make a statement on the current situation within the tin mining industry.

Mr. Peter Morrison: The United Kingdom tin industry is facing very difficult market conditions as a result of the ending of price support through the International Tin Council.

The DTI is ready to consider assistance towards the cost of viable projects which would enable the industry to adjust to these changes. Some proposals are already being examined.

British Army of the Rhine

44. **Miss Boothroyd** asked the Secretary of State for Trade and Industry what action he proposes to take to ensure that British defence forces stationed in West Germany are able to purchase British-made manufactures for those establishments.

Mr. Pattie: British defence forces stationed in West Germany are already able to purchase British-made goods, and do so wherever this offers best value for money.

Postal System (London)

45. **Mr. Alexander** asked the Secretary of State for Trade and Industry what information he has about the nature and causes of industrial disputes in the London postal system during March 1986 and as to their effects on services.

Mr. Pattie: Industrial relations in the Post Office are an operational matter for the Post Office board, but I understand that there were a number of unofficial disputes within the London postal system during March. Although most were of short duration, inevitably they had an adverse effect on services for several days. The disputes had a variety of causes, but most stemmed directly or indirectly from action which the Post Office management is taking to improve efficiency.

Prosper de Mulder Ltd.

46. **Sir John Wells** asked the Secretary of State for Trade and Industry what is the latest position about the undertakings agreed with his Department by Prosper de. Mulder Ltd. in the matter of animal waste.

Mr. Howard: I am still awaiting the signed undertakings from Prosper de Mulder Ltd. following the Monopolies and Mergers Commission report on animal waste.

I have today written to the company, indicating that I will be asking the Director General of Fair Trading shortly whether in these circumstances he considers it would be appropriate to advise me under section 88(3) of the Fair Trading Act 1973.

Radio

Mr. Soley asked the Secretary of State for Trade and Industry whether his Department has considered any proposals to establish a Government of military cellnet type radio system in the United Kingdom.

Mr. Butcher: No.

Mr. Soley asked the Secretary of State for Trade and Industry if he will make a statement concerning the future use of the 430-440 MHz radio band; and if he will *(a)* identify the primary users of this band and *(b)* place in the Library any representations that his Department has made to the primary user concerning the interests of other users.

Mr. Butcher: The band 430-440 MHz is allocated on a primary basis to the fixed, mobile and radiolocation services for governmental use. An examination of the governmental use of the band is being undertaken and my Department will be consulted if there is likely to be any impact on the civil services which also operate in the band.

Mr. Soley asked the Secretary of State for Trade and Industry what review his Department is instituting into the uses of the 870-890 and 915-925 radio bands; and what use his Department intends to make of these bands in future.

Mr. Butcher: The Merriman report on the radio spectrum (Cmnd. 9000) recommended regular reviews of spectrum usage and of the allocations for defence purposes. The Government have accepted these recommendations and the future use of the bands 870-890 MHz and 915-925 MHz (which are used mainly for governmental services) will be considered in the light of the conclusions of the first stage of these reviews, covering 470 MHz—3·4 GHz.

Research and Development

Mr. Warren asked the Secretary of State for Trade and Industry what is the expected expenditure on Government and civil funded research and development as a percentage of gross domestic product in the current year and in each of the next three financial years.

Mr. Butcher: There are no projections available for the non-Government private sector; the latest data are for 1983.

Estimates of Research and Development expenditure by the Government have been prepared for years up to 1987-88. The available information is given in the table.

Research and Development Expenditure by Government as a Percentage of Gross Domestic Product

	1985-86	*1986-87*	*1987-88*
All Government expenditure			
Percentage of gross domestic product	1·32	1·28	1·21
Government expenditure on civil Research and Development			
Percentage of gross domestic product	0·64	0·64	0·59

Source:
Research and Development data—Department of Trade and Industry. Gross Domestic Product, Central Statistical Office and HM Treasury projections (consistent with the 1986 Financial Statement and Budget Report).

United Kingdom Companies (United Kingdom Laws)

Mr. Ashdown asked the Secretary of State for Trade and Industry what account he takes of the imposition of extra-territorial United States controls on the movement of certain goods in the United Kingdom when deciding which companies are to receive grants and other public funds; and if he will make a statement.

Mr. Alan Clark: United States re-export controls are not normally a relevant factor.

Southern Water Authority

Mr. Hunter asked the Secretary of State for Trade and Industry when the Monopolies and Mergers Commission report on water procurement and supply in the Southern water authority area will be published; and if he will make a statement.

Mr. Howard: The report is published today and I have placed a full summary in the Library of the House.

The Monopolies and Mergers Commission was asked to investigate the efficiency and costs and standard of service provided by the Southern water authority the Eastbourne waterworks company, the Folkestone and District water company, the Mid-Kent water company, the Mid-Sussex water company, the Portsmouth water company and the West Kent water company in supplying water. The report concludes that the overall quality of service provided by SWA and the companies is good; there is room for improvement in management and organisation and some recommendations to that end have already been or are being implemented, particularly by SWA. The SWA is on the whole effectively managed and compares satisfactorily with the general run of public sector bodies which the commission have examined.

The report indentifies 41 important conclusions and recommendations.

As is usual for such references, the commission was asked to consider whether SWA or any of the water companies is pursuing a course of conduct which operates

against the public interest. The commission reports that it found no course of conduct which operates or might be expected to operate against the public interest.

SWA and the companies will be producing written responses to the commission's findings and my right hon. Friend the Secretary of State for the Environment will report on those statements at the appropriate time.

Regional Grants

Mr. Gordon Brown asked the Secretary of State for Trade and Industry when he expects to complete his review of the new regional grants scheme; and if he will consider representations about the assisted areas map.

Mr. Peter Morrison [*pursuant to his reply*, 15 April 1986]: The limited review of the administrative aspects of the Government's revised regional assistance schemes will be completed by the end of this year. I am always willing to hear representations about the assisted area map, but it would require very strong arguments indeed to alter the map so soon after the last change.

THE ARTS

East Midlands

Mr. Janner asked the Minister for the Arts, what representations he has received concerning the funding of arts in the east midlands.

Mr. Luce: I have had very few representations. The Arts Council has now announced its basic allocation to East Midlands Arts.

Local Government Reform

Mr. Chris Smith asked the Minister for the Arts how many arts organisations in the Greater London council and metropolitan county areas have been affected by the Arts Council decision to block its own replacement funding until agreement has been reached with the successor district or borough councils concerned.

Mr. Richard Luce: The Arts Council has sought in every case to negotiate settlements to which the successor authorities will also make a contribution. It has refrained from notifying client bodies of the grants it proposes to make until these negotiations have been completed. Overall agreement has been reached in Greater Manchester, Tyne and Wear, South Yorkshire, West Yorkshire, and in many London boroughs, and further agreements are expected to be reached shortly. It is hoped that all individual grants will be announced within the next four weeks.

NATIONAL FINANCE

Business Expansion Scheme

47. **Mr. Geraint Howells** asked the Chancellor of the Exchequer what recent representations he has received concerning his recent changes to the business expansion scheme.

Mr. Moore: The proposed changes have been widely welcomed.

Taxation

Mr. Rooker asked the Chancellor of the Exchequer if, pursuant to his reply to the hon. Member for Birmingham, Perry Barr, 27 March, *Official Report*, columns *607-10*, he will publish a table for each taxpayer group shown there, showing at what multiple of average earnings the percentage of tax plus national insurance is the same for 1986-87 as it was in 1978-79 stating the figure used for average earnings in 1986-87; and how many taxpayers in each group fall above and below this figure.

Mr. Moore: I shall let the hon. Member have a reply as soon as possible.

Budget Statement (Tax Changes)

Mr. McCrindle asked the Chancellor of the Exchequer if he will make it his policy to seek to ensure that tax changes announced in future Budget statements will take effect from a minute past midnight on the day of his statement.

Mr. Moore: I shall let my hon. Friend have a reply as soon as possible.

Mr. McCrindle asked the Chancellor of the Exchequer what representations he has received seeking removal of any element of retrospection in the proposals announced in his Budget statement relating to the inheritance tax; and if he will make a statement.

Mr. Moore: I refer my hon. Friend to the answer I gave on 14 April, at column *313*, to my hon. Friend the Member for Windsor and Maidenhead (Dr. Glyn).

Eastern Bloc Fish Processing Ships

Mr. Randall asked the Chancellor of the Exchequer what consultations he had with the United Kingdom fishing industry before deciding to impose Customs and Excise duty on supplies to Eastern bloc fish processing ships; and if he will make a statement.

Mr. Brooke: I shall let the hon. Member have a reply as soon as possible.

Tax Relief

Mr. Frank Field asked the Chancellor of the Exchequer if he will estimate for the coming year the revenue cost of granting tax relief on mortgage interest payments.

Mr. Moore [*pursuant to his reply*, 19 March 1986, c. *223*]: The latest estimate of the revenue cost for 1986-87 is £4¼ billion.

DEFENCE

Missile Identification

Mr. Deakins asked the Secretary of State for Defence if NATO has an effective system for distinguishing its own missiles from others; what information he has about the ability of the Warsaw pact to make such a distinction; and if he will make a statement.

Mr. Stanley: This would depend on the type of missile involved and the operational circumstances.

Combined Cadet Corps

Mr. Beaumont-Dark asked the Secretary of State for Defence what is the current annual cost of the Combined Cadet Corps; and how many school pupils are currently members of the corps.

Mr. Lee: On 1 April 1985, the last date for which we have precise figures, there were 42,878 cadet members of the Combined Cadet Force. The current annual cost of the CCF is some £3·7 million.

Mr. Beaumont-Dark asked the Secretary of State for Defence if he has any plans to withdraw financial support from the Combined Cadet Corps; and if he will make a statement.

Mr. Lee: No such decision has been taken.

Written Answers to Questions

Thursday 17 April 1986

CIVIL SERVICE

Secondment

Mr. Hind asked the Minister for the Civil Service whether arrangements have yet been made for future appointments on secondment to the Home Civil Service and Diplomatic Service to be made in compliance with the Civil Service Order in Council 1982.

Mr. Luce: My right hon. Friend the Prime Minister announced on 18 March 1985 that measures were being taken to provide that future secondments to appointments in the Home Civil Service and Diplomatic Service were made in compliance with the Civil Service Order in Council 1982 and any regulations made under that order. Since that date, such secondments have been subject to the approval of the Civil Service Commissioners, acting under the discretion conferred by article 1(2)*(g)* of the Order in Council, pending the issue of new regulations.

New regulations covering secondments have now been made by the Civil Service Commissioners with the approval of the Minister for the Civil Service and the Secretary of State for Foreign and Commonwealth Affairs. These regulations are effective from 1 May 1986. They are designed to provide flexibility in maintaining the programme of inward secondments, to which the Government attach importance because of the benefits it brings to the Departments and individuals concerned, consistent with the Civil Service Commissioners' responsibilities under the 1982 Order in Council. Under the new arrangements, the qualifications of a person being proposed for a secondment which is subject to the new general regulations will need to be approved by the commissioners and no such appointment can be made unless the commissioners have issued their certificate of qualification. The revised general regulations provide the commissioners with a discretionary power to waive the normal requirement of open competition in appropriate cases.

A copy of the revised general regulations has been placed in the Library.

WALES

Bridge Construction (Loughor)

Mr. Gareth Wardell asked the Secretary of State for Wales whether his Department is contributing any financial support to the building of a new bridge at Loughor.

Mr. Wyn Roberts: We are funding 50 per cent. of the estimated cost of land and works through transport supplementary grant.

Business Improvement Services Scheme

Mr. Best asked the Secretary of State for Wales what are the levels of unemployment in Wales in those areas currently covered by the business improvement services scheme.

Mr. Wyn Roberts: Figures are not available for the precise areas covered by the business improvement scheme, but figures for the nearest equivalent areas are as follows:

Unemployment at 6 February 1986

	Number	*Per cent/Rate*
Clwyd	25,549	19·1
Gwent	30,602	18·0
South Glamorgan	27,066	14·4
Bridgend TTWA	9,855	18·3
Neath & Port Talbot TTWA	8,527	16·9
Llanelli TTWA	6,139	19·0
Swansea TTWA	18,429	16·5

Source: Department of Employment.

Mr. Best asked the Secretary of State for Wales what are the areas presently covered by the business improvement services scheme, its rate of success and the total cost to the European regional development fund and his Department; what evaluation of the scheme he intends to make and by when; what criteria he will use in considering an extension of the scheme in geographical area and duration; and if he will make a statement.

Mr. Wyn Roberts: The areas covered by the business improvement services scheme are the counties of Clwyd, South Glamorgan, West Glamorgan (including those parts of the travel-to-work area of Port Talbot which are situated in the county of Mid Glamorgan), Gwent and the travel-to-work area of Llanelli in the county of Dyfed.

Up to 31 March 1986 1,176 applications have been received and 750 offers of grants totalling £3·5 million had been made.

The BIS scheme was launched in November 1984 and applications will be accepted up until 31 December 1988. £7·5 million has been allocated of which £5·6 million is from the European regional development fund.

Sufficient projects have now been completed to allow an assessment of the scheme and its benefits. The assessment will continue until the scheme ends. Conclusions reached in the course of the assessment will be used to assist any consideration given to extending the scheme or parts of it.

Welsh Office

Mr. Rogers asked the Secretary of State for Wales (1) how many people were working in the Welsh Office in 1975 and each subsequent year;

(2) how many people were working in the different occupational categories in the Welsh Office in 1975 and each subsequent year.

Mr. Wyn Roberts: The number of permanent staff working in the Department in 1975 and each subsequent year and their occupational categories are as follows:

Year	Senior Open Structure	Administration and Clerical	Professional	Support	Industrial	Total
1975	10	780	262	215½	2	1,270
1976	13	931½	292½	252	2	1,491
1977	14	955	308	276	5	1,558
1978	15	920	309	275½	2	1,521½
1979	17	1,596	345½	472½	168	2,599
1980	16	1,549½	353	453	159½	2,531
1981	15	1,436	331	426	148½	2,356½
1982	15	1,384½	305½	410½	147½	2,263
1983	14	1,365	289½	400	147½	2,216
1984	13	1,341½	282	400½	135½	2,172½
1985	13	1,432	297½	399	127½	2,269
1986	14	147½	288½	388½	120½	2,283

NB: All figures relate to permanent staff in post on 1 January each year.

Education

Mr. Rogers asked the Secretary of State for Wales (1) how many people were working in education in Wales in 1975 and each subsequent year;

(2) how many people were working in the different occupational categories in education in Wales in 1975 and each subsequent year.

Mr. Wyn Roberts: Information for the maintained sector is given in "Welsh Local Government Financial Statistics", No. 8, 1984 (table 66) and No. 9, 1985 (table 67), copies of which are available in the Library. Directly comparable figures for the independent sector are not available.

Badgers (Bovine Tuberculosis)

Mr. Barry Jones asked the Secretary of State for Wales what is his response to Professor Dunnett's report on badgers and bovine tuberculosis in so far as it relates to Wales; what is the extent in Wales of bovine tuberculosis; and if he will make a statement.

Mr. Wyn Roberts: The immediate response was to act, in concert with my right hon. Friend the Minister of Agriculture, Fisheries and Food, to modify our badger control policy in England and Wales. Action against badgers is now being confined to that part of the breakdown farm where it is believed that tuberculosis was transmitted to cattle, or to the whole farm if it is not possible to be more precise. It may still be necessary to go on to neighbouring land to find setts so as to assist the identification of badger runs leading to the breakdown farm. A consequence of this change of policy should be that fewer badgers will be killed. Action on other detailed recommendations in Professor Dunnett's report is being deferred pending discussion with the consultative panel on badgers and bovine tuberculosis.

In Wales in 1985 infection was confirmed in nine out of 6,822 herds tested. All but one of the infected herds were in south-west Dyfed.

Youth Training Scheme

Mr. Wigley asked the Secretary of State for Wales what are the latest figures for the proportion of those who have taken part in YTS schemes in Wales who have subsequently found full-time employment; and what proportion subsequently were unemployed in each of the years since the scheme's inception.

Mr. Wyn Roberts: Information is not available in the form requested. The Manpower Services Commission has conducted regular follow-up surveys of those leaving YTS schemes since 1984. Postal questionnaires are sent to young people some three months after they leave their scheme. Information covering leavers in Wales between June 1984 and March 1985 is as follows, alongside the latest available information (covering leavers in Wales between April and October 1985).

Young people leaving YTS schemes in Wales between:

	June 1984-March 1985* Per cent.	April-October 1985 Per cent.
In full-time work with same employer	19	24
In full-time work with different employer	26	21
In part-time work	†	4
On full-time course at college/ training centre	3	3
On another YTS scheme	6	6
Doing something else	4	8
Unemployed	42	34
Number of respondents	2,766	10,138

* based on 15 per cent. sample.
† part-time figures not available.

Local Authority Housing

Mr. Wigley asked the Secretary of State for Wales what was the current and capital expenditure per head on housing in each of the local authorities in Wales during the last year for which figures are available.

Mr. Wyn Roberts: The information is set out in the following tables. The figures for current expenditure are based on a summary of local authorities' housing revenue accounts 1984-85. The figures for capital expenditure are based on gross capital expenditure by local authorities in 1984-85. Expenditure by housing associations in each of the local authority districts is not available.

Provisional gross revenue expenditure 1984-85—Housing Revenue account by Authority

Authority	£000	£ per head
Alyn and Deeside	4·686	64
Colwyn	2·959	59
Delyn	5·356	83
Glyndwr	2·943	73
Rhuddlan	2·480	47
Wrexham Maelor	11·857	104
Carmathen	4·700	89

Authority	£000	£ per head
Ceredigion	4·986	81
Dinefwr	2·433	66
Llanelli	8·597	115
Preseli	6·226	89
South Pembroke	3·486	90
Blaenau Gwent	14·439	184
Islwyn	7·644	116
Monmouth	6·310	84
Newport	18·911	147
Torfaen	10·286	113
Arfon	4·984	92
Dwyfor	1·436	55
Meirionnydd	2·299	73
Ynys Mon	5·372	78
Cynon Valley	5·506	83
Merthyr Tydfil	7·516	127
Ogwr	12·978	99
Rhondda	6·569	82
Rhymney Valley	12·014	116
Taff Ely	9·273	99
Brecknock	3·344	82
Montgomeryshire	3·999	83
Radnor	2·090	97
Cardiff	28·695	102
Vale of Glamorgan	9·974	88
Port Talbot	6·843	132
Lliw Valley	6·017	100
Neath	6·496	100
Swansea	17·863	95
Total	271·570	97

** Please note that no return has been received from Aberconwy and no allowance has been made in the above total.

Note: Due to rounding, the above figures do not sum to the total.

Provisional gross capital expenditure 1984-85 All Housing by Authority

Authority	£000	£ per head
Alyn and Deeside	3·770	51
Colwyn	1·689	34
Delyn	1·361	21
Glyndwr	2·611	65
Rhuddlan	1·148	22
Wrexham Maelor	4·216	37
Carmarthen	4·365	82
Ceredigion	3·400	55
Dinefwr	1·637	44
Llanelli	3·601	48
Preseli	4·347	62
South Pembroke	3·856	100
Blaenau Gwent	8·598	110
Islwyn	7·443	113
Monmouth	3·915	52
Newport	9·569	74
Torfaen	6·283	69
Aberconwy	2·159	42
Arfon	3·133	58
Dwyfor	1·498	57
Meirionnydd	3·551	113
Ynys Môn	2·013	29
Cynon Valley	2·745	42
Merthyr Tydfil	3·124	53
Ogwr	7·802	59
Rhondda	12·484	156
Rhymney Valley	7·022	68
Taff Ely	5·219	56
Brecknock	1·921	47
Montgomeryshire	2·018	42
Radnor	900	42
Cardiff	17·648	63
Vale of Glamorgan	4·337	38
Port Talbot	2·349	45
Lliw Valley	2·920	49
Neath	2·830	43
Swansea	12·439	66
Total	169·921	61

Note: Due to rounding, the above figures do not sum to the total.

Wales Tourist Board

Mr. Tony Banks asked the Secretary of State for Wales what was the number of staff employed by the Wales Tourist Board in 1979 and 1985.

Mr. Wyn Roberts: The numbers as at 31 March of each year were:

	Number
1979	92
1985	*107

* Includes part-time and temporary staff and nine board employees on secondment to CADW: Welsh Historic Monuments.

OVERSEAS DEVELOPMENT

Philippines

Mr. Spearing asked the Secretary of State for Foreign and Commonwealth Affairs if he will re-assess the programme of aid to the Republic of the Philippines; if he has received any communications from the new Administration concerning the British aid programme; and if he will make a statement.

Mr. Raison: We are currently re-assessing sympathetically the level of our aid programme to the Philippines following the accession of the Aquino Government. The new Administration have so far sought our assistance in providing rural development and broadcasting expertise.

UNESCO

Mr. Bright asked the Secretary of State for Foreign and Commonwealth Affairs how he proposes to allocate the £6·4 million saved in the financial year 1986-87 by the withdrawal from the United Nations Educational, Scientific and Cultural Organisation by the United Kingdom.

Mr. Raison: I intend to allocate the following amounts to the programmes mentioned in my reply to the hon. Member for Wolverhampton, South-West (Mr. Budgen) on 19 December 1985, at column 241:

	£ million
Additional allocations to the ODA Technical Cooperation Training Programmes	2·3
Joint scheme to provide scholarships in the United Kingdom for Chinese students	0·7
Additional allocation to the ODA Shared Scholarship Scheme	0·3
Key English Language Teaching programme, particularly in francophone Africa	0·6
Exploratory work on a distance learning programme among academic institutions in the Commonwealth	0·1
A training scheme for black South Africans at Post-graduate level	0·5
A contribution to the Foreign and Commonwealth Office Scholarships and Awards Scheme	0·6
Participation in the Inter-Governmental Oceanographic Commission, the International Geological Correlation Programme and for contributions to the International Council for Scientific Unions	0·2
International Hydrology and Environmental Sciences through the Natural Environment Research Council	0·2
Research in arid Commonwealth Africa	0·4
Dissemination of results of research at Universities and other bodies	0·2
An increased grant to the Commonwealth Media Development Fund	0·1

The British Council will have a major role in the operation of a number of these programmes.

I also propose to allocate £0·2 million for projects in the cultural field, of which half would be spent through the aid programme on projects for the benefit of developing countries, and half would be transferred to the diplomatic wing of the Foreign and Commonwealth Office for projects in the cultural heritage field which are not suitable for aid programme funding.

Estimates provision will be sought at the appropriate time.

ATTORNEY-GENERAL

Social Security Commissioners

Mr. Kirkwood asked the Attorney-General whether the Lord Chancellor will be conducting a review of the present mechanism for the reporting of decisions of the Social Security Commissioners; and whether he will consult organisations frequently representing claimants in cases before the commissioners on that issue.

The Attorney-General: Yes. The arrangements for reporting decisions of the Social Security Commissioners are currently under review. It is intended to consult relevant representative organisations before conclusions are reached.

Mr. Kirkwood asked the Attorney-General whether he will take steps to make available to claimants and their representatives at each of the offices of the Social Security Commissioners a set of each of the following decisions of the commissioners for inspection and photocopying: *(a)* reported decisions, *(b)* starred decisions, *(c)* numbered decisions (old series) and *(d)* unreported decisions.

The Attorney-General: This is among the matters being considered in the review now in hand of the arrangements governing the availability of decisions of the Social Security Commissioners.

Mr. Kirkwood asked the Attorney-General whether as part of the measures being taken to reduce the delays in matters before the social security commissioners, he will be appointing part-time or deputy commissioners.

The Attorney-General: The Lord Chancellor intends to do so.

TRADE AND INDUSTRY

Copyright

Mr. Denis Howell asked the Secretary of State for Trade and Industry what consultative arrangements are being set in motion with those organisations representing performing artists, sports men and women, regarding the proposed White Paper on reform of the law of copyright.

Mr. Pattie: The White Paper "Intellectual Property and Innovation", which includes proposals for the reform of copyright law, was published on 15 April (Cmnd. 9712). This White Paper takes into account responses to earlier consultative documents, including representations from performing artists, sports men and women. No further formal consultations are envisaged. The Government will, however, consider any representations made to it on the White Paper. My Department has recently agreed to meet two organisations representing performing artists and those engaged in professional sport to discuss issues of copyright and performers' protection.

Pyramid Selling

Mr. Greg Knight asked the Secretary of State for Trade and Industry (1) how many prosecutions have taken place under the Fair Trading Act 1973 in relation to pyramid selling up to the latest date for which figures are available;

(2) if he will review the working of the Fair Trading Act 1973 in relation to pyramid selling;

(3) if he proposes to take any further steps to curb pyramid selling and associated practices.

Mr. Howard: I shall reply to my hon. Friend as soon as possible.

Aviation Fuel

Mr. McCrindle asked the Secretary of State for Trade and Industry if he will exercise his powers under section 13 of the Competition Act 1980 to direct the Director General of Fair Trading to carry out an investigation into the current relationship between the cost of crude oil and the price of aviation fuel; and if he will make a statement.

Mr. Howard: My right hon. Friend has at present no plans to do so.

Bedford Commercial Vehicles

Mr. Madel asked the Secretary of State for Trade and Industry whether, following the end of the negotiations between General Motors and British Leyland, he has received any statement from General Motors as to its intentions as to the future of their Bedford commercial vehicles operation in the United Kingdom; and if he will make a statement.

Mr. Peter Morrison: General Motors has said it intends to review the alternative options for Bedford commercial vehicles and will keep my Department informed.

Departmental Official (Classified Information)

Mr. Leadbitter asked the Secretary of State for Trade and Industry what steps he has taken following reports to him that a civil servant in his Department has been passing classified material to a Czechoslovakian military attaché; when he was first informed of the civil servant's conduct; and if he will make a statement on security standards in his Department and the monitoring requirements at all levels handling classified material with reference to this case in particular.

Mr. Paul Channon: The official concerned has been suspended from duty while police investigations are carried out. I was first informed of allegations relating to this official late on the evening of 12 April 1986.

Security arrangements in my Department are in accordance with the standards and procedures laid down for all Government Departments. All staff are informed of the Department's security procedures including those which apply to the protection, transmission, storage and copying of classified material. The conduct of staff in these respects, as in other matters, is supervised by line management.

United States Trade Action (Chamois Leather)

Mr. Fry asked the Secretary of State for Trade and Industry if, in view of the fact that the United States Government has announced its intention to include chamois leather in a list of items drawn up for retaliatory action against the European Economic Community, because of recently levied duties on American agricultural exports by Spain following that country's accession to the Community, he will outline the steps he intends to take to have such leather withdrawn from the list.

Mr. Alan Clark: Both bilaterally and jointly with our Community partners we are strongly resisting moves by the United States to take unjustified trade measures against the Community as a result of enlargement of the Community. As to chamois leather, my Department is in close touch with the British leather industry and my noble Friend Lord Lucas of Chilworth has discussed these matters with them. The industry is making formal representations to the United States Administration.

EDUCATION AND SCIENCE

Teachers

Mr. Hunter asked the Secretary of State for Education and Science if he will list the occasions since 1979 when he and the management committee of Burnham have entered negotiations or sought to enter negotiations with teachers' representatives about a more definitive contract of employment for teachers, and how teachers' representatives reacted on each occasion.

Sir Keith Joseph: In February 1979 the local authority employers and the teacher unions set up a conditions of service working party under the auspices of the CLEA-ST committee. It reported in December 1980 that it had not succeeded in agreeing proposals for a new contract.

In March 1981 the management panel proposed in the Burnham committee a joint working party on salary structure. The teachers' panel agreed to this. The work of the joint working party lasted for some three years and in practice covered the structure of jobs as well as the structure of pay. It culminated in the proposal by the local authority employers in November 1984 of a new salary structure and an identification of the contractual duties and responsibilities of each post. This fell in December 1984 when the NUT majority on the teachers' panel walked out of the discussions. Representatives of the other teaching unions emphasised that in their view the proposals, though not acceptable, were worth discussing in detail.

In September 1985 the management panel made an offer in the Burnham committee which included a contractual definition of teachers' duties. That offer was unanimously rejected by the teachers' panel after the briefest consideration.

In January 1986 the management panel entered talks at ACAS which resulted in the signing of an agreement with five teaching unions. The agreement committed the parties to it to negotiate constructively and expeditiously on, amongst other things, a clear definition of the contractual duties and responsibilities (including defined limitations) of teachers and their employers. The NUT refused to sign the agreement and has maintained that stance. Talks are proceeding between the management panel and the signatory unions under an independent panel appointed by ACAS.

Officials of my Department are members of the management panel of the Burnham committee. I have not sought to enter separate negotiations about a contract of employment with the teaching unions whose members are not my employees.

Mr. Hunter asked the Secretary of State for Education and Science if he will list the occasions since 1979 when he and the management committee of Burnham have entered negotiations, or sought to enter negotiations, with teachers' representatives about a more formalised system of appraisal for teachers, and how teachers' representatives reacted on each occasion.

Sir Keith Joseph: Appraisal was on the agenda of the Burnham joint working party on salary structure which met from 1981 to 1984. The work of this group, including proposals relating to appraisal, fell in December 1984 when the NUT majority on the teachers' side walked out of the discussions. The Burnham management panel's offer of 12 September 1985 included a contractual definition of teachers' duties which incorporated appraisal of performance. This offer was unanimously rejected by the teachers' panel after the briefest consideration. In January 1986 the management panel entered talks at ACAS which resulted in the signing of an agreement with five teaching unions. The agreement committed the parties to negotiate constructively and expeditiously on, amongst other things, arrangements for appraisal and training to ensure that teachers at all levels remain properly equipped for their tasks and to assist towards teachers' career development and fair selection for posts carrying leadership responsibilities. The NUT refused to sign the agreement and has maintained that stance. Talks are proceeding between the management panel and the signatory unions under an independent panel appointed by ACAS. Officials of my Department are members of the management panel of the Burnham committee. I have not sought to enter separate negotiations about a more formalised system of appraisal for teachers with the teaching unions, whose members are not my employees,

but on a number of occasions I have discussed with teachers' representatives the Government's policy on appraisal.

Mr. Hunter asked the Secretary of State for Education and Science what has been the total cost of teachers' salaries in England and Wales, including national insurance and superannuation contributions, each year since 1975, in money terms, real terms as measured against the retail prices index and as a percentage annual change in real terms.

Sir Keith Joseph: The table shows the total cost of teachers' salaries in England, including national insurance and superannuation contributions, in each year since 1975 in money terms and in real terms as measured against the retail prices index, together with the annual percentage change in real terms.

The figures represent the cost of the salaries of teachers in primary and secondary (excluding special) schools. London weighting is included and social priority and special school allowances excluded.

Total cost of teachers' salaries in England [1] including National Insurance and Superannuation contributions

	£000s money terms	*Financial year average, RPI 1975-76=100*	*Real terms measured against RPI £000s*	*Percentage change real terms*
1975-76	1,919,340	100·0	1,919,340	—
1976-77	2,162,772	115·3	1,875,778	−2·3
1977-78	2,322,616	131·4	1,767,592	−5·7
1978-79	2,578,658	142·3	1,812,128	+2·5
1979-80	2,915,449	164·8	1,769,083	−2·3
1980-81	3,686,315	191·7	1,922,960	+8·7
1981-82	4,083,697	213·7	1,910,947	−0·6
1982-83	4,313,931	228·9	1,884,636	−1·4
1983-84	4,497,610	239·5	1,877,916	−0·4
1984-85	4,674,202	251·6	1,857,791	−1·0

Notes:
1. Figures for Wales are not included. These are available from the Welsh Office.
2. The RPI deregulator is a monthly average over the financial year.

Mr. Hunter asked the Secretary of State for Education and Science why he considers that teachers should have a more definitive contract of employment.

Sir Keith Joseph: I believe that, if there is to be improved performance and quality in the schools, it is vital that teachers should know what is expected of them. Teachers' employers and indeed society as a whole should know what they can reasonably expect of teachers.

Mr. Hunter asked the Secretary of State for Education and Science why he considers that teachers should be subject to a more formalised system of appraisal.

Sir Keith Joseph: The Government's view of the need for appraisal was set out in "Better Schools" in March 1985:

"The regular and formal appraisal of the performance of all teachers is necessary if local education authorities are to have the reliable, comprehensive and up-to-date information necessary for the systematic and effective provision of professional support and development and the deployment of staff to best advantage."

Mr. Hunter asked the Secretary of State for Education and Science if he will make a statement on the content and nature of the more definitive contract of employment for teachers which he is seeking.

Sir Keith Joseph: A statement of the Government's provisional view on the duties which should form part of teachers' contractual responsibilities was appended to my letter of 21 May 1985 to Councillor Merridale, which was published in my reply to the hon. Members for Gainsborough and Horncastle (Mr. Leigh), for Coventry, South-East (Mr. Nellist), for Portsmouth, South (Mr. Hancock), for Warwickshire, North (Mr. Maude), for Langbaurgh (Mr. Holt), and for Newport, East (Mr. Hughes) on 22 May 1985, at columns 446-48. The Government have since accepted that midday supervision should not form part of teachers' duties under their main contract of employment.

Mr. Hunter asked the Secretary of State for Education and Science if he will make a statement on the detail and implementation of the more formalised system of appraisal for teachers which he is seeking.

Sir Keith Joseph: I set out the sorts of arrangements which I have in mind for operating systematic appraisal of teachers' performance in a speech to an Industrial Society Conference on 14 April 1986. I shall send my hon. Friend a copy of that speech.

Mr. Hunter asked the Secretary of State for Education and Science what assessment he has made of the implications of changes in the tasks confronting teachers over the past 10 years; and what proposals he has to help teachers to cope with such changing circumstances.

Sir Keith Joseph: The White Paper "Better Schools" (Cmnd. 9469) published in March 1985 dealt with the implications of such changes and in particularly with improving the match between teachers' qualifications and their teaching programme, through more rigorous requirements for initial teacher training including the selection of students, the academic and professional content of their courses and school experience; through more systematic provision of in-service training expressly designed to meet the needs of schools and teachers; through appraisal of the performance of all teachers so that LEAs may make systematic and effective provision for professional support and development; through associating parents and the community served by schools more closely in the work of teachers; and through making the work of local advisers more effective.

Performance (National Standard)

Mr. Baldry asked the Secretary of State for Education and Science what initiatives Her Majesty's Government have taken since 1979 to monitor the use of educational resources to ensure a national standard of performance.

Sir Keith Joseph: A number of initiatives have been taken since 1979 to promote a more appropriate distribution of resources within education and their more efficient and effective use; among the more significant of these are:

analysis of statistics regularly assembled for monitoring purposes and their presentation in statistical bulletins in a manner relevant to the evaluation of standards and spending;

The education support grant programme which is intended to raise national standards of performance through a number of discrete activities, details of which are given in DES circulars 6/94 and 5/85 (copies are in the Library). The monitoring arrangements vary from activity to activity according to what is appropriate but in all cases the Department is keeping in touch either through regular reports or through regional agents. Her Majesty's Inspectorate is also looking at ESG-supported work in the course of its normal inspection programmes;

the decision to publish the reports of Her Majesty's inspectors. These reports, in particular the three which have been published on the effects of local authorities' expenditure policies on education provision, offer important messages to the education service as a whole about the interplay of various factors which together contribute to the quality of education in the schools and colleges. In its report last year on the effects of local authority expenditure policies on education provision in England in 1984, HMI made it clear that the most crucial factor influencing effective learning was the quality of teaching, followed, in order of importance, by the identification of pupils' and students' needs, the level of resources available and their effective management and deployment.

although the Department's assessment of performance unit does not monitor the use of education resources, it has conducted surveys which provide a national picture of pupil performance in specific areas of the curriculum;

further information on the use of performance indicators in education is given in the relevant chapter of "The Government's Expenditure Plans 1986/87 to 1988/89" (Cmnd. 9702)

School Buildings

Mr. Pike asked the Secretary of State for Education and Science what information he has on which schools in England are at present wholly unable to use their school premises due to the condition of the school buildings.

Mr. Dunn: My right hon. Friend's attention has been drawn to five such schools. I understand that work is in hand to repair or replace four of them (Gosforth, All Saints; Leeds, Cockburn High; Wakefield, Flanshaw First; and Madeley, St. Mary's) but that a decision has yet to be taken by the local education authority on the fifth school (Lancashire, Burnley Wood).

Mr. Hunter asked the Secretary of State for Education and Science (1) how much has been spent on maintenance in primary schools in England and Wales each year since 1975, expressed in money terms, real terms and as an annual percentage change in real terms;

(2) how much has been spent on maintenance in primary schools in Hampshire each year since 1975, in money terms, real terms and as a real terms annual percentage change.

Mr. Dunn: The information is as follows:

Expenditure on maintenance of buildings and grounds
Primary schools

	Cash terms		*Real* terms*		*Real terms index*	
	England† £ million	*Hampshire* £ million	*England†* £ million	*Hampshire* £ million	*England†*	*Hampshire*
1975-76	60·4	1·6	153·4	4·1	100	100
1976-77	67·8	2·0	152·0	4·5	99	110
1977-78	74·3	2·4	146·2	4·8	95	117
1978-79	91·4	3·0	162·7	5·3	106	129
1979-80	108·5	3·1	165·3	4·7	108	115
1980-81	131·9	4·3	169·2	5·5	110	134
1981-82	132·0	3·5	154·0	4·1	100	100
1982-83	149·4	4·1	162·8	4·4	106	107
1983-84	164·8	4·2	171·9	4·4	112	107
1984-85	165·8	4·2	165·8	4·2	108	102

* *Real terms:* The cash figures for each year have been repriced to 1984-85 prices using the gross domestic products (market prices) deflator.
† *England:* Information about Wales is the responsibility of my right hon. Friend the Secretary of State for Wales.

Mr. Hunter asked the Secretary of State for Education and Science (1) how much has been spent on maintenance in secondary schools in England and Wales each year since 1975, expressed in money terms, real terms and as an annual percentage change in real terms;

(2) how much has been spent on maintenance in secondary schools in Hampshire each year since 1975, in money terms, real terms and as a real terms annual percentage change.

Mr. Dunn: The information is as follows:

Expenditure on maintenance of buildings and grounds
Secondary schools

	Cash terms		*Real* terms*		*Real terms index*	
	England† £ million	*Hampshire* £ million	*England†* £ million	*Hampshire* £ million	*England†*	*Hampshire*
1975-76	66·8	1·8	169·5	4·5	100	100
1976-77	76·1	2·1	170·8	4·7	101	104
1977-78	87·9	2·3	173·2	4·6	102	102

	Cash terms		Real* terms		Real terms index	
	England† £ million	Hampshire £ million	England† £ million	Hampshire £ million	England†	Hampshire
1978-79	104·9	3·1	186·7	5·5	110	122
1979-80	122·1	3·0	186·0	4·6	110	102
1980-81	150·2	4·2	192·6	5·3	114	118
1981-82	152·7	4·0	178·1	4·6	105	102
1982-83	172·2	4·1	187·7	4·5	111	100
1983-84	191·8	4·5	200·0	4·7	118	104
1984-85	197·6	4·1	197·6	4·1	117	91

* *Real terms:* The cash figures for each year have been repriced to 1984-85 prices using the gross domestic products (market prices) deflator.
† *England:* Information about Wales is the responsibility of my right hon. Friend the Secretary of State for Wales.

Mr. Hunter asked the Secretary of State for Education and Science how much capital spending there has been on primary school programmes in Hampshire each year since 1975, expressed in money terms, real terms and as a percentage annual change in real terms.

Mr. Dunn: The information required is as follows:

Capital expenditure on new construction and other building works
Primary Schools in Hampshire

£000

	Cash terms	Real terms*	Real terms index
1975-76	1,955·1	4,962·0	100·0
1976-77	2,101·1	4,712·6	94·9
1977-78	2,183·3	4,300·0	86·7
1978-79	3,812·1	6,786·3	136·7
1979-80	2,798·3	4,262·4	85·9
1980-81	2,818·1	3,614·2	72·8
1981-82	1,689·7	1,970·4	39·7
1982-83	2,891·6	3,150·9	63·5
1983-84	4,914·5	5,125·3	103·3
1984-85	6,992·9	6,992·9	140·9

* Cash figures revalued to 1984-85 prices using the gross domestic product (market prices) deflator.

Mr. Hunter asked the Secretary of State for Education and Science how much capital spending there has been on secondary school programmes in Hampshire each year since 1975, expressed in money terms, real terms and as a percentage annual change in real terms.

Mr. Dunn: The information required is as follows:

Capital expenditure on new construction and other building works
Secondary Schools in Hampshire

£000

	Cash terms	Real terms*	Real terms index
1975-76	5,213·6	13,232·1	100·0
1976-77	4,053·5	9,091·6	68·7
1977-78	4,395·3	8,656·5	65·4
1978-79	5,078·8	9,041·3	68·3
1979-80	5,252·2	8,000·2	60·5
1980-81	5,094·6	6,533·8	49·4
1981-82	4,794·9	5,591·3	42·3
1982-83	3,952·8	4,307·4	32·6
1983-84	5,757·3	6,004·3	45·4
1984-85	6,206·6	6,206·6	46·9

* Cash figures revalued to 1984-85 prices using the gross domestic product (market prices) deflator.

Mr. Hunter asked the Secretary of State for Education and Science how much capital spending there has been on primary school programmes in England and Wales each year since 1975, expressed in money terms, real terms and as an annual percentage change in real terms.

Mr. Dunn: The information required is as follows:

Capital expenditure on new construction and other building works
*Primary Schools in England**

£000

	Cash terms	Real terms†	Real terms index
1975-76	76,591	194,387	100
1976-77	73,383	164,591	84·7
1977-78	55,105	108,529	55·8
1978-79	60,638	107,948	55·5
1979-80	75,159	114,482	58·9
1980-81	98,840	126,762	65·2
1981-82	85,391	99,574	51·2
1982-83	85,441	93,105	47·9
1983-84	97,944	102,146	52·5
1984-85	107,000	107,000	55·5

* Expenditure for Wales is the responsibility of my right hon. Friend the Secretary of State for Wales.
† Cash figures revalued to 1984-85 prices using the gross domestic product (market prices) deflator.

Mr. Hunter asked the Secretary of State for Education and Science how much capital spending there has been on secondary school programmes in England and Wales each year since 1975, expressed in money terms, real terms and as an annual percentage change in real terms.

Mr. Dunn: The information required is as follows:

Capital expenditure on new construction and other building works
*Secondary Schools in England**

£000

	Cash terms	Real terms†	Real terms index
1975-76	132,116	335,310	100·0
1976-77	129,349	290,117	86·5
1977-78	128,129	252,350	75·3
1978-79	134,857	240,072	71·6
1979-80	138,881	211,544	63·1
1980-81	162,882	208,896	62·3
1981-82	135,576	158,095	47·2
1982-83	139,377	151,879	45·3
1983-84	140,141	146,153	43·6
1984-85	139,929	139,929	41·7

* Expenditure for Wales is the responsibility of my right hon. Friend, the Secretary of State for Wales.
† Cash figures revalued to 1984-85 prices using the gross domestic product (market prices) deflator.

Plant Breeding Institute

Mr. Maclennan asked the Secretary of State for Education and Science what consultations he has had with representatives of the agriculture industry regarding the privatisation of part of the Plant Breeding Institute.

Mr. Walden: Officials of the Department and of the Ministry of Agriculture, Fisheries and Food have had

discussions with interested bodies, including representatives of the agricultural industry, in connection with the proposed privatisation of part of the PBI.

Mr. Maclennan asked the Secretary of State for Education and Science what consideration he has given to the proposals of the Plant Breeding Institute that receipts from sales to companies of new plant and seed varieties by the National Seed Development Organisation be used to finance its work.

Mr. Walden: My right hon. Friend announced on 18 February, at columns *108-9*, that the Government intend to privatise the National Seed Development Organisation and part of the Plant Breeding Institute, provided this can be done on satisfactory terms. Privatisation on those lines would have the advantage of bringing together the breeding and marketing of PBI varieties within a single organisation. Also, a private sector company will be better placed to take commercial decisions about these varieties.

General Certificate of Secondary Education

Mr. Speed asked the Secretary of State for Education and Science if he will list the teacher unions and other organisations which are working towards the introduction of general certificate of secondary education courses in schools this autumn.

Mr. Chris Patten: Preparations for the GCSE, including the national programme of teacher training, involve the collaboration of the Department, the Secondary Examinations Council, the GCSE examining groups, local education authorities, schools and teachers themselves. The teachers' associations are not directly involved. Two of the teachers' associations, the National Association of Schoolmasters/Union of Women Teachers and the National Union of Teachers, have called on their members not to take part in the preparations for the GCSE. But I am pleased to note that the Assistant Masters and Mistresses Association and Professional Association of Teachers have not made similar recommendations to their members. My right hon. Friend and I hope that all teachers, conscious of their responsibilities, will take advantage of the unprecedented programme of preparation to plan and work for the introduction of the new examination courses.

Member's Correspondence

Mr. Craigen asked the Secretary of State for Education and Science when he intends to reply to the hon. Member for Glasgow, Maryhill, about matters raised by four constituents and referred to his Department on 6 March and acknowledged on 7 March.

Mr. Walden: I wrote to the hon. Member on 11 April.

Mr. Craigen asked the Secretary of State for Education and Science when he intends to reply to the points raised by Dr. R. M. Wadsworth concerning which the hon. Member for Glasgow, Maryhill wrote on 24 January and which his Department acknowledged on 27 January.

Mr. Walden: I wrote to the hon. Member on 14 April.

Pupil Statistics

Mr. Hunter asked the Secretary of State for Education and Science (1) how many pupils there have been in primary schools in England and Wales each year since 1975; and how many are anticipated each year until 1990, expressed also as an annual percentage change;

(2) how many pupils there have been in secondary schools in England and Wales each year since 1975; and how many are anticipated each year until 1990, expressed also as an annual percentage change;

(3) how many pupils there have been in primary schools in Hampshire each year since 1975; and how many are anticipated each year until 1990, expressed also as a percentage annual change;

(4) how many pupils there have been in secondary schools in Hampshire each year since 1975; and how many are anticipated each year until 1990; expressed also as a percentage annual change.

Mr. Dunn: The full-time equivalent numbers of pupils in maintained primary and secondary schools in Hampshire and in England for each year from 1975 to 1985, and the projected number of these pupils in England from 1986 until 1990 are as follows. Projections for individual local education authorities are not available centrally.

	Hampshire		*England*	
	Maintained primary schools	*Maintained secondary schools*	*Maintained primary schools*	*Maintained secondary schools*
1975	150,646	105,702	4,831,682	3,597,633
1976	152,098	107,453	4,792,006	3,700,472
1977	149,822	111,437	4,704,011	3,798,711
1978	146,416	113,657	4,570,797	3,851,271
1979	147,590	113,328	4,444,538	3,872,036
1980	142,712	112,133	4,285,586	3,866,102
1981	136,611	111,331	4,098,730	3,839,858
1982	130,912	109,556	3,922,809	3,798,000
1983	124,814	107,912	3,752,380	3,740,944
1984	121,294	104,964	3,668,611	3,645,586
1985	119,768	100,302	3,644,962	3,525,771
1986			3,657,000	3,388,000
1987			3,679,000	3,246,000
1988			3,712,000	3,083,000
1989			3,775,000	2,939,000
1990			3,830,000	2,837,000

The annual percentage changes represented by the projections are as follows:

	England	
	Maintained primary schools	*Maintained secondary schools*
1986	0·3	−3·9
1987	0·6	−4·2
1988	0·9	−5·0
1989	1·7	−4·7
1990	1·5	−3·5

School Standards

Mr. Hunter asked the Secretary of State for Education and Science if he will list the means and methods whereby he has sought, and is seeking, to improve standards within schools.

Mr. Chris Patten: The White Paper "Better Schools" (Cmnd. 9469) describes four linked initiatives to improve standards in schools, in which the Government are taking the lead.

—pursuing broad agreement on the objectives of the curriculum;

—introducing reformed examinations together with records of achievements;

—improving teaching quality in all its aspects;

—harnessing the energies of parents and others in a reformed system of school government.

Full details of these initiatives and the practical measures taken and planned to pursue them are given in the White Paper.

Value for Money

Mr. Hunter asked the Secretary of State for Education and Science if he will list the means and methods whereby he has sought, and is seeking, to achieve value for money within the education budget.

Sir Keith Joseph: The government's aims for all sectors of education include securing the best possible return for the resources available. The Government are taking every opportunity to work with those directly responsible for education spending in order to achieve this aim.

Examples of this work are: developing recognised output measures and performance indicators for individual sectors to provide measures of the returns achieved by spending; setting targets for improvements in areas covered by these measures; promoting efficiency studies in specific fields of education, such as the Jarratt report on the universities, the complementary study of good management in public sector higher education by the National Advisory Body, and the joint study with the local authority associations of efficiency in non-advanced further education; making specific grants available to support worthwhile developments in education, and monitoring the results; providing a new system of specific grants for the in-service training of teachers to focus training on priority areas; scrutinising the quality of initial teacher training courses; and scrutiny of various aspects of the Department of Education and Science's internal organisation.

The 1986 public expenditure White Paper (Cmnd. 9702) gives details of existing output and performance measures.

Parental Influence

Mr. Hunter asked the Secretary of State for Education and Science if he will list the means and methods whereby he has sought, and is seeking, to increase parental influence in schools.

Mr. Chris Patten: The Government firmly believe that schools are the poorer if they fail to harness parents' natural and special interest in their children's progress. The Education Act 1980 made important advances in allowing parents a properly informed role in the school admissions process. It also introduced elected parent governors. Parental influence and involvement will be taken substantially further in the Education Bill currently before Parliament. The parent voice on school governing bodies will be strengthened while the scope for the local education authority to appoint the majority of governors is removed: at the same time, a clear framework of functions will be provided, within which the governing body can play its full part in running the school. Additionally, new arrangements for the governors to hold an annual meeting for parents will provide valuable opportunities for the parent body as a whole to become more closely involved in their children's education.

Schools (Expenditure)

Mr. Hunter asked the Secretary of State for Education and Science (1) what has been the total cost of spending on primary schools in England and Wales each year since 1975, expressed in money terms, real terms and as an annual percentage change in real terms;

(2) what has been the total cost of spending on primary schools in Hampshire each year since 1975, expressed in money terms, real terms and as a percentage annual change in real terms;

(3) what has been the spending per pupil in primary schools in England and Wales each year since 1975, in money and real terms, expressed also as a real terms annual percentage change;

(4) what has been the spending per pupil in primary schools in Hampshire each year since 1975, in money and real terms, expressed also as a real terms annual percentage change.

Mr. Dunn: The information is as follows:

Net Institutional Expenditure

	Total in Cash Terms		*Total in Real Terms**		*Real Terms Index*	
	England† £ million	*Hampshire* £ million	*England†* £ million	*Hampshire* £ million	*England†*	*Hampshire*
1975-76	1,241·2	36·2	3,150·2	91·9	100	100
1976-77	1,388·6	40·6	3,114·4	91·1	99	99
1977-78	1,484·5	44·0	2,923·6	86·7	93	94
1978-79	1,645·1	49·2	2,928·8	87·6	93	95
1979-80	1,862·8	55·2	2,837·4	84·0	90	91
1980-81	2,274·8	67·9	2,917·4	87·1	93	95
1981-82	2,463·6	72·6	2,872·8	84·6	91	92
1982-83	2,592·1	76·7	2,824·6	83·6	90	91
1983-84	2,697·0	79·1	2,812·7	82·5	89	90
1984-85	2,791·1	82·3	2,791·1	82·3	89	90

* *Real Terms* The cash figures for each year have been repriced to 1984-85 prices using the gross domestic products (market prices) deflator.

† *England* Information about Wales is the responsibility of my right hon. Friend the Secretary of State for Wales.

Net Institutional Expenditure

	Cost per Pupil in Cash Terms		Cost per Pupil in Real Terms*		Real Terms Index	
	England† £	Hampshire £	England† £	Hampshire £	England†	Hampshire
1975-76	260	240	655	605	100	100
1976-77	295	270	655	605	100	100
1977-78	320	300	635	585	97	97
1978-79	365	335	655	595	100	98
1979-80	430	380	655	580	100	96
1980-81	545	490	700	630	107	104
1981-82	620	545	720	635	110	105
1982-83	680	605	740	660	113	109
1983-84	730	645	760	675	116	112
1984-85	765	680	765	680	117	112

* *Real Terms* The cash figures for each year have been repriced to 1984-85 prices using the gross domestic products (market prices) deflator.
† *England* Information about Wales is the responsibility of my right hon. Friend the Secretary of State for Wales.

Mr. Hunter asked the Secretary of State for Education and Science (1) what has been the total cost of spending on secondary schools in England and Wales each years since 1975, expressed in money terms, real terms and as an annual percentage change in real terms;

(2) what has been the total cost of spending on secondary schools in Hampshire each year since 1975, expressed in money terms, real terms and as a percentage annual change in real terms;

(3) what has been the spending per pupil in secondary schools in England and Wales each year since 1975, in money and real terms, expressed also as a real terms annual percentage change;

(4) what has been the spending per pupil in secondary schools in Hampshire each year since 1975, in money and real terms, expressed also as a real terms annual percentage change.

Mr. Dunn: The information is as follows:

Net Institutional Expenditure

	Total in Cash Terms		Total in Real Terms*		Real Terms Index	
	England† £ million	Hampshire £ million	England† £ million	Hampshire £ million	England†	Hampshire
1975-76	1,461·3	42·3	3,708·8	107·4	100	100
1976-77	1,671·4	47·7	3,748·6	106·9	101	100
1977-78	1,833·1	53·0	3,610·3	104·4	97	97
1978-79	2,066·6	58·3	3,679·0	103·8	99	97
1979-80	2,368·8	63·8	3,608·1	97·2	97	91
1980-81	2,962·4	80·5	3,799·3	103·2	102	96
1981-82	3,306·7	88·4	3,856·0	103·1	104	96
1982-83	3,550·7	95·5	3,869·2	104·1	104	97
1983-84	3,738·8	98·3	3,899·2	102·5	105	95
1984-85	3,878·3	100·0	3,878·3	100·0	105	93

* *Real Terms* The cash figures for each year have been repriced to 1984-85 prices using the gross domestic products (market prices) deflator.
† *England* Information about Wales is the responsibility of my right hon. Friend the Secretary of State for Wales.

Net Institutional Expenditure

	Cost per Pupil in Cash Terms		Cost per Pupil in Real Terms*		Real Terms Index	
	England† £ million	Hampshire £ million	England† £ million	Hampshire £ million	England†	Hampshire
1975-76	400	395	1,015	1,005	100	100
1976-77	445	435	995	970	98	97
1977-78	480	475	940	930	93	93
1978-79	535	515	950	915	94	91
1979-80	610	565	930	865	92	86
1980-81	770	720	990	925	98	92
1981-82	865	805	1,010	935	100	93
1982-83	945	880	1,030	960	102	96
1983-84	1,015	930	1,060	970	104	97
1984-85	1,090	985	1,090	985	107	98

* *Real Terms* The cash figures for each year have been repriced to 1984-85 prices using the gross domestic products (market prices) deflator.
† *England* Information about Wales is the responsibility of my right hon. Friend the Secretary of State for Wales.

Sunderland Polytechnic

Mr. Bagier asked the Secretary of State for Education and Science what representation he has received about the implications for Sunderland polytechnic of the proposals of the National Advisory Body for Public Sector Higher Education in relation to the closure of the civil engineering department, and if he will make a statement.

Mr. Walden [*pursuant to his reply*, 15 April 1986, c. *343*]: I regret that the answer which I gave on 15 April

was in one respect inaccurate. My right hon. Friend had in fact received two letters from hon. Members in relation to the NAB secretariat's consultative proposal that Sunderland polytechnic's department of civil engineering should close, and replies will be sent to the hon. Members as soon as possible.

Further, there is a misprint in the last sentence of the second paragraph of my answer of 15 April: "Committee" should read "Secretariat".

ENERGY

South Killingholm (CEGB Land)

Mr. Austin Mitchell asked the Secretary of State for Energy if, when he next meets the chairman of the Central Electricity Generating Board, he will raise with him the use to which the board intends to put its land at South Killingholm and the proposal for a coal-fired generating station there.

Mr. Goodlad: No. However, I understand that the Board has written to the hon. Member about this matter in reply to his letter of 24 March.

Oil Prices

Mr. McCrindle asked the Secretary of State for Energy if he has had any recent discussions with oil companies about the extent to which the effect on costs of the recent fall in crude oil prices is being passed on to consumers of refined products and, in particular, of aviation fuel; and if he will make a statement.

Mr. Buchanan-Smith: My Department keeps in regular contact with the oil companies; I hope that oil product prices will continue to fall to reflect the falls in crude oil prices.

SOCIAL SERVICES

Industrial Injuries Scheme

Mr. Lord asked the Secretary of State for Social Services whether he has yet completed his consideration of the response to his consultation document on proposed changes to the industrial injuries scheme; and if he will make a statement.

Mr. Newton: The Government are grateful for the many helpful suggestions made by the 43 individuals and organisations, including the Industrial Injuries Advisory Council, which commented on the consultation paper.* I am responding separately to the points raised by the council, and placing a copy of my reply to it in the Library. In the light of the responses made, we have decided to proceed as follows:

Disablement Benefit

The consultation paper proposed that disablement benefit should not be paid for disablement below 15 per cent. We continue to believe that compensation for loss of earnings is more important than compensation for loss of faculty at this level of disablement. However, in recognition of the concern expressed, particularly over injuries such as the loss of an index finger, which is assessed as 14 per cent. disablement, we have decided to lower the threshold for payment to 14 per cent. The effects of separate injuries will be aggregated and benefit paid if the total disablement from occupational causes is 14 per cent. or more. Disablement due to the progressive industrial diseases pneumoconiosis, byssinosis and diffuse mesothelioma will continue to be compensated at all levels.

Special Hardship Allowance

The allowance will be independent of disablement benefit and renamed "reduced earnings allowance". It will continue to be paid at levels of disablement below 14 per cent. It will also be payable in full for the first time to the more severely disabled whose total benefit by way of the allowance and disablement benefit cannot at present exceed the 100 per cent. rate of the latter.

Most respondents accepted that the allowance should not continue in full after retirement. They considered, however, that some payment should be made to compensate those whose additional earnings-related pension had been reduced because of their industrial disablement. We have decided that a better solution would be to fix the allowance at the rate obtaining on retirement and offset it against any additional pension paid. This will ensure that no beneficary will suffer a large drop in income on retirement, since the allowance will be withdrawn only to the extent that additional pension becomes payable. We also propose that the allowance should be offset against any additional pension payable with invalidity benefit to those who have not retired. As the invalidity addition payable with invalidity benefit is already offset against additional pension, the allowance would also be offset against the addition. For those already retired or receiving invalidity benefit, the allowance will be offset only against future increases of additional pension.

Most respondents favoured our proposals concerning the indexation of awards of the allowance. Some suggested, however, that beneficiaries should be able to have an award reviewed if they felt that, as a result, the allowance ceased accurately to reflect their earnings loss. In proceeding with the proposal, we intend to provide for such a right of review.

Industrial Death Benefit

While some respondents argued for improvements to industrial death benefit, most accepted that it was not worth retaining if it was to continue at the same very small cash differential over national insurance widows pension, which has in fact been unchanged at the present 55 pence under successive governments since 1967. We therefore propose to align provision for industrial widows with that in the main scheme. Existing industrial widows will not experience any cash loss. In addition, the law will be changed so that future industrial widows will not have to satisfy the contribution conditions for national insurance widows' benefits. This will ensure that they will be able to receive the new tax-free lump sum of £1,000 which we propose to pay to national insurance widows, as well at the same weekly benefits for older widows and widows with dependent children as are proposed in the current Social Security Bill.

Constant Attendance Allowance

The consultation paper proposed that CAA should be discontinued, leaving the industrially disabled in need of care and attention to rely on attendance allowance. Many respondents did not favour this change, because CAA can

be paid at higher rates than AA. We continue to believe that the present dual provision is unsatisfactory, but have decided to defer final decisions so that further consideration can be given to the most suitable means of replacing CAA.

Accidents Abroad

All respondents welcomed the proposed extension of the scheme to cover accidents outside the European Community and those countries with whom there are reciprocal agreements in force. We will therefore extend the scheme to cover any employment abroad while the employer has to pay contributions for the employee concerned and voluntary service workers overseas who continue to pay United Kingdom contributions.

Other Proposals

The replacement of unemployability supplement by invalidity benefit was universally favoured. The majority of respondents agreed that hospital treatment allowance should be abolished. We shall proceed with both changes.

Legislation

We propose to introduce the legislation necessary to implement these changes as announced on 19 December in reply to my hon. Friend the Member for Brighton, Kemptown (Mr. Bowden), at column *310*, by tabling new clauses to the current Social Security Bill.

* "Industrial Injuries Scheme: A Consultation Paper". Issued by DHSS—December 1985.

Maternity Allowance

Mr. Carttiss asked the Secretary of State for Social Services when he expects to bring forward firm proposals following his consultation paper on statutory maternity allowance, published in December 1985; and if he will make a statement.

Mr. Newton: The consultation paper set out detailed proposals for a statutory maternity allowance to be paid by employers instead of DHSS, on the lines indicated in chapter 5 of "Reform of Social Security" (Cmnd. 9691). 90 responses were received and we are very grateful for the many helpful comments made.

Separate from the present maternity allowance scheme administered by DHSS, employers are currently responsible for maternity pay under the Employment Protection (Consolidation) Act 1978. A major concern among those commenting was that our proposals would mean that employers would have to operate a second scheme of cash provision for maternity. In the light of this concern we have modified our proposals with the aim of integrating the two schemes as far as possible. This will not only minimise the work for employers, but will represent a more coherent structure of cash support for maternity.

The new provision, to be known as statutory maternity pay (SMP), will therefore replace both the existing maternity pay scheme administered by the Department of Employment and the maternity allowance scheme administered by DHSS. We propose a two-tier provision — an earnings-related payment equivalent to 90 per cent. of earnings for six weeks, followed by a flat-rate payment for a further 12 weeks. To qualify for the earnings-related element a woman must have worked for the same employer for at least two years. This is the current requirement under the maternity pay scheme. To qualify for the flat-rate element a woman must have worked for the same employer for at least six months. A woman who has worked for the same employer for between six months and two years will qualify for only the flat-rate element, but for 18 weeks. Women who have decided not to pay full-rate national insurance contributions ("opted-out married women") will be eligible for SMP, as they are for maternity pay and statutory sick pay.

We envisage that the flat-rate element would be aligned with that rate of statutory sick pay which is at present £31·60 a week. Like statutory sick pay and the present maternity pay, both the earnings-related and the flat-rate elements will count as taxable income. They will also be taken into account in determining national insurance liability under the normal rules.

The consultation paper proposed that, in order to qualify, the woman's average earnings should be at or above the lower earnings limit for national insurance contributions (£38·00 a week in current terms) for 26 weeks. There were strong representations that such a long period would cause difficulties for employers, particularly those with computer payrolls. We therefore propose that the period should be reduced to eight weeks.

We propose that the pont at which the earnings and employment tests are applied should be fixed at the 14th week before the baby is due. This is the earliest point at which a certificate of expected confinement can be issued.

The consultation paper proposed that a woman should be able to choose, to some extent, the period over which she was absent from work. There was a wide welcome for this. We propose that there should be a "core" period of 13 weeks, starting six weeks before the week that the baby is due. A woman will be able to choose whether she takes the other five weeks before or after this core period, or some before and some after. A woman who works during any part of the core period will lose the flat-rate element correspondingly, since the aim is to ensure that, in the interests of her own and her baby's health, she should refrain from work for a reasonable period on either side of the date of the birth.

As already announced, we propose that a pregnant widow should be able to get SMP without loss of her widow's benefit.

We propose that, as with statutory sick pay, employers should recover their payments of SMP by deducting the appropriate amounts from their remittances of national insurance contributions and tax to the Inland Revenue. The need to make a special claim to the Department of Employment, as is currently required for maternity pay, will no longer apply.

The maternity pay fund will be merged with the national insurance fund, and the DHSS will be responsible for SMP. National insurance inspectors will include checks on SMP in their visits to employers.

If a woman does not qualify for SMP, she will qualify for a maternity allowance paid by DHSS if she has worked as an employed or self-employed person, and paid full-rate contributions, for at least 26 weeks out of the 52 weeks ending 14 weeks before the baby is due. The rate of this maternity allowance will be, as at present, the same as that of sickness benefit—£29·15 a week in current terms. It will run for 18 weeks—a core period of 13 weeks, and a choice about the other five, as proposed for SMP.

Clauses to give effect to these proposals will shortly be tabled with a view to consideration by the Standing Committee on the current Social Security Bill. We propose that, subject to the passage of the Bill, the date for the introduction of SMP should be 6 April 1987.

Pregnancy Testing

Mr. Cohen asked the Secretary of State for Social Services whether he proposes to communicate with the Canterbury and Thanet health authority about its decision to stop all routine pregnancy testing; and if he will make a statement.

Mr. Whitney: No. I understand that the district health authority has recently revised its policy on pregnancy testing and that the new arrangements will be monitored for a period of six months with the help of the local community health council and family practitioner committee. At the end of this period the policy will be reviewed. In the meantime the health authority will continue to make local facilities freely available for pregnancy testing whenever general practitioners consider it necessary.

Child Benefit

Mr. Gerald Bowden asked the Secretary of State for Social Services if he will seek to make child benefit payable for children who continue to be educated at home after reaching the age of 16 years, having been educated at home before reaching that age.

Mr. Newton: Yes. An amendment to the Child Benefit Act is required and I have tabled an amendment to the Social Security Bill currently before the House.

Pharmaceutical Products

Mr. Cohen asked the Secretary of State for Social Services what assessment he makes of the effect of the licence of right provisions on the availability of lower priced generic drugs to the National Health Service; what representations he has received on the terms on which such licences are granted to manufacturers independent of the patent holder; if there are any plans to abolish the licence of right provisions; and if he will make a statement.

Mr. Hayhoe: The endorsement of pharmaceutical patents, "licence of right", has in some cases enabled other suppliers to enter the market and compete with the patent holder at a lower price level. Loss of sales revenue to the patent holder encourages him to seek increases in prices elsewhere in his product range, inter alia to maintain his research capability.

Policy on patents is for my right hon. Friend the Secretary of State for Trade and Industry. I am aware that individual generic and research based pharmaceutical companies and the Association of the British Pharmaceutical Industry have made representations to the Government on the terms for the settlement of licences of right.

The ABPI has also produced evidence to show that since the introduction of the Patents Act 1977, which extended the term of existing patents by four years subject to licences of right, there has been a significant lengthening of the period between the grant of a patent and a product licence for pharmaceuticals for human treatment. As announced by my noble Friend the Parliamentary Under-Secretary of State for Trade and Industry on 14 April, the Government intend to introduce legislation to provide that such pharmaceuticals should be exempt from the licence of right provisions contained in schedule 1, paragraph 4(2)*(c)* of the Patents Act 1977.

Mr. Haynes asked the Secretary of State for Social Services when the next pharmaceutical price regulation scheme will come into effect; and if he will make a statement outlining the changes it contains in profitability and promotion targets for the pharmaceutical industry from the present scheme.

Mr. Hayhoe: Renegotiation of the pharmaceutical price regulation scheme has not been completed. I am not therefore able to predict what changes might be made.

Mr. Haynes asked the Secretary of State for Social Services what is the percentage of turnover used by the pharmaceutical industry as a whole on research and development.

Mr. Hayhoe: Annual financial returns submitted under the pharmaceutical price regulation scheme for 1983 (the latest year for which full details are available) show that the percentage of turnover, on prescription medicines for the National Health Service and for export, spent on research and development was 15 per cent.

Mr. Cohen asked the Secretary of State for Social Services if he has any plans to introduce legislation to regulate the terms on which licences of right for pharmaceutical products are granted; and if he will make a statement.

Mr. Pattie: I have been asked to reply.

There are no plans to introduce legislation to regulate the terms on which licences of right for pharmaceutical patents are granted. When parties to such licences cannot agree, the matter can be referred to the Comptroller-General of the Patent Office who will settle terms having regard to the particular circumstances. This process is a judicial, not an administrative, one and as such is subject to appeal to the High Court.

National Health Service (Pay)

Mr. Cohen asked the Secretary of State for Social Services why the management side of the Council for Health Staff has not yet been authorised to make a pay offer for National Health Service administrative and clerical staff for 1986; and if he will make a statement.

Mr. Hayhoe: I refer the hon. Member to my reply to the hon. Member for Walthamstow (Mr. Deakins) on 11 April, at column *217*. I understand that a meeting of the council's joint negotiating committee is to take place on 30 April.

Dental Services

Mr. Weetch asked the Secretary of State for Social Services what steps he is taking to ensure that dentists entering the United Kingdom are properly qualified.

Mr. Hayhoe: Before practising in the United Kingdom a dentist entering this country is required to satisfy the General Dental Council that he is properly qualified and his name entered in the Dentists Register. Dentists practising in a member state of the European Economic

Community may provide dental services while visiting the United Kingdom without registration for a fixed period provided they are entered on the list of visiting EC practitioners maintained by the council. Family practitioner committees are required to check the identity and registration or listing of any applicant for inclusion in their lists of dentists providing general dental services, including applicants from abroad.

Mr. Weetch asked the Secretary of State for Social Services what steps are taken by family practitioner committees to ensure that all dental practices in their areas come up to appropriate standards.

Mr. Hayhoe: A dentist is required by the terms of his contract with a family practitioner committee to employ a proper degree of skill and attention, to provide proper and sufficient accommodation for his surgery and waiting rooms and to supply his surgery with suitable equipment and instruments. Where a FPC believes that a dentist may be in breach of those terms of service, or it has received a complaint, it will refer the matter to its dental service committee for investigation. To assist it the FPC may call upon my Department's dental reference service, whose officers are empowered to examine patients, to inspect surgeries and waiting rooms and to provide independent and professional advice. If such an investigation indicates that the dentist has failed to comply with his terms of service the FPC may recommend the issue of a warning, the withholding of an amount from his remuneration, or that the dentist should submit estimates for treatment to the Dental Estimates Board for its prior approval. In addition, the committee may make representations to the National Health Service tribunal where it considers that the dentist should be removed from the dental list.

Schoolchildren (Dietary Survey)

Mr. Squire asked the Secretary of State for Social Services when he plans to publish the findings of the dietary survey of schoolchildren carried out by the Office of Population Censuses and Surveys.

Mr. Whitney: I refer my hon. Friend to my reply to my hon. Friend the Member for Swindon (Mr. Coombs) on 10 April at column *182*.

Ambulance Services

Mr. Pike asked the Secretary of State for Social Services whether he proposes to ensure more consultation before implementation of any changes in the provision of ambulance services.

Mr. Whitney: No. The responsibility for the organisation of ambulance services rests with the individual health authorities concerned and it is for them to arrange appropriate consultations when changes are contemplated.

Mental Patients (Supervision)

Mr. Austin Mitchell asked the Secretary of State for Social Services what is his policy towards the proposal by Lincolnshire county council to provide only home help supervision for certain categories of mentally ill patients discharged from local mental hospitals; and if he will make a statement.

Mr. Whitney: We are not aware of such a proposal. However, decisions about the targeting and management of personal social services are the responsibility of the local authority concerned.

AIDS

Mr. Weetch asked the Secretary of State for Social Services (1) how much of the recently announced Government spending on acquired immune deficiency syndrome education is to be spent in the dental field;

(2) what courses his Department has organised in order that dentists may obtain information as to what risks are present and what combative and preventative measures can be taken in the face of the potential risks from blood-borne infections, including acquired immune deficiency syndrome and hepatitis; and whether any Government funding is available for such courses;

(3) whether any extra funds have been allocated to the general dental services in order that dentists can eliminate the potential risk from blood-borne infections, including acquired immune deficiency syndrome.

Mr. Hayhoe: There is very little risk to dentists, their staff or patients of cross-infection from the AIDS or hepatitis viruses provided dentists observe a few simple precautions. Guidance on avoidance of cross-infection in respect of hepatitis was issued by my Department in 1979, and the British Dental Association has recently published guidance to dentists on precautions in respect of AIDS. My Department plans to issue guidance to all dentists in the near future concerning AIDS and dentistry.

My Department allocates funds for the post-graduate training of general dental practitioners under section 63 of the Health Services and Public Health Act 1968. The expenditure of these funds is arranged by the conference of post-graduate dental deans of the English Universities and I understand that courses relating to AIDS are eligible for such funding. Expenses incurred by dentists, including those relating to the prevention of cross-infection, are reimbursed through the fee scale.

Government funding on education on AIDS has been primarily directed towards informing the general public about the AIDS virus and the precautions that can be taken to minimise its transmission, rather than towards any particular specialist field. A further sum has however been allocated for the training of professional staff in the counselling of patients.

Mr. Weetch asked the Secretary of State for Social Services (1) for each of the last 10 years, what were the amounts for the target average net income for dentists, as recommended by the Doctors' and Dentists' Review Body, as implemented, and as actually achieved by dentists;

(2) what was the percentage rise in the target average net income for dentists recommended by the Review Body and as agreed to by the Government in each of the last 10 years.

Mr. Hayhoe: The following table gives the information requested.

Dentists average net incomes, as recommended by Doctors' and Dentists' Review Body as implemented and as achieved 1976-77 to 1985-86

	Target average net income recommended by DDRB		*Implemented target average net income*		*Actual average net income*
	Amount	*Annual percentage increase*	*Amount*	*Annual percentage increase*	
	£	*per cent.*	*£*	*per cent.*	*£*
1976-77	[1]—	—	[5]—	—	7,974
1977-78	[1]—	—	[5]—	—	8,897
1978-79	[2]8,829	—	8,829	—	9,442
1979-80	[3]11,128	26·04	11,128	26·04	12,065
1980-81	14,675	31·87	14,675	31·87	14,282
1981-82	[4]15,337	4·51	15,555	6·00	[9]14,930
1982-83	16,880	10·06	16,435	5·66	[10]16,243
1983-84	17,890	5·98	[6]17,556	6·82	n.a.
1984-85	19,100	6·76	[7]18,707	6·56	n.a.
1985-86	20,280	6·18	[8]20,083	7·36	n.a.

Notes:

[1] The review body did not recommend a target average net income. Under current pay restraint measures it recommended the payment of cash supplements to dentists of varying amounts.

[2] The review body also indicated its judgment of the "fully up-to-date" level of remuneration which was £10,511.

[3] The review body also indicated its judgment of the "fully up-to-date" level of remuneration which was £12,368.

[4] The review body recommended that target average net income remain at £14,675 from 1 April 1981 and be increased to £16,000 with effect from 1 October 1981 (equivalent to £15,337 for 1981-82 as a whole).

[5] The recommendations set out in note 1 were implemented.

[6] Target average net income was set at £17,445 from 1 April 1983, increased to £17,890 on 1 January 1984 (equivalent to £17,556 for 1983-84 as a whole).

[7] Target average net income was set at £18,427 from 1 April 1984, increased to £19,100 on 1 November 1984 (equivalent to £18,707 for 1984-85 as a whole).

[8] Target average net income remained at £19,100 from 1 April 1984 and increased to £20,280 on 1 June 1985 (equivalent to £20,083 for 1985-86 as a whole).

[9] Takes account of deduction of £440 in respect of overpayments in earlier years.

[10] Takes account of deduction of £197 under the balancing arrangement.

Lincolnshire and South Humberside

Mr. Austin Mitchell asked the Secretary of State for Social Services (1) if he has any plans to provide additional resources to assist local authorities with the increased burden falling on local social services if St. John's hospital, serving Lincolnshire and South Humberside, is closed; and if he will make a statement;

(2) what are his proposals for the future treatment of patients from the Grimsby area who are currently being treated at St. John's hospital;

(3) what is his policy towards the future of St. John's hospital, serving Lincolnshire and South Humberside;

(4) what are the most recent statistics in relation to St. John's hospital, Humberside, for the number of patients discharged; of these what was the number of patients who subsequently committed suicide; what was the number of patients readmitted; and, of those, what was the number who had been convicted of crimes;

(5) when he expects to announce a decision on the plans of the North Lincolnshire health authority for the rundown and closure of St. John's hospital, serving Lincolnshire and South Humberside.

Mr. Whitney: I assume that the hon. Member's questions are prompted by the article about St. John's hospital which appeared in *The Mirror* on 27 March 1986. The district general manager subsequently wrote to the editor rebutting the allegations made. In his letter the district general manager made it clear that patients will be moved from St. John's hospital into the community only after a personal rehabilitation programme and only into accommodation which has been vetted by health and social services staff. Responsibility for implementing the Government's hospital and community health service policies lies with individual regional and district health authorities. Plans to transfer patients from St. John's hospital into the community, and their timing, are a matter for both the health and the social services authorities in north Lincolnshire.

Benefits

Mr. Wigley asked the Secretary of State for Social Services (1) what was the per capita expenditure on social security benefits in England in the last year for which figures are available;

(2) what was the per capita expenditure on social security benefits in Wales in the last year for which figures are available;

(3) what was the per capita expenditure on social security benefits in Scotland in the last year for which figures are available;

(4) what is the number of claimants for each benefit administered by the Department of Health and Social Security in Wales;

(5) how many people are entitled to each of the benefit payments available through the Department of Health and Social Security in Wales; and what is the level of take-up.

Mr. Major: I shall let the hon. Member have a reply as soon as possible.

School Meals

Mr. Warren asked the Secretary of State for Social Services if he will examine and report on the differences in the interpretation by his external advisers of the statistics in the report prepared by his Department on the nutritional content of school meals with particular respect to sugar and fats.

Mr. Whitney: No. The preliminary report on the survey reflects the advice of the Chief Medical Officer's Committee on medical aspects of food policy (COMA). The Government look to COMA for advice on matters relating to diet and health.

DEFENCE

Ulster Defence Regiment

Mr. John David Taylor asked the Secretary of State for Defence how many members of the Ulster Defence Regiment have resigned since 15 November 1985.

Mr. Stanley: Between 15 November 1985 and 8 April 1986, 297 members of the Ulster Defence Regiment applied to be discharged from the Regiment. By way of comparison, between 15 November 1984 and 8 April 1985, 372 members of the regiment applied to be discharged.

Berlin Brigade (Equipment)

Mr. Hawksley asked the Secretary of State for Defence, further to the reply of 27 March, *Official Report*, columns *601-2*, when he will have finished his consideration of the purchase of armoured personnel carriers for use in Berlin by the British Army.

Mr. Stanley: I shall write to my hon. Friend.

Chemical Weapons

Mr. Cohen asked the Secretary of State for Defence whether the production and deployment of chemical weapons is likely to be on the agenda of the North Atlantic Treaty Organisation Ministers of Defence meeting on 22 May; and if he will make a statement of the view he expects to put forward on behalf of Her Majesty's Government.

Mr. Stanley: I refer the hon. Member to the reply I gave to the hon. Member for Orkney and Shetland (Mr. Wallace) and my subsequent replies to supplementaries at oral questions on 15 April at columns *714-16*.

Mr. Clarence Robinson (Visit)

Mr. Dalyell asked the Secretary of State for Defence what were the terms of the apology proferred to him by Mr. Casper Weinberger on the circumstances surrounding the visit of Mr. Clarence Robinson.

Mr. Norman Lamont: The misunderstanding about this visit was described as a matter of mutual regret.

PRIME MINISTER

Strategic Defence Initiative

Q49. **Mr Dalyell** asked the Prime Minister what representations she has had from British industry about the strategic defence initiative programme, following the meeting in Washington on 25 March.

The Prime Minister: None.

United Kingdom Companies (United States Laws)

Mr. Ashdown asked the Prime Minister what is her policy on the acquisition for the use of the Cabinet Office or her own officials, of computers and equipment supplied by companies which seek to impose extraterritorial United States controls on their United Kingdom staff or on non-Government United Kingdom customers or on United Kingdom exports; and if she will make a statement.

The Prime Minister: Acquisitions of such equipment are made by the Central Computer and Telecommunications Agency, whose policy was set out in the answer given by the Minister of State, Treasury, in response to a question from the hon. Member on 8 April, at column 95.

Opium Poppy (Seed Production)

Mr. Corbett asked the Prime Minister whether she intends to publish the report on opium poppy production for seed in England and Wales being drawn up jointly by the Ministry of Agriculture, Fisheries and Food and the Home Office.

The Prime Minister: My right hon. Friends the Secretary of State for the Home Department and the Minister of Agriculture, Fisheries and Food are urgently considering how far the United Kingdom's legitimate need for poppy seeds can be met from domestic supplies, having regard to the need for a proper system of regulation and to climatic conditions. We would need to be satisfied that any such production posed no threat of diversion to the illicit drug market. We shall ensure that the results of these deliberations are made public at the earliest opportunity.

Ministerial Shareholdings (Guidelines)

Mr. Dormand asked the Prime Minister whether she has any plans to issue new guidelines to Ministers about Ministers' shareholdings; and if she will make a statement.

The Prime Minister: I believe that the existing guidelines are satisfactory. They are kept under review, but I have no present plans to issue new ones.

Energy Efficiency Projects

Mrs. Roe asked the Prime Minister how much Her Majesty's Government spent during 1985-86 on energy efficiency projects in Government establishments.

The Prime Minister: Approximately £15 million has been spent on energy conservation projects in Government establishments in 1985-86, although final figures are not yet available. This figure excludes projects whose main objective is other than energy conservation, but from which some benefits in energy efficiency would, nevertheless, be expected.

Public Bodies (Appointments)

Mr. Tony Banks asked the Prime Minister if she will list the names of those people she appointed in 1985 to public bodies.

The Prime Minister: The names are as follows:

1. *Imperial War Museum*
   Lady Airey of Abingdon
   Sir Brian Young
2. *Science Museum*
   Sir Robert Clayton
   Mr. John Duckworth
   Mr. Lawrence Brandes
   Sir Austin Pearce
3. *National Portrait Gallery*
   Mrs. Susan Crosland
   Professor Margaret Gowing
   Professor Norbert Lynton

4. *Tate Gallery*
Mr. Gilbert de Botton
Mr. Mark Weinberg
Mr. David Puttnam

5. *Victoria and Albert Museum*
HRH Princess Michael of Kent
Sir Terence Conran
Professor Christopher Frayling
Miss Jean Muir
Lord Barnett
Mr. Ian Hay Davison
Professor Sir John Hale
Mr. Andrew Knight
Mr. David Mellor
Sir Michael Butler
Lady Harlech
Sir Nevil Macready
Professor Martin Kemp
Mr. Clifford Chetwood
Miss Mary Giles
Mr. Ronnie Gorlin

6. *National Heritage Memorial Fund*
Lady Airey of Abingdon
Lord Anglesey
Sir Robert Cooke
Professor Frederick Holliday
Mr. Clive Jenkins
Mr. Charles Kinahan
Mr. Martin Jacomb

7. *Kennedy Memorial Trust*
Sir Brian Pippard
Mr. Simon Webley
Professor Christine Bolt
The Marquess of Tavistock

8. *Museums and Galleries Commission*
Sir Frederick Dainton
The Honourable Jonathan Davies

9. *British Museum*
Mr. Graham Greene
Lord Weinstock
The Honourable Mrs. Marten

10. *National Gallery*
Mr. Michael Cowdy
Sir Nicholas Henderson

11. *City Parochial Foundation*
Lord Limerick
Lord Henniker

12. *Security Commission*
Lord Griffiths
General Sir Hugh Beach
Air Chief Marshal Sir Alasdair Steedman

13. *Civil Service Security Appeal Body*
Lord Justice Lloyd
Sir Patrick Nairne
Mr. Edward Hewlett

REVIEW BODIES

14. *Top Salaries*
Sir Thomas Skyrme
Sir Harold Atcherley
Lord Chorley
Mrs. Alison Wright
Mr. Andrew Morritt

15. *Armed Forces Pay*
Mr. William Thomson

16. *Doctors and Dentists Remuneration*
Sir Graham Wilkins
Professor P. G. Moore

17. *Nursing and Midwifery Staff etc.*
Mrs. Jenny Hughes

18. *Advisory Committee on Acceptance of Appointments by Crown Servants*
Lord Diamond
Sir David Orr
Admiral Sir Anthony Morton
Sir Trevor Holdsworth

A number of the names listed are in fact reappointments.

Workfare Schemes

Mr. Ralph Howell asked the Prime Minister if she will give urgent consideration to initiating pilot workfare schemes similar to those operating in the United States of America in dissimilar areas of Britain with a view to creating a nationwide workfare system in due course.

The Prime Minister: We continue to consider all ways, including the American experience, in which we can help the unemployed and tackle unemployment.

Departmental Classified Material (Security Commission)

Mr. Leadbitter asked the Prime Minister if she will refer to the Security Commission the allegations that a clerical assistant at the Department of Trade and Industry has passed classified material to a Czechoslovakian military attaché; and if she will make a statement.

The Prime Minister: This matter is under investigation by the police. The question of a reference to the Security Commission will be considered when the outcome of this investigation and any subsequent proceedings is known.

Engagements

Mr. Pike asked the Prime Minister if she will list her official engagements for Thursday 17 April.

Mrs. Clwyd asked the Prime Minister if she will list her official engagements for Thursday 17 April.

Mr. Greenway asked the Prime Minister if she will list her official engagements for Thursday 17 April.

The Prime Minister: This morning I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall be having further meetings today, including one with His Royal Highness King Hussein of Jordan.

SCOTLAND

Monofilament Gill Nets

Mr. Austin Mitchell asked the Secretary of State for Scotland whether he will meet the Scottish and English fishermen's organisations to discuss the Inshore Fishery (Prohibition of Carriage of Monofilament Gill Nets) (Scotland) Order 1986.

Mr. John MacKay: No. There was considerable consultation on the proposal to introduce an order and before the order was made full consideration was given to the representations received. The details of the order have already been fully explained and I see no useful purpose in a meeting of the kind proposed.

Mr. Austin Mitchell asked the Secretary of State for Scotland what representations he has received from the English fishing industry on the Inshore Fishing (Prohibition of Carriage of Monofilament Gill Nets) (Scotland) Order 1986.

Mr. John MacKay: I have nothing to add to what was said in my reply of 10 March on this subject.

Mr. Austin Mitchell asked the Secretary of State for Scotland whether he will consult the European Economic Community Commission about alleged discrimination against *(a)* English and *(b)* Scottish vessels in the Inshore Fishing (Prohibition of Carriage of Monofilament Gill Nets) (Scotland) Order 1986.

Mr. John MacKay: Before the order was laid we consulted the Commission of the European Communities on its terms. In reply the Commission indicated that the order was compatible with Community law and in conformity with the common fisheries policy. I see no need for further consultation with the Commission.

Mr. Austin Mitchell asked the Secretary of State for Scotland what instructions have been given to officers of his Department about reporting to the procurator fiscal English fishing vessels carrying monofilament nets *(a)* landing their catches in Scottish ports, *(b)* putting in for repairs and *(c)* sheltering from storms.

Mr. John MacKay: Officers have been instructed to report to the Department of Agriculture and Fisheries for Scotland headquarters details of any British fishing vessel carrying such nets which claims it had been forced to enter the six-mile limits covered by the Inshore Fishing (Scotland) Act 1984.

Such fishermen forced into Scottish inshore waters by circumstances beyond their control will not be reported for prosecution. These circumstances to which I refer include serious illness or injuries, bona fide engine malfunctions and stormy weather, but not the landing of catches at Scottish ports.

Local Authority Housing

Mr. Wigley asked the Secretary of State for Scotland what was the average current and capital expenditure per head on housing of the Scottish local authorities during the last year for which figures are available.

Mr. Ancram: Average current expenditure on local authorities housing revenue accounts was £134·86 per head of overall population in 1984-85. Local authorities average gross capital expenditure on housing in 1984-85 was £83·72 per head.

Fish Landings

Mr. Austin Mitchell asked the Secretary of State for Scotland what was the tonnage or worth of fish landed by English fishing vessels in Scottish ports in 1985.

Mr. John MacKay: Figures are not available for England and Wales separately, but vessels from England and Wales landed around 33,600 tonnes of fish worth nearly £8 million in Scottish ports in 1985.

Youth Training Scheme

Mr. Wigley asked the Secretary of State for Scotland what are the latest figures for the proportion of those who have taken part in YTS schemes in Scotland who have subsequently found full-time employment; and what proportion subsequently were unemployed in each year since the scheme's inception.

Mr. Allan Stewart: Information is not available in the form requested. The Manpower Services Commission has conducted regular follow-up surveys of those leaving YTS schemes since 1984. Postal questionnaires are sent to young people some three months after they leave their scheme. Information from the 15 per cent. sample survey in Scotland between June 1984 and March 1985 is as follows, alongside the latest available information from the new 100 per cent. survey.

	*June 1984-March 1985**	*April-October 1985†*
Percentage of respondents who are:		
in full-time work with same employer	21	27
in full-time work with different employer	29	21
in part-time work	‡—	3
on full-time course at college/training centre	2	4
on another YTS scheme	5	6
doing something else	3	6
unemployed	39	34
Number of respondents (=100 per cent.)‖	6,145	15,991

* Based on 15 per cent. sample.
† 100 per cent. survey.
‡ Part-time figures not available.
‖ Due to individual roundings computed total percentages differ from 100 per cent.

Public Bodies (Staff)

Mr. Tony Banks asked the Secretary of State for Scotland what was the number of staff employed by *(a)* the Highlands and Islands Development Board, *(b)* the Scottish Tourist Board and *(c)* the Forestry Commission in 1979 and 1985.

Mr. John MacKay: The information requested is as follows:

Number of staff in post at 31 March

	1979	*1985*
(a) Highlands and Islands Development Board	246	273
(b) Scottish Tourist Board	125	119
(c) Forestry Commission	8,323	6,273

These totals include part-time and temporary staff.

Single Payments

Mr. Gordon Brown asked the Secretary of State for Scotland if he will make additional provision for payments under section 12 of the Social Work Act following the introduction of changes to social security single payments regulations.

Mr. John MacKay: Payments by local authorities under section 12 of the Social Work (Scotland) Act 1968 and single payments made by the Department of Health and Social Security are subject to different criteria. Local authorities should continue to apply the criteria relating to section 12 irrespective of any changes in the level of single payments.

Sunday Trading

Mr. McQuarrie asked the Secretary of State for Scotland if, in the light of Her Majesty's Government's decision not to pursue the proposed Shops Bill legislation,

he will now examine the Scottish Acts concerning shops opening in order to preserve the traditional Scottish Sabbath; and if he will make a statement.

Mr. John MacKay: No.

Housing (Capital Allocations)

Mr. Maxton asked the Secretary of State for Scotland if he will provide the housing revenue account capital allocation for each local authority in Scotland, for the years 1974-86 inclusive, all figures at 1985-86 outturn prices.

Mr. Ancram [*pursuant to his reply*, 26 March 1986, c. *510*]: The information requested is set out, for the years from 1978-79 onwards, in the table.

Capital allocations to the Housing Revenue Account at 1985-86 outturn prices

Local authority	*Financial year*							
	1978-79 £ *million*	*1979-80* £ *million*	*1980-81* £ *million*	*1981-82* £ *million*	*1982-83* £ *million*	*1983-84* £ *million*	*1984-85* £ *million*	**1985-86* £ *million*
BORDERS								
Berwickshire	1·5	1·3	1·1	1·2	1·1	1·4	1·1	1·3
Ettrick and Lauderdale	2·0	1·2	0·7	1·3	1·6	2·3	1·9	1·0
Roxburgh	2·6	3·0	2·7	3·3	4·6	4·5	3·3	3·0
Tweeddale	0·6	0·9	0·9	0·5	0·5	0·7	0·4	0·4
CENTRAL								
Clackmannan	5·3	3·7	3·0	2·6	2·8	3·2	1·9	2·4
Falkirk	7·5	7·3	5·9	5·6	9·7	10·3	9·0	9·2
Stirling	7·5	6·4	6·2	5·3	5·5	4·7	4·9	4·8
DUMFRIES AND GALLOWAY								
Annandale and Eskdale	6·0	4·6	4·2	4·5	5·0	4·6	3·4	2·8
Nithsdale	3·1	3·0	2·7	2·9	4·0	4·3	2·8	3·5
Stewartry	2·2	2·0	1·6	1·8	2·0	1·5	1·4	1·4
Wigtown	1·4	1·8	2·0	2·6	2·4	3·0	1·8	2·4
FIFE								
Dunfermline	7·8	7·3	5·2	5·9	7·2	10·3	7·4	7·6
Kirkcaldy	10·0	7·6	7·0	8·4	10·4	8·0	7·4	7·0
North East Fife	5·4	5·0	4·3	4·6	6·6	4·5	3·6	3·4
GRAMPIAN								
Aberdeen	24·2	22·1	16·6	13·3	7·9	13·5	15·6	13·3
Banff and Buchan	7·1	6·2	5·5	4·5	4·9	4·8	4·0	5·0
Gordon	3·0	2·0	3·2	5·4	6·6	7·3	4·0	6·5
Kincardine and Deeside	2·4	2·1	2·0	3·5	5·0	4·4	3·5	4·2
Moray	5·8	7·8	7·3	6·2	5·8	5·6	4·7	4·2
HIGHLAND								
Badenoch and Strathspey	1·0	1·2	1·2	2·0	1·6	1·4	0·9	0·7
Caithness	2·8	2·6	2·0	1·9	3·2	2·5	2·1	2·2
Inverness	4·0	5·0	3·9	4·2	4·9	5·8	4·0	4·1
Lochaber	3·0	2·9	2·8	2·6	2·3	2·1	2·6	2·7
Nairn	0·8	0·9	0·7	1·3	1·0	0·7	1·1	1·0
Ross and Cromarty	5·7	4·8	3·7	3·9	5·1	5·5	3·8	4·1
Skye and Lochalsh	1·0	1·3	0·7	1·0	1·0	1·0	1·0	1·7
Sutherland	1·2	1·4	0·6	0·9	1·6	1·4	1·2	1·5
LOTHIAN								
East Lothian	4·5	4·2	4·3	5·7	7·4	6·8	6·2	7·2
Edinburgh	15·1	12·9	11·7	13·7	17·3	18·3	12·0	18·0
Midlothian	3·0	3·4	2·5	3·3	4·7	6·1	5·0	4·3
West Lothian	2·6	3·4	3·1	4·4	5·4	5·1	4·8	7·0
STRATHCLYDE								
Argyll and Bute	6·9	4·6	5·0	5·6	5·6	4·7	2·7	3·6
Bearsden and Milngavie	1·6	1·8	1·1	1·0	1·0	1·3	0·7	1·1
Clydebank	3·2	3·8	3·2	2·8	2·8	3·6	2·5	4·3
Clydesdale	2·4	2·1	1·6	1·7	1·9	2·3	1·8	1·6
Cumbernauld and Kilsyth	1·3	3·0	1·3	1·5	1·3	1·1	0·7	1·4
Cumnock and Doon Valley	2·5	2·7	2·5	2·3	2·3	2·1	1·3	1·9
Cunninghame	10·0	7·7	7·2	6·5	3·2	4·7	3·4	4·3
Dunbarton	2·4	2·7	2·7	3·0	1·9	2·2	1·5	3·1
East Kilbride	1·2	1·1	0·9	1·0	1·0	1·0	0·9	0·6
Eastwood	0·9	0·5	0·3	0·5	0·7	1·1	1·0	0·9
Glasgow	103·0	99·3	85·1	77·4	66·6	80·0	54·0	58·0
Hamilton	10·2	10·0	7·9	7·3	6·1	4·9	3·8	5·0
Inverclyde	9·3	6·1	5·3	4·5	5·4	5·4	3·1	4·3
Kilmarnock and Loudoun	5·0	3·4	3·1	3·1	3·7	5·3	3·0	3·8
Kyle and Carrick	7·0	6·4	4·4	4·9	5·6	5·7	4·1	4·7

Local authority	Financial year 1978-79 £ million	1979-80 £ million	1980-81 £ million	1981-82 £ million	1982-83 £ million	1983-84 £ million	1984-85 £ million	*1985-86 £ million
Monklands	21·7	11·5	10·0	8·9	9·9	7·2	4·3	6·0
Motherwell	14·3	15·8	12·3	10·6	9·0	7·8	6·8	8·2
Renfrew	13·5	12·2	10·4	10·5	11·3	12·3	10·2	9·9
Strathkelvin	10·6	6·2	5·1	4·9	4·0	4·1	2·4	3·2
TAYSIDE								
Angus	4·7	4·3	3·9	4·0	4·8	5·3	3·8	4·4
Dundee	11·5	10·2	9·2	6·2	8·7	9·4	7·7	8·1
Perth and Kinross	6·1	7·1	4·9	3·9	8·2	8·8	6·2	5·3
ORKNEY ISLANDS	2·0	1·8	1·0	0·9	1·1	0·9	1·2	0·7
SHETLAND ISLANDS	3·0	4·6	3·7	3·8	3·5	3·0	3·6	3·9
WESTERN ISLES	4·2	3·9	3·6	4·2	4·3	3·6	3·2	3·4

Notes:

1. All figures are expressed in constant prices by applying the GDP deflator (base year 1985-86).
2. Local authorities did not receive annual block capital allocations for the housing revenue account until 1978-79.
3. Capital allocations to local authorities have, since 1982-83, been made on a net basis; the Secretary of State provides a net allocation in addition to which local authorities can spend the actual net capital receipts realised in the year in question. However, the figures for 1982-83 and subsequent years are given on a gross basis, that is, inclusive of net capital receipts. The figures for 1984-85 are in some cases still subject to audit. Information for 1985-86 cannot be provided on the same basis as for earlier years as figures for actual net capital receipts realised are not yet available. The figures provided for this year (*) therefore represent the gross allocations issued on 29 March 1985 together with any subsequent supplementary allocations, incorporating the original estimates of likely capital receipts for 1985-86.

Crime Statistics

Mr. Kaufman asked the Secretary of State for Scotland if he will list in respect of each police force area in Scotland in 1985 the total number of *(a)* offences notified to the police, *(b)* offences of violence against the person, *(c)* burglaries, *(d)* thefts, *(e)* offences of fraud and forgery, and *(f)* offences of criminal damage.

Mr. MacKay [*pursuant to his reply*, 16 April 1986, c. *401*.] The table sets out the requested figures on crimes recorded by the police, using the best available approximations in the Scottish crime classification to the categories listed in the question. It is encouraging that the number of crimes recorded fell by almost 3 per cent. in 1985, with a 10 per cent. fall in housebreaking.

Crimes Recorded by Police Force Area, Scotland 1985

Crime	Central	Dumfries and Galloway	Fife	Grampian	Lothian and Borders	Northern	Strathclyde	Tayside	Scotland Total
Total Crimes	20,101	7,165	23,704	33,384	82,936	12,209	250,062	32,409	461,970
Violence Against the Person	522	153	485	925	2,369	277	6,427	940	12,098
Burglary	4,048	1,203	4,874	5,530	15,629	1,724	61,506	6,184	100,698
Theft	8,704	3,207	10,529	15,008	40,424	5,468	109,465	13,920	206,725
Fraud and Forgery	1,445	418	1,363	2,069	7,622	1,044	14,540	2,067	30,568
Criminal Damage	4,288	1,729	4,879	7,570	11,509	2,064	40,958	6,545	79,542

Notes: The categories listed above have been derived from the categories of the Scottish crime classification as follows:
"Violence Against the Person": all non-sexual crimes of violence (group 1 of the standard classification) apart from robbery, those crimes of indecency (group 2) which contain a violent element, and certain crimes involving malicious and reckless conduct.
"Burglary": Housebreaking.
"Theft": Opening lockfast places and clandestine removal in addition to theft per se.
"Fraud and Forgery": Fraud, forgery and uttering, bankruptcy and currency offences.
"Criminal Damage": Fire-raising, vandalism and other crimes of malicious and reckless conduct not involving violence against the person.

HOME DEPARTMENT

Brixton Prison

Mr. Stuart Holland asked the Secretary of State for the Home Department whether prisoners in the medical wing of Brixton prison are provided with library facilities.

Mr. Mellor: Prisoners held in the medical wing at Brixton (F wing) do not have access to the prison library. The library officer does, however, visit the wing regularly to take orders for books. A small stock of books is also held on each landing.

Prisons (Electronic Equipment)

Mr. Holt asked the Secretary of State for the Home Department how many television sets, video recorders, tape recorders, stereo, hi-fi and other electronic equipment has been supplied to prisons in England during each of the last five years for which records are available.

Mr. Mellor: Equipment of this kind is provided from a variety of sources and for a variety of purposes, and no central record is maintained of items supplied. In 1985 the following equipment was in use in prisons in England for education and recreation purposes:

263 Television sets
182 Video cassette recorders
780 Tape recorders (including cassette recorders and players)
347 Items of hi-fi and other electronic equipment (stereos, record players, radios and radio cassette recorders/players).

Illegal Gambling (Prosecutions)

Mr. Holt asked the Secretary of State for the Home Department how many prosecutions for illegal gambling have taken place in each of the following years: 1960, 1965, 1970, 1975, 1980 and 1985, respectively.

Mr. Mellor: Information collected centrally does not distinguish all offences relating solely to illegal gambling. Information on the number of offenders prosecuted for any offence against betting, gaming and lotteries legislation is published annually in "Criminal Statistics, England and Wales". Offence classifications 75 and 106 in tables S1.1(A) of "Supplementary Tables, volume 1" for magistrates' courts and offence classification 75 in table S2.1(A) of volume 2 for the Crown court.

For 1960, the number of indictable offences relating to betting, gaming and lotteries cannot be separately identified, and for 1965, 1970 and 1975, offence classification 75 was not applicable to proceedings at magistrates' courts. Information for 1985 is not yet available.

Metropolitan Police

Mr. Chris Smith asked the Secretary of State for the Home Department what steps he proposes to take to establish a mechanism for public scrutiny of the uses to which precepted money is put in each Metropolitan police district.

Mr. Giles Shaw: The Metropolitan police is already accountable to Parliament, through my right hon. Friend as its police authority, for its use of public funds. Money raised through the receiver's precept on the boroughs and districts is not used for separately identifiable purposes, but forms part of the general income of the Metropolitan police which is applied to the needs of the Metropolitan police district as a whole.

Mr. Chris Smith asked the Secretary of State for the Home Department whether any spending limits are set for each Metropolitan police district in each financial year; and what provision is made for senior officers in each district to assess the degree of underspending or overspending of budget figures at stages during the financial year.

Mr. Giles Shaw: The Commission of Police of the Metropolis tells me that each division in the Metropolitan police district is given a yearly cash allocation for police overtime payments which cannot be exceeded without prior authority from New Scotland Yard. A monthly monitoring system provides divisional chief superintendents with the information needed to control their allocations. The possibility of developing further the use of local budgets is being studied.

Mr. Chris Smith asked the Secretary of State for the Home Department if he will place in the Library detailed information concerning the accounting methods and conventions used by the Metropolitan police.

Mr. Giles Shaw: The accounting methods and conventions used by the Metropolitan police follow closely those set out in "Government Accounting", published by HMSO (1986 edition ISBN 0115600086).

Mr. Chris Smith asked the Secretary of State for the Home Department if he will provide a detailed breakdown of Metropolitan police expenditure in the borough of Islington in 1985-86 and an estimated breakdown for 1986-87, according to the categories laid down in the Metropolitan police estimate reports, and including capital expenditure; if he will include a specific breakdown of items included in those sections categorised as other expenses; and if he will include detailed information for the specific items included in the following categories *(a)* A001 salaries and wages (police), *(b)* D035 communications equipment, *(c)* D036 radio equipment, *(d)* E041 purchase of transport, *(e)* E042 running costs of transport, *(f)* F053 training, *(g)* G066 Riot (Damages) Act 1866 expenses, and *(h)* H072 Special Constabulary.

Mr. Giles Shaw: The Commissioner of Police of the Metropolis tells me that records are not kept in a form which would enable information to be provided on the basis specified in the question. The Metropolitan police estimates are constructed not on a geographical basis but according to type of expenditure force-wide. This reflects the fact that the Metropolitan police district is policed as a whole and not as 40 separate areas corresponding to local authority boundaries. Although a substantial proportion of manpower and other resources is based at divisional level, they are not used exclusively within or for the benefit of the particular division to which they are allocated. Conversely, substantial resources which are not divisionally based are used in support of the policing of divisions.

In a special exercise carried out recently by the receiver for the Metropolitan police district at the request of the London boroughs and districts, based on the commuted rate cost of the manpower actually allocated to divisions within each borough and district, augmented by a percentage addition for support costs, it was estimated that the salary and support costs of officers based in the borough of Islington totalled some £20 million.

Alcohol Education Programmes

Mr. Best asked the Secretary of State for the Home Department if he will list the alcohol education programmes in the United Kingdom which have been approved as being appropriate for referral of defendants under a special condition probation order as permitted by the Powers of Criminal Courts Act 1973 as amended by the Criminal Justice Act 1982.

Mr. Mellor: Information about the number and location of alcohol education programmes in England and Wales is not held centrally. Such programmes are usually set up on local initiative, by interested groups such as Alcoholics Anonymous or, in some instances, by individual probation officers. Court duty probation officers will know of the availability of alcohol education programmes in their area and can, in appropriate cases, recommend the inclusion in a probation order of a requirement to attend such a programme.

Prison Officers (Territorial Army)

Mr. Stephen Ross asked the Secretary of State for the Home Department if he will reconsider his decision not to allow prison officers to join the Territorial Army Volunteer Reserve.

Mr. Mellor: It is essential that if a man joins the Territorial Army he should not only be able to fulfil his training commitments but also be available for call-out in time of crisis.

Prison officers are expected to remain at their posts during a national emergency and would therefore not be available for call-up with the rest of the TA. In these circumstances, it would not be sensible for prison officers to join the TA and waste resources on training. For this reason we are unable to vary the decision not to allow them to join the Territorial Army Volunteer Reserve.

Woolwich Prison

Mr. Wheeler asked the Secretary of State for the Home Department when he expects the new prison at Woolwich to be available for service; what is the current occupancy of prisons in London over authorised accommodation levels; and if he will make a statement.

Mr. Mellor: The new prison at Woolwich is expected to become operational in the latter part of 1991. The current occupancy and certified normal accommodation figures for prison establishments in London as at 4 April 1986 are as follows:

	Population	*Certified normal accommodation*
HMRC Ashford	544	376
HMP Brixton	991	695
HMYCC Feltham	220	256
HMP Holloway	346	247
HMRC Latchmere House	175	127
HMP Pentonville	966	656
HMP Wandsworth	1,513	1,265
HMP Wormwood Scrubs	1,399	1,011

Thames Valley Police (Special Duties)

Mr. Baldry asked the Secretary of State for the Home Department if his Department allocates any extra funding to the Thames Valley police in respect of those officers assigned to royal family, diplomatic and VIP protection duties; and if he will make a statement.

Mr. Shaw: No. All expenditure by a police authority for police purposes is eligible for police grant from the Home Office at the rate in 1986-87 of 51 per cent.

Mr. Baldry asked the Secretary of State for the Home Department if he will call for a report from the chief constable of Thames Valley as to how many officers in the Thames Valley police force are allocated at present to royal family, diplomatic and VIP protection duties.

Mr. Hurd: I understand from the chief constable that 40 officers are permanently engaged on protection duties, 20 on uniformed fixed post duties and the remainder comprising a mobile section and supervisory officers.

Opium Poppies

Mr. Corbett asked the Secretary of State for the Home Department whether he will seek to amend the Misuse of Drugs Act 1971 to control the growing of opium poppies in England and Wales and the sale of seed.

Mr. Mellor: My right hon. Friend shall decide on any necessary action once he has had an opportunity to consider the report which the Ministry of Agriculture, Fisheries and Food is preparing jointly with the Department's officials.

Mr. Corbett asked the Secretary of State for the Home Department how many of his officials are involved in preparing the joint report with the Ministry of Agriculture into opium poppy production in England and Wales; and how many meetings have so far been held.

Mr. Mellor: Six of the Department's officials have been directly involved in the preparation of the report, and one meeting has taken place with Ministry of Agriculture officials.

Animal Protection Groups (Police Liaison)

Mr. Barry Jones asked the Secretary of State for the Home Department if he will call for reports from chief constables about how many constabularies in England in and Wales have appointed officers with responsibility to liaise with animal protection groups; and if he will make a statement.

Mr. Giles Shaw: All police forces in England and Wales have nominated officers to deal, as appropriate, with any activities of animal protection groups which may relate to police responsibilities.

Shahid Syed

Mr. Wigley asked the Secretary of State for the Home Deaprtment how many representations has he received from *(a)* hon. Members and *(b)* others concerning the deportation of Shahid Syed.

Mr. Waddington: Representations about the case of Shahid Syed have been received from 41 hon. Members. Representations, including three petitions, have also been received from 16 other individuals or organisations.

Public Bodies (Staff)

Mr. Tony Banks asked the Secretary of State for the Home Department what was the number of staff employed by *(a)* the Commission for Racial Equality, *(b)* the Equal Opportunities Commission and *(c)* the Gaming Board Inspectorate in 1979 and 1985.

Mr. Hurd: The information is as follows:

	1979	*1985*
Commission for Racial Equality	229	200
Equal Opportunities Commission	148	161
Gaming Board Inspectorate	38	36

Immigrant Appeal Hearings

Mr. Clelland asked the Secretary of State for the Home Department if he will make funds available for the purpose of providing travel expenses for persons involved in immigrant appeal hearings.

Mr. Waddington: No.

Marita Anderson and Ella O'Dwyer

Mr. McNamara asked the Secretary of State for the Home Department when the Parliamentary Under-Secretary of State, Lord Glenarthur, will be replying to the letter he received from the hon. Member for Kingston upon Hull, North of 27 January, whose acknowledgement of the receipt of the letter was received on 25 February, on the subject of Martina Anderson and Ella O'Dwyer, currently on remand in Her Majesty's prison, Brixton.

Mr. Mellor: My noble Friend has written to the hon. Member today.

Prisoners (Statistics)

Mr. Kilroy-Silk asked the Secretary of State for the Home Department what was the longest period of imprisonment to which a fine defaulter was sentenced in 1984.

Mr. Mellor [*pursuant to his reply*, 27 March 1986, c. *544*]: According to the records held centrally, the longest period to be served by a prisoner initially received into a prison department establishment in England and Wales in 1984 on committal in default of payment of a fine was 345 days.

Young Persons (Custody)

Mr. Alex Carlile asked the Secretary of State for the Home Department how many 15 and 16-year-old males who were sentenced to periods of custody by the courts in England and Wales served part of their sentence in an adult prison establishment during *(a)* 1984, *(b)* 1985 and *(c)* the first 10 weeks of 1986.

Mr. Mellor [*pursuant to his reply*, 27 March 1986, c. *548*]: Details of every establishment in which such a prisoner has served a sentence are not recorded centrally. The available information relates to the initial reception under sentence and is given in the following table. Juveniles initially received into adult prisons usually spend a very short period in an adult prison before being transferred to another establishment. It is normal for young males to be kept apart from adult males.

Males aged 15 and 16 initially received on sentence into adult prisons in England and Wales: by date of reception

*Number**

	Date of initial reception under sentence		
	1984	*1985†*	*January and February 1986†*
Adult prisons with remand units/ wings for prisoners aged under 21‡	450	380	60
Remand centres taking remand prisoners of all ages‖	230	190	40
Other adult prisons	470	450	50

* The figures are those recorded centrally and are rounded estimates.
† Provisions.
‡ Cardiff, Dorchester, Exeter, Liverpool, Manchester, Norwich, Swansea and Winchester.
‖ Ashford, Low Newton, Manchester, Pucklechurch and Risley.

Mr. Alex Carlile asked the Secretary of State for the Home Department how many males aged 15 and 16 years who were the subject of unruly certificates were remanded into adult prison establishments by the courts in England and Wales during *(a)* 1984, *(b)* 1985 and *(c)* the first 10 weeks of 1986.

Mr. Mellor [*pursuant to his reply*, 27 March 1986, c. *548*]: The information available relates to initial receptions on remand and is given in the table. A boy aged 15 or 16 who is awaiting trial or is convicted but unsentenced may be remanded in custody in a prison or remand centre in England and Wales only if a court certifies that he is so unruly that he cannot safely be committed to the care of a local authority, unless he has been committed under section 37 of the Magistrates' Courts Act 1980 with a view to a youth custody sentence. Committals under section 37 of the Magistrates' Courts Act 1980 are not separately identified in the records held centrally. It is normal for young males to be kept apart from adult males and they usually spend a very short period in an adult prison before being transferred to another establishment.

Males aged 15 or 16 initially remanded into adult prisons in England and Wales: by type of initial remand

*Number**

	1984		*1985†*		*January and February 1986†*	
	Untried	*Convicted unsentenced*	*Untried*	*Convicted unsentenced*	*Untried*	*Convicted unsentenced*
Adult prisons with remand units/wings for prisoners aged under 21‡	10	15	5	15	—	5
Remand centres taking remand prisoners of all ages‖	420	35	430	40	75	5
Other adult prisons	35	5	45	10	10	—

* The figures are those recorded centrally and are rounded estimates.
† Provisional.
‡ Cardiff, Dorchester, Exeter, Liverpool, Manchester, Norwich, Swansea and Winchester.
‖ Ashford, Low Newton, Manchester, Pucklechurch and Risley.

Metropolitan Police (Complaints)

Mr. Corbyn asked the Secretary of State for the Home Department how many complaints have been received from persons in respect of officers in the N division of the Metropolitan police for each month since June 1983; how many of the investigations have been completed; how

many were found in favour of the complaint; how many have resulted in compensation: how much has been paid in compensation; and how many are still unresolved.

Mr. Giles Shaw [*pursuant to his reply*, 17 March 1986, c. *10*]: The information: requested is as follows:

Number of complaints cases received by month:

	1983	*1984*	*1985*	*1986*
January	—	19	4	12
February	—	12	7	2
March	—	16	8	1
April	—	13	1	—
May	—	12	9	—
June	14	13	3	—
July	13	15	2	—
August	18	14	4	—
September	17	7	4	—
October	11	9	1	—
November	19	16	2	—
December	11	10	0	—

In 305 of the total of 319 cases, investigation has been completed; 14 cases are still outstanding.

In eight cases one or more of the complaints made was substantiated.

In seven cases civil claims were made against the commissioner. Three of these have been settled with payments totalling £242,000.

AGRICULTURE, FISHERIES AND FOOD

Pigs

Mr. Teddy Taylor asked the Minister of Agriculture, Fisheries and Food what are the requirements of the Council of Europe convention No. 87 on the housing of pigs in stalls or cages; and if he has any proposals to reduce the incidence or to ban the use of such stalls or cages for pigs.

Mrs. Fenner: Amongst other provisions, the Council of Europe convention No. 87 provides that where animals are continously confined they should be given the space appropriate to their physiological and ethological needs in accordance with established experience and scientific knowledge. The Government's code of recommendations for the welfare of pigs strongly recommends the use of alternatives to cages and stalls, and I have no further plans to ban or restrict their use.

Opium Poppies

Mr. Corbett asked the Minister of Agriculture, Fisheries and Food (1) what steps he has taken, and on what dates, to collect exact details of the acreage of opium poppies to be grown for seed in England and Wales, the variety used and the location of fields where the crop is drilled;

(2) what steps he is proposing to take to ensure that opium poppy crops grown for seed are marketed solely for the purposes for which they are being grown;

(3) what estimate he has made of the number of contracts signed to grow opium poppy for seed in England and Wales; and what is the estimated contracted acreage;

(4) how many of his officials are involved in preparing a joint report with the Home Office into opium poppy production in England and Wales; and how many meetings have so far been held.

Mr. Gummer: I shall reply to the hon. Member as soon as possible.

EC (Intervention)

Mr. Marlow asked the Minister of Agriculture, Fisheries and Food what is the cost to the taxpayer of intervention and storage not yet reimbursed by the European Economic Community for each of the last three calendar years.

Mr. Gummer [*pursuant to his reply*, 14 April 1986, c. *270*]: The European Agricultural Guarantee and Guidance Fund contributes one month in arrears at standard rate towards the interest costs of holding intervention stocks and the incidental costs such as transport, handling and storage, all of which are borne initially by member states.

The net cost of operations remaining with the United Kingdom in the years ending 31 December 1982 and 30 November 1983 and 1984 (provisionally) as shown in the Intervention Board's intervention buying accounts for those years, is £7·2 million, £20·8 million and £33 million respectively.

NORTHERN IRELAND

Newtownbreda Sewage Treatment Works (Contract)

Mr. John David Taylor asked the Secretary of State for Northern Ireland, pursuant to his reply of 20 March, *Official Report*, columns *295-6*, if the company with a registered office in Northern Ireland, which tendered successfully for the Newtownbreda sewage treatment works extension contract, is a subsidiary of a civil engineering firm in the Republic of Ireland; and if he will make a statement.

Mr. Needham: The firm WAM Civil Engineering Contractors, which tendered successfully for the civil engineering contract at Newtownbreda sewage treatment works, is a partnership based in Northern Ireland whose partners reside there.

Royal Ulster Constabulary

Sir John Biggs-Davison asked the Secretary of State for Northern Ireland how many officers of each rank have applied for transfer from the Royal Ulster Constabulary, or for early retirement, since November 1985.

Mr. Scott [*pursuant to his reply*, 10 April 1986, c. *179*]: Members of the Royal Ulster Constabulary do not apply for permission to transfer to constabularies in Great Britain; rather they approach those constabularies which then approach the Royal Ulster Constabulary. In 1986 up to 6 April, Great Britain forces have made recruitment inquiries with the Royal Ulster Constabulary about 36 officers seeking a transfer — one inspector, eight sergeants, and 27 constables. Detailed statistics are not available prior to 1 January 1986 and could be obtained only at disproportionate cost. There were no requests for early retirement from 1 November 1985 to 6 April 1986.

FOREIGN AND COMMONWEALTH AFFAIRS

Mr. Len Forsyth

Mr. David Howell asked the Secretary of State for Foreign and Commonwealth Affairs what has been the outcome, following representations made on a recent visit to Dubai by the Minister of State, the hon. Member for Mid-Sussex (Mr. Renton) concerning the case of Mr. Len Forsyth, who is currently prevented from leaving Dubai although not charged with any offence.

Mr. Eggar: Mr. Forsyth was charged on several counts in July 1985. I understand that his case is still before the court in Dubai. I hope for a satisfactory outcome before too long.

Holidaymakers (Cyprus)

Mr. Mason asked the Secretary of State for Foreign and Commonwealth Affairs what steps are being take to safeguard the well being of British holidaymakers on Cyprus in the growing tension between the United States of America and Libya; and if he will make a statement.

Mr. Eggar: We do not see a need at present for any special advice or guidance to be given to British holidaymakers travelling to Cyprus. When British holidaymakers travel abroad we look to the host Government to protect their well-being.

THE ARTS

Opera (Private Sponsorship)

Mr. Wigley asked the Minister for the Arts (1) what information he has as to the percentage of the budget of *(a)* the English national opera, *(b)* the Northern opera and *(c)* the Royal opera raised from private sponsorship in the last year for which figures are available;

(2) what information he has as to the percentage of the budget of the Scottish national opera company raised from private sponsorship in the last year for which figures are available;

(3) what information he has as to the percentage of the budget of the Welsh national opera company raised from private sponsorship in the last year for which figures are available.

Sir George Young: My right hon. Friend the Minister for the Arts is currently abroad. I have been asked to reply.

The percentages of the budgets accounted for by all private giving* in 1984-85, taken from published balance sheets and excluding overseas tours, are as follows:

	Per cent.
Royal opera house	6·5
English national opera	2·6
Opera house	4.0
Scottish opera	5·7
Welsh national opera	2·6

* Separate figures for business sponsorship and private donations are not available.

British Library

Mr. Tony Banks asked the Minister for the Arts what was the number of staff employed by the British Library in *(a)* 1979 and *(b)* 1985.

Mr. Luce: The British Library employed 2,210 staff in 1979. Since then it has absorbed a number of other organisations which together employed 239 staff. The number of British Library employees on 1 April 1985 was 2,452.

National Heritage Act 1980

Mr. Faulds asked the Minister for the Arts if he has anything to add to his answer of 14 March in relation to the number of statements laid before Parliament covering the financial years 1980-81 to 1984-85 inclusive in compliance with section 9(6) of the National Heritage Act 1980; and if he will make a statement.

Mr. Luce [*pursuant to his reply*, 24 March 1986, c. *390*]: In addition to the statements listed in my answer to the hon. Member on 14 March, a statement was laid before the House on 16 May 1985. The information in my answer of 14 March has been checked and, so far as I am aware, is correct and in compliance with section 9(6) of the National Heritage Act 1980.

Acceptances in Lieu of Tax

Mr. Faulds asked the Minister for the Arts if he has anything to add to his answer to the hon. Member for Warley, East of 14 March, *Official Report*, columns *609-10*, in relation to the number of references in written answers during the financial years 1980-81 to 1984-85 specifying particulars of estate duty or capital transfer tax satisfied in individual cases of acceptances in lieu of such taxes; and if he will make a statement.

Mr. Luce [*pursuant to his reply*, 24 March 1986, c. *390-91*]: The answer given to the hon. Member on 14 March specifying the number of written answers during the financial years 1980-81 to 1984-85 giving particulars of estate duty or capital transfer tax satisfied in individual cases of acceptances in lieu of such items has been checked, and I have nothing further to add.

ENVIRONMENT

Teviot Housing Estate, Tower Hamlets

Mr. Chris Smith asked the Secretary of State for the Environment if he will lay in the Library copies of correspondence between his Department's urban housing renewal unit and Tower Hamlets borough council concerning proposals for the transfer of the Teviot housing estate to the management or ownership of a private trust.

Sir George Young: No.

Mr. Chris Smith asked the Secretary of State for the Environment what opportunities have been made available to residents of the Teviot housing estate in the London borough of Tower Hamlets to participate in the current discussions between his Department's urban housing renewal unit and Tower Hamlets borough council concerning proposals for the transfer of their homes to the management and ownership of a private trust.

Sir George Young: In 1984 there was a survey of tenants on the estate which invited their views on a variety of possibilities for improvement of the estate, one of which would have involved the establishment of a trust. A report of this exercise was published. Since then my

Department's urban housing renewal unit has taken part in discussions with the borough council on developing the trust idea further. No firm proposals have yet emerged, but if they do it will be essential for residents to be fully consulted and for their support to be enlisted if any scheme is to go ahead.

Rates

Mr. Stephen Ross asked the Secretary of State for the Environment what sum is currently being demanded from the average industrial ratepayer in respect of general rates in the following city, borough and district councils: Westminster, Portsmouth, Southampton, Winchester, Mole Valley, Barnet, Waltham Forest, Medina and South Wight.

Mrs. Rumbold: The estimated figures are as follows:

*Average industrial rate bills in 1986-87**

	£
Westminster	11,220
Barnet	10,930
Waltham Forest	9,990
Mole Valley	13,730
Portsmouth	21,140
Southampton	26,770
Winchester	9,450
Medina	9,220
South Wight	4,540

* Average rate bills are derived from the average general rate poundages levied by local authorities and average industrial rateable values per hereditament. Average industrial rate bills are not comparable between authorities due to the wide variation in sizes of industrial properties.

Mr. Stephen Ross asked the Secretary of State for the Environment what sum is currently being demanded in respect of general rates from the average domestic ratepayer being resident in the following city, borough or district councils: Westminster, Portsmouth, Southampton, Winchester, Mole Valley, Barnet, Waltham Forest, Medina and South Wight.

Mrs. Rumbold: The estimated figures are as follows:

*Average (unrebated) domestic rate bills in 1986-87**

	£
Westminster	733
Barnet	555
Waltham Forest	433
Mole Valley	462
Portsmouth	327
Southampton	315
Winchester	416
Medina	335
South Wight	369

* Average unrebated rate bills are derived from the average domestic rate poundages levied by local authorities and average domestic rateable values per hereditament.

Radioactive Discharges

Mr. Wallace asked the Secretary of State for the Environment whether he has recently met the chairman of the Nature Conservancy Council to discuss the levels of radioactive discharges from nuclear plants.

Mrs. Rumbold: My hon. Friend the Minister for the Environment, Countryside and Local Government meets the chairman o the Nature Conservancy Council regularly to discuss matters of mutual interest. He last met the chairman on 9 April, but the levels of radioactive discharges from nuclear plants were not discussed.

Local Authority Mortgages (Defaults)

Mr. Ashdown asked the Secretary of State for the Environment what information he has as to the number of home owners who have defaulted on local authority mortgage payments in the last year for which figures are available.

Sir George Young: The information requested is shown for English local authorities at 31 March 1985. The figures are provisional estimates.

	Number	*Percentage of total*
Number of mortgage loans	565,000	
Number of loans 6 to 12 months in arrear	9,900	1·75
Number of loans over 12 months in arrear	5,000	0·89
Number of possessions for the period 1 April 1984 to 31 March 1985	750	0·13

Council House Sales

Mr. Heddle asked the Secretary of State for the Environment if he will examine the case of Mr. and Mrs. Adkin of 48 Green lane, Rugeley, Staffordshire, who wish to exercise the right to buy under the Housing Act 1980 in 1982, but who have so far been unable to do so.

Sir George Young: I understand that the processing of Mr. and Mrs. Adkin's right-to-buy application has been seriously delayed because of a boundary dispute. My officials are in touch with Cannock Chase district council to see whether progress can be expedited. I shall write to my hon. Friend.

London Marathon

Mr. Canavan asked the Secretary of State for the Environment what representations he has had about the continued use of county hall for the London marathon after 1986; and if he will make a statement.

Mr. Tracey: We have received two letters from the race director.

Local Authorities (Employment of Members)

Mr. Leigh asked the Secretary of State for the Environment what rules exist to restrict the employment of members of one local authority by a neighbouring authority; and if he intends to introduce legislation in this area.

Mrs. Rumbold: There are no statutory restrictions on members of one local authority being employees of another, although employees of a joint authority or of a joint committee of authorities may not be a member of any of the constituent councils. We have, however, asked the Widdicombe inquiry into the conduct of local government business to examine any problems of propriety which may arise from members' conflicts of interest, particularly where officers of one authority serve as members of another. The inquiry's report is expected to be submitted shortly.

Hampton Court (Fire)

Sir John Farr asked the Secretary of State for the Environment if Hampton Court was afforded sprinkler protection against fire; and if he will now review his policy of protection against fire for those parts of the national heritage in his custody.

Mr. Tracey: Sprinklers are not currently in use at Hampton Court palace. Following the events of 31 March 1986 my right hon. Friend has set up an inquiry into the discharge of the Department's responsibilities at Hampton Court palace. He will consider any recommendations which are relevant to protection against fire at other heritage buildings for which he is responsible when the report is available.

Local Government Reform

Mr. Soley asked the Secretary of State for the Environment what is the estimated cost of central Government funding of Greater London council services not devolved to local authorities.

Mrs. Rumbold: There is provision for additional central Government current expenditure of some £19 million on services carried out by the GLC. It is for the Arts Council, the Sports Council and the Countryside Commission to allocate additional funds, totalling over £30 million, given to them on account of the abolition of the Greater London council and the metropolitan county councils.

Shire Counties (Single Tier Authorities)

Mr. Pike asked the Secretary of State for the Environment if he has any proposals to extend the principle of single tier authorities into the shire counties in England.

Mrs. Rumbold: No. My right hon. Friend is satisfied that the present two-tier structure remains appropriate in those areas.

Tobacco (Sports Sponsorship)

Mr. Macfarlane asked the Secretary of State for the Environment if he has met any of the chairmen or secretaries of the governing bodies of sport specifically to discuss tobacco and sports sponsorship.

Mr. Tracey: No. I sought the views of the Sports Council, as the Government's advisers on sport. In formulating its advice, the council consulted the Central Council of Physical Recreation and those governing bodies currently or recently sponsored by tobacco companies.

Tobacco Advisory Council

Mr. Macfarlane asked the Secretary of State for the Environment if he will list the people from the Tobacco Advisory Council and his Department or other bodies who attended the Tobacco Advisory Council meeting on 19 March.

Mr. Tracey: Neither I nor any of my officials attended any meeting of the Tobacco Advisory Council on 19 March.

Acid Rain

Mr. Frank Cook asked the Secretary of State for the Environment whether the examination of the possible contribution of nuclear establishments in the United Kingdom to acid deposition is complete; and if he will make a statement.

Mr. Waldegrave: An assessment of the contribution of nuclear installations to acid deposition, undertaken by scientists at the environmental and medical sciences division of AERE Harwell, is now available.*

It confirms the preliminary scientific view that radioactive emissions from these installations make no contribution of any significance whatever to acid deposition. Amongst its conclusions, the report finds that:

—the nitrogen oxides discharged from an individual nuclear power station in the United Kingdom are less than the average emissions from a single petrol-engined vehicle; and

—the total quantity of nitrogen oxides formed as a result of atmospheric emissions from all nuclear installations in the United Kingdom is about 20 millionths of the amounts discharged by conventional sources.

I have arranged for copies of the report to be placed in the Library.

* "The possible impact of atmospheric radioactive discharges from UK installations on acid deposition" AERE R-12182 (March 1986).

Local Authorities (Grant-Related Expenditure)

Mr. Couchman asked the Secretary of State for the Environment when he proposes to publish details of the service components of local authorities' grant-related expenditure for 1986-87.

Mr. Waldegrave: I shall answer this question shortly.

Slum Clearance Subsidy

Mr. Hargreaves asked the Secretary of State for the Environment if he has any plans to undertake a study of slum clearance subsidy.

Sir George Young: As my right hon. Friend the Prime Minister said in her reply of 10 December 1985, at columns 574-75, to my hon. Friend the Member for Bolton, North-East (Mr. Thurnham), the programme of efficiency scrutinies for 1985-86 included a scrutiny of slum clearance subsidy. The scrutiny began in January and is scheduled for completion shortly.

Housing Expenditure

Mr. Wigley asked the Secretary of State for the Environment what was the average current and capital expenditure per head on housing of the English local authorities during the last year for which figures are available.

Sir George Young: Current expenditure by English local authorities from their housing revenue accounts in 1984-85 represented on average £109 per head of population; their gross capital expenditure on housing represented on average £67 per head of population.

Nature Conservancy Council and Development Commission

Mr. Tony Banks asked the Secretary of State for the Environment what was the number of staff employed in *(a)* the Nature Conservancy Council and *(b)* the Development Commission in 1979 and 1985.

Mrs. Rumbold: The information is as follows:

	1979	*1985*
(a) Nature Conservancy council	589½	582½
(b) Development Commission	31	34

The main agency of the Development Commission is the Council for Small Industries in Rural Areas (COSIRA). COSIRA employed 305 staff in 1979 and 292½ staff in 1985.

London Residuary Body

Mr. Tony Banks asked the Secretary of State for the Environment on what date the first annual report and statement of accounts of the London Residuary Body will be laid before Parliament.

Mr. Tracey: No date has been set.

Mr. Tony Banks asked the Secretary of State for the Environment if he will ask the London Residuary Body to make available its minutes in the Library.

Mr. Tracey: The availability of its minutes is a matter for the London Residuary Body to decide.

County Hall, London

Mr. Tony Banks asked the Secretary of State for the Environment if he will make it his policy not to give consent to any proposal for the demolition of county hall; and if he will make a statement.

Mr. Tracey: Any necessary application for listed building consent to demolition would be decided on its merits by my right hon. Friend the Secretary of State.

BBC (Sports Events)

Mr. Macfarlane asked the Secretary of State for the Environment whether any Minister or officials of his Department have made any requests to the British Broadcasting Corporation to remove scheduled sports events in recent weeks.

Mr. Tracey: No.

Denis-Wild Type Houses

Mr. Madden asked the Secretary of State for the Environment when officials of his Department and the building Reasearch Station visited the Lower Grange estate, Bradford, to inspect Denis-Wild type houses; when he expects to receive reports from those officials; when he expects to designate such properties under the Housing Defects Act; and if he will make a statement.

Sir George Young: Officials from my Department, including the Building Research Establishment, inspected Denis-Wild houses on the Lower Grange Estate, Bradford, on 7 February this year. I have received the BRE's note of that inspection. On this evidence my right hon. Friend is not minded to designate Denis-Wild houses under part XVI of the Housing Act 1985 (formerly the Housing Defects Act 1984)

Residuary Bodies (Appointments)

Mr. Tony Banks asked the Secretary of State for the Environment, pursuant to his reply of 11 April, *Official Report*, column *211*, why he has not appointed any women to the residuary bodies set up following abolition of the Greater London council and the metropolitan county councils.

Mrs. Rumbold: Those appointed to the residuary bodies were chosen on grounds of suitability and availability.

TRANSPORT

Vehicles (Anti-spray Devices)

Mr. Woodall asked the Secretary of State for Transport if he will extend the anti-spray rules now applicable to heavy trailers to existing heavy goods motor vehicles, including tractor units used to tow trailers, and to tipper vehicles.

Mr. Peter Bottomley: Existing motor vehicles and tractor units, unlike trailers, are invariably fitted with mudguards. It would not be cost effective to require operators to alter these so as to meet all the technical details of the British Standard. Anti-spray devices are difficult to fit to tipper lorries because of their tipping action and off road use. The best way forward is to allow the regulations to take effect without extending their scope at this stage.

Aviation Fuel

Mr. McCrindle asked the Secretary of State for Transport what information he has about the average price of aviation fuel by comparison with figures for July 1985.

Mr. Michael Spicer: The average scheduled price of aviation turbine fuel in the United Kingdom fell by 8 per cent. between July 1985 and March 1986.

The scheduled price takes no account, however, of discounts available to airlines. These can vary considerably from one airline to another and reductions in prices actually paid may differ accordingly. I have no information about prices in other countries where much of the fuel used by United Kingdom airlines is bought.

Mr. McCrindle asked the Secretary of State for Transport what recent representations he has received from airlines and tour operators with regard to the current relationship between the price of aviation fuel and the cost of crude oil, and its implications for the competitiveness of the airline and tourist industries; and if he will make a statement.

Mr. Michael Spicer: We have received no recent representations.

Road Casualty Figures

Mr. Conway asked the Secretary of State for Transport when the road casualty figures for the last quarter of 1985 will be published; and if he will make a statement.

Mr. Peter Bottomley: The Department of Transport's statistics bulletin containing these figures was released this morning. A copy has been placed in the Library of the House.

In 1985 as a whole, there were 5,200 deaths in road accidents, lower than any year since 1954. Traffic in the same period has increased by 450 per cent.

72,000 people were seriously injured on the roads in 1985, the second lowest figure since 1958. Slight injuries were 243,000 and 1 per cent. lower than last year.

I welcome these reductions in casualties on Britain's roads, although they do nothing to alleviate the suffering of the victims and their families. In the end it is up to each one of us to use the roads safely to protect ourselves and others.

Dumping at Sea

Mr. Nelson asked the Secretary of State for Transport what representations he has received from the Association of County Councils and the Nature Conservancy Council regarding ratification of annex V of the MARPOL convention on the dumping of garbage in the sea; and whether he proposes to bring any action as a result.

Mr. Ridley: I hope to make an announcement on annex V of the convention in the near future.

General Lighthouse Authorities

Mr. Wallace asked the Secretary of State for Transport whether he has any plans to implement the recommendations of Messrs. Arthur Young McLellan Moore & Co's report on the general lighthouse authorities with regard to advice from non-paying users of navigational aids; and if he will make a statement.

Mr. Ridley: I refer the hon. Member to my reply of 14 April to my hon. Friend the Member for Eastleigh (Sir D. Price).

Gipsies

Mr. Conway asked the Secretary of State for Transport if he will list the locations of land, owned by his Department, occupied by gipsies and the number of acres per site.

Mr. Peter Bottomley [*pursuant to his reply*, 8 April 1986, c. 2]: The information requested is as follows:

Location	*Acreage*
Highway land	
A20, Swanley bypass	0·50
A614/M180, Tudworth	0·08
A49, Bayston hill, Shrewsbury	0·75
A27, Withy Patch, Lancing, West Sussex	2·20
A3, Potters lane, Send, near Ripley, Surrey	0·55
Non-highway land	
Adjoining Pestilence lane, Alvechurch	1·50
A34, Wytham turn, near Botley, Oxfordshire	1·79
M25, Oakham road, Leatherhead, Surrey	0·20
Cleveland—Yarm road, Stockton-on-Tees	0·50

NATIONAL FINANCE

Unemployed Persons (South-East)

13. **Mr. Marlow** asked the Chancellor of the Exchequer what is the cost of support for the unemployed in the south-east.

Mr. MacGregor: The overall cost to the Exchequer of unemployment and supplementary benefit paid to the unemployed is estimated at £5·6 billion in 1986-87. In addition about £1·15 billion is paid in housing benefit, a benefit which can continue to be paid if the recipient finds employment. Regional figures would only be available at disproportionate cost.

Privatisation

14. **Mr. Evans** asked the Chancellor of the Exchequer whether he has considered bringing forward any privatisation programmes in order to increase annual receipts above the levels set out in the 1986 public expenditure White Paper.

Mr. Moore: No.

42. **Mr. Gareth Wardell** asked the Chancellor of the Exchequer what contributions he expects receipts from privatisation to make to his future policy on income tax levels.

Mr. Moore: Expected proceeds from privatisation are taken into account in judging the appropriate level of Government borrowing. It is the Government's policy to reduce the burden of personal taxation by exerting firm control over public expenditure and borrowing.

Manufacturing Industry (Taxation)

15. **Mr. Fatchett** asked the Chancellor of the Exchequer what was the income arising from taxes raised directly or indirectly from manufacturing industry in 1979 and 1985, respectively.

Mr. Moore: Information is not available in the form requested. But income tax, corporation tax, National Insurance surcharge and employers' National Insurance contributions paid by manufacturing industry are estimated at £4½ billion in 1979-80 and £6 billion in 1985-86—a reduction of 15 per cent. in real terms.

Interest Rates

16. **Mr. Soames** asked the Chancellor of the Exchequer if he will make a statement on the level of interest rates.

Mr. Ian Stewart: Base rates have been reduced by 1½ per cent. since the Budget.

51. **Mr. Austin Mitchell** asked the Chancellor of the Exchequer if he will give the real interest rate both short and long-term in the United Kingdom; and what information he has on such rates in West Germany and Japan.

Mr. Ian Stewart: There are many problems in measuring either pre-or post-tax real interest rates, though in the United Kingdom the yields on index linked gilts give a direct indication of long term pre-tax real interest rates. The yield on the 1996 index linked gilts is currently 4 per

cent., and that on the 2,020 indexed gilt is 3½ per cent. There are no comparable instruments in West Germany or Japan.

Public Sector Borrowing Requirement

17. **Mr. Livsey** asked Mr. Chancellor of the Exchequer what was the change in the public sector borrowing requirement during the month of March.

Mr. MacGregor: The March PSBR is provisionally estimated to be £3 billion.

36. **Mr. Wrigglesworth** asked the Chancellor of the Exchequer what is his latest estimate of the public sector borrowing requirement for 1985-86.

Mr. MacGregor: It is £5·9 billion.

Petrol (Duty)

18. **Mr. Litherland** asked the Chancellor of the Exchequer what account he takes of the effects of consequential changes in petrol prices when putting forward proposals to alter the duty on petrol.

Mr. Moore: The possible effects on prices are among the many factors taken into account. This year my right hon. Friend judged that the oil companies should be able to absorb the modest increase proposed.

Gross Domestic Product

19. **Mrs. Virginia Bottomley** asked the Chancellor of the Exchequer what information he has on comparable figures of gross domestic product per head in the United Kingdom and other industrialised countries.

Mr. Moore: Following is a table showing comparable figures for other OECD countries.

GDP per head in OECD countries, 1984

	*United States dollars**
Australia	11,180
Austria	8,540
Belgium	7,700
Canada	13,290
Denmark	10,690
Finland	10,490
France	8,910
Germany	10,030
Greece	3,380
Iceland	10,720
Ireland	4,990
Italy	6,110
Japan	10,460
Luxembourg	9,240
Netherlands	8,530
New Zealand	7,160
Norway	13,220
Portugal	1,910
Spain	4,190
Sweden	11,370
Switzerland	14,000
Turkey	1,020
United Kingdom	7,500
United States	15,360

Source: OECD Observer March 1986.
* Converted at average exchange rate of 1984.

Commercial Contracts

20. **Mr. Dubs** asked the Chancellor of the Exchequer if he will take steps to ensure that Government commercial contracts will be given only to firms which can demonstrate that they have effective equal opportunities policies.

Mr. Ian Stewart: The basis for the award of Government contracts is value for the taxpayers' money. All firms, whether tendering for Government contracts or not, must obey the existing laws relating to equal opportunities.

Freeports

21. **Mr. Colvin** asked the Chancellor of the Exchequer what recent representations he has received about reviewing the customs and tax regulations covering freeports; and if he will make a statement.

Mr. Moore: A number of representations have been received mainly from local authorities with an interest in either the Southampton free trade zone or Freeport Scotland about the freeport regulations. The freeport experiment is being monitored by appointed consultants and the regulations are being kept under review in the light of growing operational experience.

Alcohol (Excise Duty)

22. **Mr. Geraint Howells** asked the Chancellor of the Exchequer what recent representations he has received concerning the level of excise duties levied on alcoholic drinks.

Mr. Ian Stewart: The Budget decision not to increase these duties has been widely welcomed.

Inflation

23. **Mr. Fisher** asked the Chancellor of the Exchequer to what factors he attributes the difference between United Kingdom inflation rates and those in the United States of America, France, Japan and Germany.

Mr. MacGregor: A range of factors.

28. **Mr. Spencer** asked the Chancellor of the Exchequer if he will make a statement on the level of inflation.

32. **Mr. Andrew MacKay** asked the Chancellor of the Exchequer if he will make a statement on the current level of inflation.

Mr. MacGregor: Over the 12 months to February 1986, the retail prices index increased by 5·1 per cent.

Personal Equity Plan

24. **Mr. Beith** asked the Chancellor of the Exchequer what he estimates will be the total amount of tax relief available through the personal equity plan, in the first two years, to a new investor liable to the standard rate of income tax, who holds no other shares.

Mr. Moore: This will depend in particular, on how much is invested, what shares are acquired, what dividends are paid, and whether or not such dividends are reinvested.

35. **Mr. Campbell-Savours** asked the Chancellor of the Exchequer how many people he expects to take out personal equity plans in their first year of operation.

Mr. Moore: I am confident that a substantial number of people will wish to take advantage of this important new incentive.

Value Added Tax

25. **Mr. David Atkinson** asked the Chancellor of the Exchequer if he will make a statement on progress towards raising the value-added tax threshold within the Community.

Mr. Ian Stewart: Negotiations are continuing with the Commission with a view to allowing member states greater flexibility in determining their threshold.

Charities

26. **Mr. Ashley** asked the Chancellor of the Exchequer what representations he has received in response to the concessions to charities announced in the Budget.

Mr. Moore: The measures announced in the Budget have been widely welcomed.

European Monetary System

27. **Mr. Knox** asked the Chancellor of the Exchequer how many European Community member states currently take part in the exchange rate mechanism of the European monetary system.

Mr. Ian Stewart: Eight.

Public Expenditure

29. **Mr. Michael Brown** asked the Chancellor of the Exchequer whether he will make a statement on the outturn of public expenditure in the financial year 1985-86.

33. **Mr. Portillo** asked the Chancellor of the Exchequer what is his latest estimate of public expenditure outturn in 1985-86.

40. **Dr. Twinn** asked the Chancellor of the Exchequer if he will make a statement on the outturn of public expenditure against forecasts in 1985-86.

Mr. MacGregor: The Government's latest estimate of the outturn of the public expenditure planning total in 1985-86 is £133·9 billion, published in the "Financial Statement and Budget Report". This is within the planning total of £134·2 billion set at the time of the 1985 Budget.

37. **Mr. Corbyn** asked the Chancellor of the Exchequer if he will make it his policy to raise the 1987-88 fiscal adjustment of £2 billion outlined in table 2.5 of the 1986-87 "Financial Statement and Budget Report" for public sector capital expenditure and maintenance.

Mr. MacGregor: No.

43. **Mr. Cohen** asked the Chancellor of the Exchequer what assessment he makes of the relative impact on the least well-off sections of the United Kingdom community of a £1 billion increase in expenditure on *(a)* measures to reduce unemployment, *(b)* child benefit, *(c)* the introduction of a reduced rate band, *(d)* personal allowances and *(e)* a cut in the standard rate of tax by 1 penny to 29 pence.

Mr. MacGregor: The relative impact of the various measures on the least well off sections of the United Kingdom community depends on personal circumstances, for instance, whether they are pensioners, are unemployed or are families with children. Various analyses of the likely impact are undertaken from time to time.

World Debt

30. **Mr. Duffy** asked the Chancellor of the Exchequer if he is satisfied with current progress on the easing of Third world debt in the light of the Baker-Darman plan; and if he will make a statement.

Mr. Ian Stewart: The Baker plan has been endorsed by all parties in the debt arena as an important development in the strategy to manage the international debt problem. Last week's IMF/IBRD interim/development committee meetings in Washington reaffirmed their support for the Baker plan and welcomed the progress in implementing these proposals and in particular the design of growth oriented adjustment programmes in a number of countries. I have arranged to have copies of the communiqués of these two meetings deposited in the Library.

Prices and Incomes Policy

31. **Mr. Forth** asked the Chancellor of the Exchequer what representations he has received supporting reintroduction of a statutory prices and incomes policy.

Mr. MacGregor: None.

Public Sector Borrowing

34. **Mr. Gerald Howarth** asked the Chancellor of the Exchequer how public sector borrowing as a proportion of national income in 1986-87 is expected to compare with previous years.

Mr. MacGregor: As published in the "Financial Statement and Budget Report", the PSBR/GDP ratio is set at about 1¾ per cent. in 1986-87. This compares with an average of 3½ per cent. in the first seven years of this Administration, and 6¾ per cent. under the previous Labour Government.

Personal Taxation (Reform)

38. **Dr. Roger Thomas** asked the Chancellor of the Exchequer what would be the total loss of revenue arising from the full implementation of the transferable allowance proposals set out in the Green Paper "The Reform of Personal Taxation".

Mr. Moore: The revenue consequences of a move to transferable allowances are considered in paragraphs 3.5-3.9 of the Green Paper.

Capital Expenditure

39. **Mr. Nicholas Brown** asked the Chancellor of the Exchequer what is his policy towards the chartering or leasing of major items of capital expenditure.

Mr. MacGregor: Proposals to lease major capital items should be evaluated using standard investment appraisal techniques. Each proposal should be judged on its merits; in practice, leasing by the public sector often tends to be more expensive than outright purchase.

Housing (Personal Investment)

41. **Mr. Fallon** asked the Chancellor of the Exchequer what is the average amount invested by each individual *(a)* in personal housing through mortgage rent and repairs and *(b)* in his or her place of work, through direct share ownership.

Mr. Moore: The 1984 "Family Expenditure Survey" found that average weekly household expenditure on housing net of housing benefit, rebates and allowances, was £24·06, and that average weekly household expenditure on the purchase or alteration of dwellings, including mortgage payments, was £11·19*.

The best figures available for the extent of direct share ownership in the place of work are for employees in companies with Inland Revenue-approved all-employee share schemes. Up to 31 March 1985 an estimated 1¼ million employees had joined such schemes, acquiring shares or options on shares to an average initial value of approximately £1,200 each.

* Full definitions of these two categories are contained in Annex A of the Family Expenditure survey.

Job Creation

44. **Mr. Dykes** asked the Chancellor of the Exchequer what representations he has received about the impact of the Budget measures announced on 18 March on unemployment in the United Kingdom.

Mr. Ian Stewart: The Budget has been well received both because of its emphasis on further developing a vigorous and enterprising economy generating sustained growth of output and employment and because it contains a considerable number of measures directed to the problem of unemployment.

Personal Taxation

45. **Mr. Penhaligon** asked the Chancellor of the Exchequer what is the total income tax and national insurance contribution deducted from a sole income of £10,000 per year if the income was *(a)* earned, *(b)* unearned for a married man with no mortgage.

Mr. Moore: The deductions would be *(a)* £2,740·05 (made up of £1,840·05 income tax and £900 national insurance contributions) and *(b)* £1,840·05 in 1986-87, assuming no allowances and reliefs other than the married man's allowance and that for *(a)* national insurance contributions are paid at the contracted-in rate.

Taxation

46. **Mr. Rogers** asked the Chancellor of the Exchequer why it is his policy to give priority to cuts in investment income surcharge, income tax capital gains tax and capital transfer tax.

Mr. Moore: My right hon. Friend's tax proposals are those best suited to further the Governments' economic objectives.

Economic Prospects

47. **Mr. Loyden** asked the Chancellor of the Exchequer what assessment he makes of the effect on United Kingdom economic prospects of a fall in oil prices and a fall in United Kingdom oil output, respectively.

Mr. MacGregor: Estimates of United Kindgom oil production were given by my hon. Friend the Minister of State for Energy in answer to a question from my hon. Friend the Member for Orpington (Mr. Stanbrook) at column *31* 17 March. These estimates suggest that any decline in oil production is likely to be gradual and therefore to exert only a very limited impact on the United Kingdom economy over the next few years. The assessment in my right hon. Friend's Budget statement of the effects of a fall in oil prices was that the level of economic activity and inflation would be, if anything, slightly better than they would have been without the fall in oil prices.

Unemployment Costs

48. **Mr. Sean Hughes** asked the Chancellor of the Exchequer what information he has as to the relative costs to the respective national economies of unemployment in *(a)* the United Kingdom, *(b)* Japan, *(c)* Germany, *(d)* the United States of America and *(e)* France, respectively.

Mr. Ian Stewart: The information requested is not available.

Export Licences

49. **Mr. Patrick Thompson** asked the Chancellor of the Exchequer if he will make a statement on the operation of the export licences system.

Mr. Brooke: The Export of Goods (Control) Order 1985, S.I. 1985 No. 849 lists goods whose exportation is prohibited without a licence. My right hon. Friend the Secretary of State for Trade and Industry is responsible for the legislation and his Department issues the licences. Her Majesty's Customs and Excise are responsible for enforcing the controls at exportation. During the year ended 31 March 1985 goods to the value of nearly £18 million were seized, offences involved 191 persons of whom three received prison sentences and compounded settlements under section 152 of the Customs and Excise Management Act 1979 totalled over £78,000.

Systime plc, Leeds

50. **Mr. Meadowcroft** asked the Chancellor of the Exchequer what recent representations he has had regarding the visit of Her Majesty's Customs and Exercise officers to Systime plc, Leeds, between 19 and 21 July 1984; and if he will make a statement.

Mr. Brooke: I have had no representations regarding this visit other than the letter from the hon. Member to which I have replied on 7 April.

Water Authorities (Privatisation)

52. **Mr. Ray Powell** asked the Chancellor of the Exchequer what assumptions he is making in his public expenditure projections as to how much he expects to be raised from the sale of water authorities between the current time and May 1988.

Mr. Moore: It would be wrong to speculate on the proceeds from the privatisation of water authorities.

Depositary Receipts (Taxation)

53. **Mr. Freeman** asked the Chancellor of the Exchequer what representations he has received upon his

Budget proposals to tax the issue of United States depositary receipts for equity shares of United Kingdom companies at a rate of 5 per cent.

Mr. Ian Stewart: My right hon. Friend has received a number of representations to the effect that the 5 per cent. tax should not be imposed on the conversion of United Kingdom shares into depositary receipts.

Excise Duty

54. **Mr. Alexander** asked the Chancellor of the Exchequer what account he took, in deciding to raise certain duties by amounts incorporating a halfpenny, of the fact that the halfpenny is no longer legal tender; and what assessment he has made of the practical implications of this decision.

Mr. Brooke: The legal rates of excise duty for hydrocarbon oils are expressed per litre to a hundredth of a penny, and duty is charged on the quantity delivered in bulk from refineries and import warehouses. The retail price of petrol and derv is shown at most pumps to a tenth of a penny for both litres and gallons, while heating gas oil is commonly sold in bulk to final consumers. My right hon. Friend's Budget decision to raise the duties on these products by amounts which (including any consequential VAT) do not approximate to whole numbers of pence per gallon should, as in previous years, cause no practical problems.

United States Extraterritorial Controls

Mr. Ashdown asked the Chancellor of the Exchequer (1) what is the policy of the CCTA on the re-imposition of United States extraterritorial controls on computers and peripherals which are being disposed of from Government use; and if he will make a statement;

(2) what is the policy of the CCTA towards accepting tenders or recommending for purchase by Government Departments computers or equipment supplied by companies which seek to impose extraterritorial United States controls on their United Kingdom staff or on non-Government United Kingdom customers or on United Kingdom exports; and if he will make a statement.

Mr. Brooke: I refer the hon. Member to the reply I gave to his similar question on 8 April at column *95*.

Civil List

Mr. Canavan asked the Chancellor of the Exchequer what representations he has received about his most recent statement on Civil List expenditure.

Mr. Ian Stewart: My right hon. Friend has received five letters.

Building Societies (Ombudsman Scheme)

Mr. Hawkins asked the Chancellor of the Exchequer if he will make a further statement about the proposal that building societies should belong to an ombudsman scheme.

Mr. Ian Stewart: In accordance with undertakings I gave during Committee stage of the Building Societies Bill, the Government propose to introduce amendments to the Bill requiring societies to belong to an ombudsman scheme. Such a scheme will need approval by the Building Societies Commission, and will have to be administered by a body independent of the member societies.

Building societies will be obliged to belong to a scheme in respect of the opening, operation and termination of share, deposit and class 1 or 2 loan accounts. The scheme need not cover the decision to grant or refuse a class 1 or 2 loan to new borrowers. In the case of other decisions turning on the creditworthiness of a member or depositor the ombudsman need not be empowered to over-ride the commercial judgment of the society, but may require it to reconsider its decision. Societies may, if they wish, belong to schemes covering other aspects of their operations.

I referred to this matter in a speech about the building society legislation delivered to the annual general meeting of the Metropolitan Association of Building Societies today. Copies have been placed in the Library.

Eastern Bloc Fish Processing Ships

Mr. Randall asked the Chancellor of the Exchequer what consultations he had with the United Kingdom fishing industry before deciding to impose Customs and Excise duty on supplies to Eastern bloc fish processing ships; and if he will make a statement.

Mr. Brooke [*pursuant to his reply*, 16 April 1986, c. *418*]: None. Customs and Excise officials held several meetings with agents for the factory ships and representatives from the fishing industry last summer to discuss the charge of duty and levies legally required on supplies imported for factory ships for consumption in the United Kingdom.

EMPLOYMENT

Statistics

Mr. Adley asked the Paymaster General if he will make a statement on the compilation of statistics by his Department in so far as they relate to comparisons with other EEC countries.

Mr. Lang: Most regular labour market statistics in the United Kingdom are collected according to national definitions and methods of compilation, as they are in other EC countries.

For example, monthly unemployment statistics in most member countries are based on national registration systems, and are not comparable. (See "Definitions of Registered Unemployed: 1984" published by the Statistical Office of the European Communities (SOEC)). Statistics on the numbers of people in employment are also compiled by each member country from national sources, and while these are normally based to some extent on recognised international definitions they are still not fully comparable. (See "Employment and Unemployment: 1985" published by SOEC).

Information on the labour force is, however, also obtained from the annual labour force survey, a sample survey based on household interviews, which is conducted along similar lines in all EC countries. This provides much information eg on employment and unemployment on a comparable basis (see "Labour Force Sample Survey: Methods and Definitions: 1985" published by SOEC).

Perivale Skillcentre

Mr. Greenway asked the Paymaster General if he will make a statement on the future of Perivale skillcentre.

Mr. Trippier: The Manpower Services Commission's lease on Perivale skillcentre is due to expire in 1990. It is possible that it will not be renewed. For this and other reasons the skills training agency has commissioned a study into the nature, size and location of its whole skillcentre provision in north London after this date. The long term future of Perivale skillcentre will depend on the findings of this study, which will shortly become available. A copy will be sent to my hon. Friend so that he will have a chance to comment before a decision is reached, and I will also arrange for copies to be placed in the Library.

Community Programme

Ms. Clare Short asked the Paymaster General if he will publish figures for the numbers of (i) jobs covered by the community programme and the annual cost of the programme in each year since it started and (ii) current jobs covered by the programme and its cost; and what are the average weekly earnings and number of hours worked under the programme.

Mr. Lang: The community programme was introduced on 1 October 1982 and replaced the community enterprise programme.

The number of filled places at the end of each financial year since 1982 were as follows:

	Filled places
March 1983	17,100
March 1984	112,900
March 1985	132,800
March 1986	199,900

The annual costs in cash prices, including programme administration costs, and residual expenditure on the community enterprise programme were as follows:

	£ million
1982-83	177·0
1983-84	400·1
1984-85	534·3
*1985-86	688·0

* Forecast.

Preliminary findings from the most recent survey of community programme participants indicate average weekly earnings of £141·55 for managers and supervisors and £65·96 for other participants. However the manager and supervisor figure is thought to have been influenced by the incidence of back-pay during the survey period, resulting from last year's local authority pay settlement. The previous survey of participants, conducted three months earlier, showed average weekly earnings of £121·60 for managers and supervisors.

The reported earnings figures include top-up payments made by some project sponsors to participants in addition to wage costs met by the Manpower Services Commission. A survey currently in the field will provide information as to the extent of this topping-up.

The most recent survey found that, on average, managers and supervisors work 37 hours per week and other participants 27 hours per week.

Ms. Clare Short asked the Paymaster General if he will publish any available data which show the labour market activity of workers in the 12 months following participation in (i) the YTS, (ii) the community programme, (iii) the young workers scheme and (iv) the enterprise allowance scheme.

Mr. Trippier: A regular follow-up survey is conducted of young people some three months after they leave YTS. Results from this survey are produced monthly and copies are placed in the Library.

A survey of the community programme was published in November 1985 and showed that 48 per cent. of people leaving the community programme had held one or more jobs in the six to 10 month period since leaving the programme. An estimated 90 per cent. of those completing a year of support on the young workers scheme continue in employment with the same employer. Further details will be published in an article in the May issue of the *Employment Gazette*.

An article in the August 1985 issue of the *Employment Gazette* summarised survey work on the enterprise allowance scheme and reported that 80 per cent. of those who had completed a year on the scheme, were still running the business 15 months after starting it under the scheme.

Jobstart Scheme

Ms. Clare Short asked the Paymaster General (1) if he will estimate the number of new jobs to be created by the Government's jobstart and new workers' scheme initiatives; and on what basis the relevant expenditure estimates given in table 1 of the "Financial Statement and Budget Report" were calculated;

(2) how much public expenditure is being set aside in 1986-87 to finance (i) the jobstart allowance element of the national restart programme for the long-term unemployed and (ii) the new workers scheme; and how many new jobs he expects to be created by these measures.

Mr. Lang: The jobstart allowance is designed to encourage long-term unemployed people to take jobs which they might otherwise not consider and thereby to help employers to fill vacancies. It does not aim to create additional, new jobs, although it may help to fill vacancies which would otherwise remain unfilled (hence raising the overall level of employment). The allowance will be available from 1 July to anyone who is eligible and who makes a valid claim. It is difficult to predict what the take-up will be. A sum of £15 million has been provided for this programme in 1986-87.

The estimates of the expenditure on the new workers scheme published in table 1.1 of the Budget report were calculated on the basis of forecasts derived from our experience of the young workers scheme. We estimate that the coverage of the scheme in March 1987 may be some 63,000 and that its effectiveness in encouraging new jobs will be similar to that of the young workers scheme.

Enterprise Allowance Scheme

Mr. Pike asked the Paymaster General how many of those in receipt of the enterprise allowance remained in employment or gainful self-employment at the expiry of the period of award of the allowance, by region, for the latest date for which figures are available.

Mr. Trippier: Of the 4,367 people who joined the enterprise allowance scheme in March 1985 the following percentages by region were still trading in their EAS business at the end of their allowance period in March 1986.

Region	*Per cent.*
London	88·8
South West	91·8
South East	88·8
Midlands	89·1
North West	89·3
Yorkshire and Humberside	89·2
Scotland	89·8
Wales	89·5
Northern	90·8
Great Britain	89·5

Survey evidence has shown that about one quarter of those who leave their EAS business immediately go into employment or other forms of self employment and that within two years of leaving their EAS business 55 per cent. of people are either employed or self employed in a different venture.

YTS

Ms. Clare Short asked the Paymaster General if he will publish *(a)* the number of training places covered by the YTS and the annual cost of the scheme in each year since it started, *(b)* the current number of places covered by the scheme and its cost, *(c)* the average weekly income and number of hours of trainees; and if he will provide a breakdown between mode A, mode B1 and mode B2 places.

Mr. Trippier: The information on training places and cost of YTS in the financial year since the scheme started is shown in the following tables:

Numbers of places approved during the financial years since YTS began

	1983-84	*1984-85*	*1985-86**
Mode A	320,923	308,093	304,338
Mode B1	89,799	72,175	67,196
Mode B2	31,773	16,090	13,744
Total	442,495	396,358	385,278

* At 28 February 1986 latest available.

(a) Expenditure

£ million	*1983-84 Outturn*	*1984-85 Outturn*	*1985-86†*
Mode A	236·5	467·5	526·0
Mode B1	111·6	240·0	236·0
Mode B2	20·5	39·1	26·0

† Provisional end year outturn.

	1983-84	*1984-85*	*1985-86*
1. Capital Grants	1·2	4·6	3·0
2. Other Expenditure	10·7	12·2	15·1
3. Total YTS Expenditure	380·5	376·4	806·1

Notes:

1. Capital Grants expenditure cannot be separately identified by Mode.
2. Other expenditure includes research and development accredited centres and miscellaneous minor items.
3. Excludes MSC administration costs.
4. Outturn for 1985-86 is provisional.

(b) For the current financial year 1986-87 expenditure is estimated at £906 million to cover around 468,000 places.

(c) All trainees whether employed or non-employed receive at least the standard training allowance plus any payments in respect of travel costs or lodgings to which they may be entitled. Payments made to trainees in excess of the standard allowances are a matter for the training providers concerned. Neither my Department nor the Manpower Services Commission maintain a record of such payments.

The detailed information requested on trainee hours is not readily available. However it has always been the rule that trainees must generally spend no more than 40 hours per week on YTS excluding meal breaks.

Mr. Kirkwood asked the Paymaster General, further to his answer of 18 December 1985, *Official Report*, column *187*, whether he intends to encourage or counsel employers to contribute towards the funding of the two-year YTS.

Mr. Trippier: The funding for two-year YTS has been set at a level which will lead managing agents generally to seek contributions from employers. The Government recognise the importance and legitimacy of such contributions; it does not, however, intend to issue specific guidance on the level of contributions that managing agents should seek.

Mr. Wigley asked the Paymaster General what are the latest figures for the proportion of those who have taken part in YTS schemes in England who have subsequently found full-time employment; and what proportion subsequently were unemployed in each of the years since the scheme's inception.

Mr. Trippier: Information is not available in the form requested. The Manpower Services Commission has conducted regular follow-up surveys of those leaving YTS schemes since 1984. Postal questionnaires are sent to young people some three months after they leave their scheme. Information covering leavers in England between June 1984 and March 1985 is set out below, alongside the latest available information (covering leavers in England between April and October 1985).

Young people leaving YTS schemes in England between

	June 1984-March 1985 per cent.*	*April-October 1985‡ per cent.*
In full-time work with same employer	25	31
In full-time work with different employer	32	24
In part-time work	†	4
On full-time course at college/ training centre	3	4
On another YTS scheme	6	6
Doing something else	3	7
Unemployed	30	25
Number of respondents	31,432	138,926

* based on 15 per cent. sample survey.
† part-time figures not available.
‡ based on 100 per cent. survey.

Wages Inspectors

Ms. Clare Short asked the Paymaster General if he will publish an analysis of the numbers of wages

inspectors, the number of establishments covered by the wages councils, and the results of inspections in 1985 in the same format as was used in the series of written answers given on 4 April 1985, *Official Report*, columns *782-90*.

Mr. Trippier: The information requested is given in the following tables.

Table 1 — *Establishments covered by Wages Councils on register—January 1985*

Wages Councils	*London (East)*	*London (West)*	*South Eastern*	*Southern*	*Eastern*	*South Western*	*Midlands (East)*	*Midlands (West)*	*North Western (East)*	*North Western (West)*	*Yorkshire and Humberside*	*Northern*	*Scotland (East)*	*Scotland (West)*	*Wales*	*Total*
Aerated Waters	11	—	14	145	27	13	28	46	78	26	27	32	28	47	15	537
Clothing Manufacture	1,894	726	112	242	318	187	835	558	722	244	488	229	88	375	172	7,190
Boot and Shoe Repairing	259	374	123	99	108	152	159	230	307	72	245	75	59	88	51	2,401
Button Manufacturing	14	7	3	5	1	2	8	9	5	1	5	1	—	2	3	66
Coffin Furniture and Cerement Making	—	1	—	—	—	2	—	6	2	3	5	—	2	10	—	31
Cotton Waste Reclamation	4	—	—	—	—	1	—	—	16	12	4	—	—	—	1	38
Flax and Hemp	—	—	—	—	—	1	—	—	—	—	1	1	20	—	—	23
Fur	138	113	14	18	12	7	8	10	33	17	19	4	8	39	5	445
General Waste Materials Reclamation	89	52	56	72	85	103	140	203	176	158	277	83	52	76	96	1,718
Hairdressing Undertakings	1,405	1,982	2,094	2,433	2,331	2,575	2,430	3,097	2,099	3,474	3,286	1,805	1,420	1,357	1,603	33,391
Hat, Cap and Millinery	17	27	3	4	45	4	7	10	19	2	13	9	1	8	3	172
Lace Finishing	1	—	—	—	—	—	58	—	—	—	—	—	4	—	1	64
Laundry	31	103	71	78	60	99	67	74	28	31	44	51	91	28	53	909
Linen and Cotton Handkerchief	2	4	4	—	1	3	20	2	83	34	9	1	6	1	2	172
Made-up Textiles	14	16	10	18	37	19	33	23	19	25	34	23	15	28	17	331
Ostrich and Fancy Feather	7	2	2	5	7	2	1	—	—	—	—	4	1	—	2	33
Perambulator and Invalid Carriage	1	1	1	4	1	1	8	3	5	—	5	1	—	2	1	34
Retail Bespoke Tailoring	82	169	19	45	38	38	27	33	23	32	60	19	20	9	8	622
Rope, Twine and Net	1	—	1	—	6	12	4	4	12	10	17	3	22	—	2	94
Sack and Bag	5	3	1	—	8	2	7	13	17	15	13	3	2	—	6	95
Toy Manufacturing	19	5	29	31	29	29	40	16	26	23	44	10	4	—	19	324
Retail Trades (Non-Food)	6,131	10,021	6,338	7,329	6,613	7,154	11,394	8,421	6,627	5,811	9,053	4,088	4,346	5,146	3,788	102,260
Retail Food and Allied Trades	5,628	4,606	8,229	9,431	8,063	8,781	6,972	8,754	7,763	7,453	10,573	7,900	6,002	5,943	5,253	111,351
Licensed Non-Residential	4,888	2,386	4,248	4,659	3,927	5,305	5,196	6,705	5,443	4,501	7,129	4,211	3,288	2,187	4,102	68,175
Licensed Residential Establishments and Licensed Restaurants	908	3,075	2,393	1,940	1,833	5,155	1,565	1,420	880	1,448	1,834	1,420	2,434	1,365	2,078	29,748
Unlicensed Place of Refreshment	1,252	2,071	1,155	1,054	1,127	1,514	939	897	571	917	1,216	875	782	817	890	16,077
Total	22,801	25,744	24,920	27,612	24,677	31,161	29,946	30,534	24,954	24,309	34,401	20,848	18,695	17,528	18,171	376,301

Table 2 — *Checks of pay carried out at establishments and underpayments found—results 1985*
Analysis by Wages Council

Wages Council	*All checks of pay (visited and not visited)*				*Inspections by visit*			
	Establishments checked	*Per cent. of register checked*	*Number of establishments underpaying*	*Per cent. of establishments underpaying*	*Establishments visited*	*Per cent. of register visited*	*Number of establishments visited underpaying*	*Per cent. of establishments visited underpaying*
Aerated Waters	41	7·6	3	7·3	40	7·4	3	7·5
Clothing Manufacture	1,208	16·8	378	31·3	1,156	16·1	378	32·7
Boot and Shoe Repairing	316	13·2	25	7·9	165	6·9	25	15·2
Button Manufacturing	8	12·1	1	12·5	8	12·1	1	12·5
Coffin Furniture and Cerement Making	3	9·7	—	—	2	6·5	—	—
Cotton Waste Reclamation	3	7·9	—	—	3	7·9	—	—
Flax and Hemp	2	8·7	—	—	2	8·7	—	—
Fur	13	2·9	—	—	13	2·9	—	—
General Waste Materials Reclamation	212	12·3	14	6·6	203	11·8	14	6·9
Hairdressing Undertakings	3,935	11·8	885	22·5	2,595	7·8	885	34·1
Hat, Cap and Millinery	17	9·9	1	5·9	17	9·9	1	5·9
Lace Finishing	5	7·8	—	—	5	7·8	—	—
Laundry	129	14·2	29	22·5	112	12·3	29	25·9
Linen and Cotton Handkerchief	18	10·5	3	16·7	18	10·5	3	16·7
Made-up Textiles	31	9·4	6	19·4	30	9·1	6	20·0
Ostrich and Fancy Feather	4	12·1	—	—	4	12·1	—	—
Perambulator and Invalid Carriage	5	14·7	—	—	5	14·7	—	—
Retail Bespoke Tailoring	57	9·2	6	10·5	57	9·2	6	10·5
Rope, Twine and Net	10	10·6	2	20·0	9	9·6	2	22·2
Sack and Bag	15	15·8	6	40·0	15	15·8	6	40·0
Toy Manufacturing	45	13·9	3	6·7	45	13·9	3	6·7
Retail Trades (Non-Food)	11,485	11·2	2,122	18·5	5,496	5·4	2,122	38·6
Retail Food and Allied Trades	11,245	10·1	2,381	21·2	5,881	5·3	2,381	40·5

Wages Council	All checks of pay (visited and not visited) Establishments checked	Per cent. of register checked	Number of establishments underpaying	Per cent. of establishments underpaying	Inspections by visit Establishments visited	Per cent. of register visited	Number of establishments visited underpaying	Per cent. of establishments visited underpaying
Licensed Non-Residential	6,155	9·0	1,304	21·2	5,116	7·5	1,304	25·5
Licensed Residential Establishment and Licensed Restaurant	3,612	12·1	1,318	36·5	3,529	11·9	1,318	37·3
Unlicensed Place of Refreshment	1,808	11·2	577	31·9	1,676	10·4	577	34·4
Total	40,382	10·7	9,064	22·4	26,202	7·0	9,064	34·6

Table 3

Workers covered by wages councils and results of pay checks in 1985

1	Estimated number of workers covered by Wages Council Orders at June 1982 £	Workers whose pay was checked by visit and other methods 3	Workers whose pay was checked by visit 4	Workers underpaid 5	Percentage underpaid of all workers checked 6	Percentage underpaid of all workers checked by visit 7	Arrears paid 2 8	Arrears waved by workers £ 9	Arrears not pursued £ 10	Arrears assessed £ 11
Aerated Waters	15,000	928	927	16	1·7	1·7	1,063	—	—	1,063
Clothing Manufacture	252,800	22,505	21,015	859	3·8	4·1	63,405	2,162	35,195	100,762
Boot and Shoe Manufacturing	7,100	723	409	47	6·5	11·5	3,542	16	176	3,734
Button Manufacturing	2,100	73	73	1	1·4	1·4	205	—	—	205
Coffin Furniture and Cerement Making	300	17	14	—	—	—	—	—	—	—
Cotton Waste Reclamation	500	16	16	—	—	—	—	—	—	—
Flax and Hemp	1,400	95	95	—	—	—	—	—	—	—
Fur	4,500	53	53	—	—	—	—	—	—	—
General Waste Materials Reclamation	19,300	2,059	1,949	24	1·2	1·2	3,681	—	—	3,681
Hairdressing Undertakings	135,600	12,740	8,227	1,143	9·0	13·9	102,749	21,456	17,030	141,235
Hat, Cap and Millinery	6,800	359	359	1	0·3	0·3	148	—	—	148
Lace Finishing	800	44	44	—	—	—	—	—	—	—
Laundry	33,700	4,279	3,168	104	2·4	3·3	7,441	4[illegible]	165	8,082
Linen and Cotton Handkerchief	5,200	275	275	4	1·5	1·5	308	[illegible]	492	800
Made-up Textile	4,800	404	400	8	2·0	2·0	949	52	189	1,190
Ostrich and Fancy Feather	1,400	28	28	—	—	—	—	—	—	—
Perambulator and Invalid Carriage	1,500	260	260	—	—	—	—	—	—	—
Retail Bespoke Tailoring	5,200	171	171	7	4·1	4·1	475	2,460	—	2,935
Rope, Twine and Net	4,000	120	115	2	1·7	1·7	94	—	—	94
Sack and Bag	1,400	148	148	10	6·8	6·8	766	—	357	1,123
Toy Manufacturing	18,900	2,578	2,578	3	0·1	0·1	211	54	184	499
Retail Non-Food Trades	512,800	80,269	21,306	3,524	4·4	16·5	439,451	92,227	95,926	627,604
Retail Food and Allied Trades	519,300	83,559	21,322	4,441	5·3	20·8	464,430	152,343	105,687	722,460
Licensed Non-Residential	508,700	39,913	29,626	2,841	7·1	9·6	308,003	36,225	46,216	390,444
Licensed Residential and Restaurant	555,300	37,500	34,615	2,590	6·9	7·5	250,042	16,563	39,867	306,472
Unlicensed Place of Refreshment	116,400	11,558	8,777	1,323	11·4	15·1	101,538	30,388	23,788	155,714
TOTAL	2,734,800	300,692	155,970	16,948	5·6	10·9	1,748,501	354,422	365,272	2,468,195

Table 4

Checks of Pay carried out at Establishments and Underpayments Found—Results 1985

Analysis by Division

Division	All checks of pay (visited and not visited) Establishments checked	Per cent. of register checked	No. of establishments underpaying	Per cent. of establishments underpaying	Inspections by visit Establishments visited	Per cent. of register visited	No. of establishments visited underpaying	Per cent. of establishments visited underpaying
London East	2,162	9·5	298	13·8	1,353	5·9	298	22·0
London West	2,415	9·4	357	14·8	1,862	7·2	357	19·2
South Eastern	2,466	9·9	670	27·2	1,937	7·8	670	34·6
Southern	3,311	12·0	556	16·8	2,139	7·7	556	26·0
Eastern	2,800	11·3	688	24·6	1,763	7·1	688	39·0
South Western	3,891	12·5	929	23·9	2,239	7·2	929	41·5
Midlands (East)	4,483	15·0	430	9·6	1,299	4·3	430	33·1
Midlands (West)	2,819	9·2	712	25·3	2,148	7·0	712	33·1
North Western (East)	2,778	11·1	529	19·0	1,426	5·7	529	37·1
North Western (West)	2,387	9·8	804	33·7	1,677	6·9	804	47·9
Yorkshire and Humberside	2,955	8·6	818	27·7	2,279	6·6	818	35·9
Northern	1,906	9·1	815	42·8	1,526	7·3	815	53·4
Scotland (East)	2,179	11·7	488	22·4	1,570	8·4	488	31·1
Scotland (West)	1,903	10·9	361	19·0	1,407	8·0	361	25·7

Division	All checks of pay (visited and not visited)				Inspections by visit			
	Establishments checked	Per cent. of register checked	No. of establishments underpaying	Per cent. of establishments underpaying	Establishments visited	Per cent. of register visited	No. of establishments visited underpaying	Per cent. of establishments visited underpaying
Wales	1,927	10·6	609	31·6	1,577	8·7	609	38·6
GREAT BRITAIN	40,382	10·7	9,064	22·4	26,202	7·0	9,064	34·6

Note: The Divisional figures for the numbers of establishments where pay was checked by methods not involving inspection visits include multiple firms whose head office is located in the Division whose branches are in other areas. This needs to be taken into account when comparing the Divisional figures shown in columns 1-4 of Table 4.

Table 5

Workers whose pay was checked in each wages inspectorate division—Figures 1985

Division	Workers whose pay was checked by visit and other methods	Workers whose pay was checked by visit	Workers underpaid	Percentage underpaid of all workers checked	Percentage underpaid of all workers checked by visit	Arrears paid £	Arrears waived by workers £	Arrears not pursued £	Total arrears assessed £
1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*
London (East)	15,315	6,947	461	3·0	6·6	55,164	13,657	11,293	80,114
London (West)	26,620	17,483	580	2·2	3·3	96,228	11,926	9,702	117,916
South East	16,144	11,148	1,278	7·9	11·5	114,090	25,955	34,814	174,859
Southern	22,300	11,761	882	4·0	7·5	95,405	24,830	18,811	139,146
Eastern	19,373	10,583	1,216	6·3	11·5	110,743	26,233	13,226	150,202
South West	51,028	11,411	1,777	3·5	15·6	159,314	35,385	29,940	224,639
Midlands (East)	42,171	8,544	841	2·0	9·8	97,692	23,116	21,609	142,417
Midlands (West)	18,444	15,118	1,326	7·2	8·8	125,093	35,263	52,263	212,619
North West (East)	12,584	6,948	920	7·3	13·2	101,611	25,778	49,244	176,633
North West (West)	12,453	8,695	1,660	13·3	19·1	169,208	21,905	31,588	222,701
Yorkshire and Humberside	16,337	13,336	1,693	10·4	12·7	141,657	51,067	26,356	219,080
Northern	9,614	8,045	1,557	16·4	19·6	145,785	6,258	19,038	171,081
Scotland (East)	12,794	7,770	822	6·4	10·6	91,717	13,068	7,398	112,183
Scotland (West)	16,253	10,217	672	4·1	6·6	95,846	15,962	14,431	126,239
Wales	9,262	7,964	1,243	13·4	15·6	148,888	24,019	25,559	198,466
Total	300,692	155,970	16,948	5·6	10·9	1,748,501	354,422	365,272	2,468,295

The Divisional figures for the number of workers whose pay was checked by methods not involving inspection visits include workers employed by multiple firms whose head office is located in the Division who are employed in branches in other areas. This needs to be taken into account when comparing the Divisional figures shown in columns 2 and 5 of Table 5.

Wages Inspectorate Staff

Division	Outdoor wages inspectors April 1986		Other inspectorate staff April 1986	
	Authorised post	Staff in post	Authorised post	Staff in post
London	15	13	12	12
South Eastern	9	7	6½	6½
Southern	7	6	6½	6½
Eastern	7	6	7	8
South Western	10	10	8½	7½
Midlands (East)	7	6	6½	6½
Midlands (West)	11	10	7½	7½
North West (East)	8	7	7	6
North West (West)	9	8	7	7
Yorks and Humberside	10	10	8	8
Northern	8	8	6½	6
Scotland (East)	7	7	6½	7
Scotland (West)	6	6	6½	7
Wales	6	5	6	5
Totals	120	109	102	100½

Industrial Diseases and Accidents

Mr. Normanton asked the Paymaster General (1) how may persons employed by the Central Electricity Generating Board died from industrial diseases or from industrial accidents during each of the calendar years 1970 to 1985;

(2) how many persons have *(a)* died and *(b)* been seriously injured in nuclear establishments producing electricity for the Central Electricity Generating Board during the calendar years 1970 to 1985.

Mr. Trippier: Information is not available in the form requested and could only be obtained at disproportionate cost. For the electricity industry as a whole, available information is given in the table. Data for 1985 are not yet available.

Reportable Accidents at Work to Employees in the Electricity Industry (MLH 602) in Great Britain

	Resulting in Death	Resulting in Major injury*
1970	4	n/a
1971	10	n/a

	Resulting in Death	Resulting in Major injury*
1972	12	n/a
1973	12	n/a
1974	5	n/a
1975	5	n/a
1976	6	n/a
1977	4	n/a
1978	3	n/a
1979	2	n/a
1980	5	n/a
1981	4	93
1982	7	83
1983	3	96
1984	6	83

* as defined under the Notification of Accidents and Dangerous Occurrences Regulations, 1980.
Note:
n/a=not available.

Mr. Normanton asked the Paymaster General if he will list the number of persons who were *(a)* killed or died and *(b)* seriously injured resulting in their being unable to resume normal employment, in the mines belonging to the National Coal Board during each of the calendar years 1979 to 1985.

Mr. Trippier: The available information including accidents at non-NCB licensed coal mines is shown in the following table.

Accidents in coal mines in Great Britain reported to HMQMI

Year	Deaths	Serious injuries*	Major injuries
1979	46	473	n/a
1980	42	512	n/a
1981	35	n/a	815
1982	38	n/a	865
1983	30	n/a	824
1984*	19	n/a	273
1985† provisional	25	n/a	627

* The NADO Regulations which came into force in 1981, introduced a new definition on a wider basis than the earlier category of serious injuries.
† Figures affected by consequences of the miners strike (began March 1984, ended March 1985).
Note:
n/a=not available.

Many of those suffering serious or major injury will be able to resume their normal employment in due course.

Coventry (Redundancies)

Mr. Nellist asked the Paymaster General, pursuant to the answer of 10 April to the hon. Member for Coventry, South-East, if, in the light of the fact that information equivalent to that sought in the hon. Member's original question was, until its abolition, published by the West Midlands metropolitan county council, he will reconsider his refusal to publish in the *Official Report* details of firms in Coventry which have notified redundancies to his Department; and if he will make a statement.

Mr. Lang: Information given to the Department under the redundancy handling provisions of the Employment Protection Act is given in confidence. The publication of details of individual redundancies would require the prior approval of the employer concerned, and this could only be done at disproportionate cost.

The figures published by the West Midlands metropolitan county council must come from a different and consequently not directly comparable source.

Tourism

Mr. Tony Banks asked the Paymaster General what was the number of staff employed by *(a)* the British Tourist Authority and *(b)* the English Tourist Board in 1979 and 1985.

Mr. Trippier: I regret that information is not available in the precise form requested. The following table shows the average number of staff employed by each Board during the financial years ending 31 March 1979 and 31 March 1985.

	1978-79	1984-85
British Tourist Authority	452	420
English Tourist Board	160	156

Licensing Laws

Mr. Gale asked the Paymaster General if he will quantify the number of jobs that might be created by liberalising the licensing laws in England and Wales.

Mr. Kenneth Clarke: We cannot make forecasts of specific numbers of jobs which might be created if licensing laws were liberalised. It would depend on the extent and form of liberalisation and how the trade and consumers responded to the opportunities. The licensed trade have estimated that some 25,000 new jobs in public houses alone might be created by the introduction of flexible hours.

Closed Shop

Mr. Thurnham asked the Paymaster General if he is considering any amendments to the current legislation on the closed shop; and if he will make a statement.

Mr. Kenneth Clarke: We have no plans at present for further legislation but we are keeping the situation under review. We remain determined to ensure the fair treatment of people who choose not to belong to trade unions.

Written Answers to Questions

Friday 18 April 1986

ENERGY

Nuclear Waste

Mr. Frank Cook asked the Secretary of State for Energy at which power station sites construction of new radioactive waste storage facilities is under way or planned; and what are the volumetric storage capacities in each case.

Mr. Goodlad: No new waste storage facilities are under construction at any CEGB or SSEB nuclear power station sites, but additional storage for short-lived intermediate level Magnox waste is planned for Trawsfynydd to store 100 cu m in 200 litre drums for an interim period. No new facilities are under construction or planned for work resulting from nuclear power station operated by British Nuclear Fuels.

Severn Barrage

Mr. Mudd asked the Secretary of State for Energy what is the current status of the Severn barrage project; and whether a potential timetable presently exists for its design, tendering and construction.

Mr. Hunt: I have recently received the report of the Severn tidal power group, which I am now considering. I shall respond in due course.

Selston Electricity Substation (Accident)

Mr. Haynes asked the Secretary of State for Energy whether he has received the report of the working party set up following the inquest into the two children who died as a result of an accident at Selston electricity substation; and if he will make a statement.

Mr. Goodlad: I have received the report and today placed a copy in the Library. The working party recommended three courses of action to reduce the incidence of trespass into substations and the risk of accident to those who do; namely, improved security, improved education and research and development into more sensitive means of detecting mechanical failures. The improved security measures should be directed at substations which are at greatest risk of trespass or vandalism. The working party recommended a capital expenditure programme costing possibly some £10 million, but with an initial field trial designed to assess the effeciveness of such measures. The Electricity Council has accepted the report and has decided to implement the recommended programme, but to dispense with the field trial phase. The Electricity Council will monitor the programme and my Department will keep in close touch with this.

Small Businesses

Mr. Watts asked the Secretary of State for Energy what was the value of contracts placed by his Department with small businesses in each of the financial years since 1978-79; and what percentage of total expenditure on purchase of goods and services those amounts represented.

Mr. Peter Walker: I regret that my Department does not keep its records in a form which would enable this question to be answered, but we do wish to encourage small businesses.

NORTHERN IRELAND

Royal Ulster Constabulary

Mr. John David Taylor asked the Secretary of State for Northern Ireland how many members of the Royal Ulster Constabulary have applied for transfer to other constabularies in Great Britain since 15 November 1985.

Mr. Scott: I refer the right hon. Gentleman to the reply I gave to a question by my hon. Friend the Member for Epping Forest (Sir J. Biggs-Davison) on 17 April 1986, at column 470.

Infant Birth and Death Rates

Mr. Proctor asked the Secretary of State for Northern Ireland if he will state for 1983 and 1984 *(a)* the number of live births in Northern Ireland and the rate per 100,000 population, *(b)* the number of perinatal deaths and the rate per 100,000 population, *(c)* the number of infant deaths and the rate per 100,000 population and *(d)* the number of perinatal and infant deaths and the rate of such deaths per 100,000 population, ranked according to district council area; and if he will make a statement.

Mr. Needham: The information is as follows:

Northern Ireland

	Number	*Rate per 100,000 population*
Live Births		
1983	27,255	1,733·01
1984	27,693	1,754·39
Perinatal Deaths		
1983	359	22·8
1984	301	19·1
Infant Deaths		
1983	329	20·9
1984	291	18·4

District Councils—Perinatal deaths

	Number	*Rate per 100,000 population*
1983		
Fermanagh	22	42·6
Omagh	16	34·1
Londonderry	31	32·6
Antrim	14	30·8
Larne	9	30·7
Lisburn	27	30·7
Coleraine	14	29·5
Limavady	8	28·6
Craigavon	20	27·2
Down	14	25·9
Newtownabbey	17	23·6
Belfast	72	22·3
Carrickfergus	6	21·1

	Number	Rate per 100,000 population
Newry and Mourne	17	20·4
Ballymena	11	19·9
Dungannon	9	19·7
Armagh	9	18·0
Magherafelt	6	17·5
Cookstown	5	17·1
Banbridge	5	16·3
Strabane	5	13·5
Ards	8	13·4
Ballymoney	3	12·8
Castlereagh	6	10·0
Moyle	1	6·9
North Down	4	6·0
1984		
Magherafelt	11	32·1
Newry and Mourne	26	30·7
Strabane	11	29·6
Ards	16	26·5
Omagh	12	25·5
Limavady	7	24·6
Antrim	11	24·0
Derry	23	23·7
Belfast	70	22·0
Fermanagh	10	19·5
Ballymena	10	18·1
Dungannon	8	17·5
Down	9	16·5
Coleraine	7	14·8
Lisburn	13	14·6
Cookstown	4	13·6
Craigavon	9	12·1
Armagh	6	11·8
North Down	7	10·4
Newtownabbey	3	9·7
Banbridge	3	9·7
Ballymoney	2	8·5
Castlereagh	5	8·4
Larne	2	6·8
Moyle	1	6·8
Carrickfergus	1	3·5

District Councils—Infant Deaths

	Number	Rate per 100,000 Population
1983		
Omagh	23	49·0
Fermanagh	17	32·9
Londonderry	31	32·3
Limavady	9	32·1
Craigavon	22	30·0
Moyle	4	27·6
Dungannon	12	26·3
Armagh	13	26·1
Newtownabbey	18	25·0
Ards	14	23·5
Banbridge	7	22·9
Magherafelt	7	20·5
Lisburn	18	20·5
Down	11	20·4
Belfast	59	18·3
Cookstown	5	17·1
Larne	5	17·1
Ballymena	9	16·2
Carrickfergus	4	14·1
Strabane	5	13·5
Antrim	6	13·2
North Down	8	12·0
Newry & Mourne	10	12·0
Coleraine	5	10·5
Balleymoney	2	8·5
Castlereagh	5	8·4
1984		
Limavady	11	38·6
Newry & Mourne	26	30·7
Lisburn	23	25·8
Down	14	25·7
Antrim	11	24·0
Derry	23	23·7
Omagh	10	21·3
Cookstown	6	20·4
Dungannon	9	19·7
Fermanagh	10	19·5
Coleraine	9	19·0
Belfast	58	18·2
Banbridge	5	16·2
Ards	9	14·9
Craigavon	11	14·8
Strabane	5	13·5
Larne	4	13·5
Castlereagh	8	13·5
North Down	9	13·3
Ballymoney	3	12·8
Ballymena	7	12·6
Newtownabbey	9	12·4
Magherafelt	4	11·7
Armagh	5	9·8
Carrickfergus	2	6·9
Moyle	—	—

The figures reflect a continuing overall downward trend in rates for perinatal and infant deaths in Northern Ireland.

EDUCATION AND SCIENCE

British Companies (United States Laws)

Mr. Ashdown asked the Secretary of State for Education and Science what is his policy on the acquisition for the use of his Department or for educational establishments for which he is responsible of computers and equipment supplied by companies which seek to impose extraterritorial United States control on their United Kingdom staff and on non-Government United Kingdom customers and on United Kingdom exports; and if he will make a statement.

Mr. Chris Patten: I refer the hon. Member to my reply of 27 March, at columns 559-60, to which I have nothing to add.

Drug Abuse

Mr. Andrew F. Bennett asked the Secretary of State for Education and Science what work has been done by his Department to promote education concerning drugs and drug abuse in school curricula for both secondary and primary schools.

Mr. Dunn: £2 million has been made available through the education support programme mainly to enable local authorities to appoint a member of staff to stimulate and co-ordinate action in the education service aimed at the prevention of drugs misuse, including where appropriate the development of curricular materials.

Last year the Department issued a new publication, "Drug Misuse and the Young", which has been made available in very large numbers to school teachers and to others in the education service.

The Department is also currently funding an important piece of development work which is being steered by the Health Education Council and involving other expert bodies to produce a range of curricular and supporting materials aimed at young people aged 14 to 18. These should be available later this year.

In addition to the material produced or promoted by the Department, there is a good deal of useful material produced by other bodies including ISDD, TACADE and the Lions Clubs International working in association with others. Although most of the material is aimed primarily at children of secondary age, an interesting initiative has been taken by the Wirral local authority to produce materials aimed specifically at younger pupils and the Department has provided some supportive funding.

Mr. Andrew F. Bennett asked the Secretary of State for Education and Science what training is made available to teachers for coping with drug abuse among the pupil and the student population.

Mr. Dunn: Many local education authorities are already undertaking some useful work in this area: in some cases their efforts have been supported by bodies with appropriate expertise, notably TACADE.

The Department has identified work in this area as being of particularly high priority and a number of short courses under the aegis of Her Majesty's inspectorate have been held as part of the regional course series; more of these are planned.

The package of educational materials which the Department is funding through the agency of the Health Education Council — and which involves bodies including TACADE — will include components aimed specifically at the training of teachers and providing support for curriculum developers. This material will be available later this year; as an interim measure the Department issued last year the booklet "Drug Misuse and the Young" which has been made available to the teaching force in large numbers and which sets out some useful, basic information.

Within the education support grant programme £2 million has been set aside in 1986-87 for work relevant to drug misuse and local authorities have been encouraged to regard the funding of appropriate forms of teacher training as one of the areas in which the funding might be deployed.

The Department is keeping under review what possibilities there might be for further initiatives in this field.

Nursery Schools

Mr. Robin Cook asked the Secretary of State for Education and Science if he will publish in the *Official Report* the figures for the number of children aged under five years attending maintained nursery and primary schools per 1,000 of the under-five population in *(a)* all of the councils under Conservative control and *(b)* under Labour control, respectively, in the latest year for which figures are available.

Mr. Dunn: I refer the hon. Member to my reply of 8 April, at columns 53-55.

Discretionary Awards

Mr. Robin Cook asked the Secretary of State for Education and Science (1) if he will publish in the *Official Report* a table listing education authorities by the number of discretionary awards issued, their average value and the number per thousand of the population aged 16 years or over for the latest year for which figures are available;

(2) if he will publish in the *Official Report* the average value of discretionary awards and the number per thousand of the population aged 16 years or over for *(a)* all the councils under Conservative control and *(b)* all the councils under Labour control, for the latest year for which figures are available.

Mr. Walden: The table provides, for 1984-85, the provisional number of new, full-value discretionary awards per 1,000 of the average 18 and 19-year-old population for each local education authority in England and Wales. C denotes control by Conservative council; L denotes control by Labour council; N denotes no overall control by either. The average value of such awards is estimated at £2,300.

Numbers of new, full-value discretionary awards per 1,000 of the average of the 18 and 19-year-old population 1984-85 (provisional)

	Number	*Control*
Barking	8	L
Barnet	47	C
Bexley	44	C
Brent	79	N
Bromley	73	C
Croydon	61	C
Ealing	52	C
Enfield	46	C
Haringey	45	L
Harrow	45	C
Havering	42	C
Hillingdon	40	C
Hounslow	39	L
Kingston-upon-Thames	38	C
Merton	37	C
Newham	35	L
Redbridge	35	C
Richmond-upon-Thames	36	N
Sutton	35	C
Waltham Forest	35	N
Inner London	35	L
Birmingham	30	N
Coventry	29	L
Dudley	29	N
Sandwell	28	L
Solihull	28	C
Walsall	27	N
Wolverhampton	27	L
Knowsley	26	L
Liverpool	24	N
St. Helens	24	L
Sefton	24	C
Wirral	27	C
Bolton	27	N
Bury	28	C
Manchester	27	L
Oldham	26	N
Rochdale	27	N
Salford	26	L
Stockport	27	N
Tameside	26	L

	Number	Control
Trafford	26	C
Wigan	26	L
Barnsley	26	L
Doncaster	27	L
Rotherham	26	L
Sheffield	27	L
Bradford	27	N
Calderdale	27	N
Kirklees	27	N
Leeds	26	N
Wakefield	26	L
Gateshead	26	L
Newcastle upon Tyne	26	L
North Tyneside	26	L
South Tyneside	26	L
Sunderland	26	L
Isles of Scilly	26	As for Cornwall
Avon	34	N
Bedfordshire	34	N
Berkshire	33	N
Buckinghamshire	33	C
Cambridgeshire	33	N
Cheshire	35	N
Cleveland	35	N
Cornwall	35	N
Cumbria	36	N
Derbyshire	35	N
Devon	37	N
Dorset	37	C
Durham	36	L
East Sussex	36	C
Essex	36	N
Gloucestershire	36	N
Hampshire	37	N
Hereford and Worcester	37	C
Hertfordshire	36	N
Humberside	37	N
Isle of Wight	37	N
Kent	38	C
Lancashire	33	N
Leicestershire	39	N
Lincolnshire	39	C
Norfolk	39	C
North Yorkshire	40	N
Northamptonshire	40	N
Northumberland	40	N
Nottinghamshire	39	N
Oxfordshire	39	N
Salop	39	N
Somerset	39	N
Staffordshire	39	N
Suffolk	39	C
Surrey	39	C
Warwickshire	39	N
West Sussex	39	C
Wiltshire	39	N
Clwyd	35	N
Dyfed	35	N
Gwent	35	L
Gwynedd	34	N
Mid-Glamorgan	34	L
Powys	34	N
South Glamorgan	34	L
West Glamorgan	34	L

Small Businesses

Mr. Watts asked the Secretary of State for Education and Science what was the value of contracts placed by his Department with small businesses in each of the financial years since 1978-79; and what percentage of total expenditure on purchases of goods and services those amounts represented.

Sir Keith Joseph: The Department is mindful of Government policy to encourage the development of small firms, but has not to date kept detailed records of the value of contracts placed with small firms. However, the department will be keeping records of contracts let to small firms (under 200 people) for 1987-88 and beyond.

OVERSEAS DEVELOPMENT

York Trailer Holdings, Market Harborough

Sir John Farr asked the Secretary of State for Foreign and Commonwealth Affairs why his Department recently accepted a specification from the Ethiopian Government for road trailers fitted with German axles and suspension for famine relief purposes; what account was taken in reaching the decision of the willingness to the bid of York Trailer Holdings of Market Harborough; and what steps were taken to ascertain the extent to which that company already has such units operating in Ethiopia and supplies other countries in Africa.

Mr. Raison: The specification was accepted to ensure compatibility with the existing Government trailer fleet in Ethiopia. The tender from York Trailer Holdings was unsuccessful because it failed to meet the urgent delivery date. The existence of the company's units in Ethiopia and elsewhere could not override this. The contract went to another British firm.

ATTORNEY-GENERAL

Young Person (Remand)

Mr. Alex Carlile asked the Attorney-General if he will make a statement on the circumstances in which an application was made by the prosecution to remand a 14-year-old boy from Leeds Crown Court to Hull prison on 9 April; and if he will make a statement.

The Attorney-General: I understand that no application was made by the prosecution to remand a 14-year-old boy from Leeds Crown Court to Hull prison on 9 April 1986. However, I am making further inquiries into this case, and I will write to the hon. and learned Member.

ENVIRONMENT

Local Authorities (Capital Projects)

Mr. Pike asked the Secretary of State for the Environment if he has any proposals to increase the percentage of capital receipts that local authorities can spend on capital projects.

Mrs. Rumbold: In respect of 1986-87, I refer the hon. Gentleman to the reply given by my right hon. Friend the Secretary of State to my hon. Friend the Member for Lewisham, East (Mr. Moynihan) on 20 November at column *246*. No decisions have been taken for later years. They will depend in part on the nature of a new local authority capital control system and the timing of its introduction.

Coal-burning Power Stations (Pollution)

Mr. Normanton asked the Secretary of State for the Environment what tonnage of ash was released into the atmosphere by coal-burning power stations of the Central Electricity Generating Board during each of the calendar years 1970 to 1985.

Mrs. Rumbold: Information is not compiled precisely in the form requested, but total grit and dust emissions to the atmosphere in the years in question from coal-burning power stations of the Central Electricity Generating Board have been estimated as follows.

Year	*Mass Emission (Tonnes)*
1970	178,500
1971	161,600
1972	139,200
1973	154,800
1974	130,100
1975	138,100
1976	139,500
1977	133,400
1978	133,400
1979	140,500
1980	135,300
1981	124,900
1982	109,700
1983	108,300
1984	66,400
1985	84,700

Small Businesses

Mr. Watts asked the Secretary of State for the Environment what was the value of contracts placed by his Department with small businesses in each of the financial years since 1978-79; and what percentage of total expenditure on purchase of goods and services those amounts represented.

Sir George Young: I shall answer this question shortly.

Covent Garden

Mr. Tony Banks asked the Secretary of State for the Environment if he will make it his policy to support the transfer of former Greater London council property in Covent Garden to Covent Garden Area Trust.

Mr. Tracey: It will be for the London Residuary Body, in the first instance, to consider this option, amongst others.

Mr. Tony Banks asked the Secretary of State for the Environment if he will introduce planning controls to prevent the Covent Garden area being sold off to private interests.

Mr. Tracey: No.

Hampton Court

Mr. Nicholls asked the Secretary of State for the Environment whether he has now received the consultants' report on the feasibility of leasing vacant apartments at Hampton court to substantial companies with a United Kingdom base, for use as company flats; and if he will make a statement.

Mr. Tracey: Yes. We have received the consultants' report. They have concluded that there is scope for a viable scheme, though there would inevitably be important historical and architectural constraints. The cost of the associated works would have to be contained within public expenditure planning controls. The report needs to be very carefully considered, taking account of recent events at Hampton court palace. We will announce the Government's decisions in due course.

Thames Towpath

Mr. Chris Smith asked the Secretary of State for the Environment whether he intends to take any steps to arrange for the opening to public access of one and a half miles of towpath along the right bank of the River Thames between Albert bridge and Victoria bridge, in the Windsor home park, and if he will make a statement.

Mr. MacGregor: I have been asked to reply.

Public use of this part of the towpath has not been available since the Home park became private in 1850, except for its use as a towpath for horse-drawn river traffic. There are no plans to change these arrangements.

HOME DEPARTMENT

Cruise Missile Convoys

Mr. Soley asked the Secretary of State for the Home Department if he will call for a report from the chief constable as to how many police officers were involved in policing the cruise convoy at Roleston camp corner on Salisbury Plain on 17 March; and as to whether he intends to increase numbers of police protecting such convoys on future occasions.

Mr. Giles Shaw: For operational reasons, information of this nature is not disclosed.

Shotgun Cartridges

Mr. Dubs asked the Secretary of State for the Home Department if he will introduce legislation to make it illegal to import, manufacture, sell or possess bullets for use in conjunction with shotgun cartridges.

Mr. Giles Shaw: Shotgun cartridges containing five or more shot, none of which exceeds ·36 in in diameter, are exempt from control under the Firearms Act 1968 but the insertion of solid pieces of metal such as single, rifled, lead slug in place of the normal pieces of lead shot in such a cartridge would bring the ammunition within certificate control. The possession of such ammunition without a firearms certificate would be an offence under the 1968 Act.

Police Authorities (Computers and Hardware)

Mr. Cohen asked the Secretary of State for the Home Department how value for money is assessed before the purchase of computers and hardware by police authorities.

Mr. Giles Shaw: It is for police authorities to satisfy themselves that expenditure on police computers represents good value for money. The Home Office issues guidance to chief officers and police authorities from time to time on the considerations to be taken into account in

assessing value for money in this field. The most recent guidance is contained in Home Office circular No. 23/1985, a copy of which is available in the Library.

In considering proposals for computer equipment for the Metropolitan police, of which my right hon. Friend is the police authority, he expects to see an investment appraisal which sets out the following:

a description of the objectives which the equipment is intended to achieve;

the full range of options for achieving these objectives;

the costs and benefits of each option;

an assessement of the likely effects of the equipment on police and civil staff manpower;

as well as details as to how it is proposed to procure and finance the equipment and other relevant considerations.

Plastic Bullets

Mr. Canavan asked the Secretary of State for the Home Department what recent communications his Department has had with police authorities about the use of plastic bullets.

Mr. Giles Shaw: Home Office officials have had discussions with the chairmen of the Greater Manchester, West Midlands, South Yorkshire and West Yorkshire police authorities, and with representatives of the Association of Metropolitan Authorities and the Association of County Councils; and we have corresponded with the chairman of the West Midlands police authority. My right hon. Friend has met representatives of the Association of Metropolitan Authorities to discuss the availability of plastic baton rounds and other topics.

Racial Attacks

Mr. Meadowcroft asked the Secretary of State for the Home Department what action he is taking to combat the recent increase in racially motivated attacks.

Mr. Giles Shaw: I refer the hon. Member to the reply given to a question from my hon. Friend the Member for Nottingham, South (Mr. Brandon-Bravo) on 23 January at column *267*.

US Extraterritorial Controls

Mr. Ashdown asked the Secretary of State for the Home Department what is his policy on the acquisition for his Department's use of computers and equipment supplied by companies which seek to impose extraterritorial United States controls on their United Kingdom staff or on non-Government United Kingdom customers or on United Kingdom exports; and if he will make a statement.

Mr. Hurd: I have nothing further to add to my response to the similar question given on 27 March 1986 at column *542*.

Small Businesses

Mr. Watts asked the Secretary of State for the Home Department what was the value of contracts placed by his Department with small businesses in each of the financial years since 1978-79; and what percentage of total expenditure on purchases of goods and services those amounts represented.

Mr. Hurd: The Department does not keep records of the size of firms to which contracts are awarded; and the percentage of total expenditure represented by contracts awarded to small businesses cannot readily be estimated. Most outstation purchases, amounting to about £35 million annually, are likely to be placed with small businesses.

Libya (Engineers and Pilots)

Mr. Greenway asked the Secretary of State for the Home Department if he has any plans to review the immigration status of Libyan trainee engineers and pilots currently studying in the United Kingdom; and if he will make a statement.

Mr. Waddington: We keep these matters under constant review.

Boys (Remand)

Mr. Alex Carlile asked the Secretary of State for the Home Department whether any boys under the age of 15 years have been remanded into adult prison establishments in England and Wales since 31 March 1981.

Mr. Mellor: I shall reply as soon as possible.

Unruly Certification Procedure

Mr. Alex Carlile asked the Secretary of State for the Home Department if prison establishment standing orders have been amended to take account of Home Office circular 7/81, which altered the unruly certification procedure for boys under the age of 14 years in England and Wales; and if he will make a statement.

Mr. Mellor: No. Full-scale revision of the standing order will be undertaken when the proposals for amending the arrangements for unruliness certificates—mentioned in my hon. Friend's reply to a question from the hon. and learned Member on 27 March at column *547*—are fully developed. In the meantime, an interim amendment is being issued, drawing governor's attention to the prison department circular instruction which describes the current provisions.

Mr. Alex Carlile asked the Secretary of State for the Home Department if he has any proposals to change the unruly certification procedure for 15 and 16-year-old boys in England and Wales; and if he will make a statement.

Mr. Mellor: I refer the hon. and learned Member to the reply given to a question from him on 27 March at column *547*.

WALES

NHS (Hospital Staffs)

Mr. Rogers asked the Secretary of State for Wales (1) how many people were working in National Health Service hospitals in Wales in 1975 and each subsequent year;

(2) how many people were working in the different occupational categories within the National Health Service in Wales in 1975 and each subsequent year;

(3) how many people were working in the National Health Service in Wales in 1975 and each subsequent year;

(4) how many people were working in the different occupational categories within hospitals in Wales in 1975 and each subsequent year.

Mr. Wyn Roberts: Other than for medical, dental and nursing staff it is not possible, from the information available centrally, to identify separately those National Health Service staff working in hospitals from those working in the community or at district headquarters. The numbers of National Health Service staff in Wales for the years 1975 to 1985 are given, for each staff group and in total, in the following table:

*National Health Service staff**
(whole-time equivalents at 30 September)

	1975	*1976*	*1977*	*1978*	*1979*	*1980*	*1981*	*1982*	*1983*	*1984*	*1985*
Medical staff:											
Hospital service	1,528	1,578	1,648	1,705	1,786	1,825	1,904	1,944	1,997	2,019	2,073
Community health	193	205	209	204	215	219	208	212	203	200	193
Dental staff:											
Hospital service	49	52	50	54	61	66	75	73	78	82	87
Community health	117	122	124	130	119	124	121	124	126	119	112
Nursing & Midwifery staff:											
Hospital service	19,179	19,503	19,539	19,872	20,479	†21,648	22,583	23,101	23,275	23,586	24,162
Community health	2,076	2,301	2,321	2,514	2,552	†2,718	2,779	2,808	2,706	2,862	2,852
Administrative & clerical staff	5,731	5,881	5,894	6,055	6,221	6,279	6,390	6,437	6,481	6,626	6,787
Ancillary staff	11,476	11,552	11,407	11,753	11,879	11,989	11,839	11,784	11,559	10,964	10,757
Ambulance service staff	1,204	1,279	1,286	1,330	1,336	1,347	1,396	1,416	1,428	1,460	1,472
Professional & technical staff	3,007	3,115	3,251	3,451	3,621	3,737	3,849	4,018	4,161	4,466	4,649
Works & maintenance staff	1,813	1,850	1,912	2,019	2,051	2,073	2,128	2,145	2,117	2,144	2,177
Total	46,373	47,438	47,641	49,087	50,320	†52,025	53,272	54,062	54,131	54,528	55,321

* Including Welsh Health Common Services Agency (WHCSA).
† Standard working hours for nurses were reduced from 40 to 37·5 hours per week in 1980, and therefore whole-time equivalents from 1980 onwards are not strictly comparable with those for previous years.

Local Government

Mr. Rogers asked the Secretary of State for Wales (1) how many people were working in local government in Wales in 1975 and each subsequent year;

(2) how many people were working in the different occupational categories in local government in Wales in 1975 and each subsequent year.

Mr. Mark Robinson: The information requested is given in "Welsh Local Government Financial Statistics, No. 8, 1984" (table 66) and No. 9, 1985 (table 67), copies of which are available in the Library.

Water Industry

Mr. Rogers asked the Secretary of State for Wales how many people were working in the water industry in Wales in 1975 and each subsequent year.

Mr. Mark Robinson: Figures are not available in the format requested, but the numbers employed by the Welsh water authority from 1975 are as follows:

Year	*Number of employees*
1975	5,009
1976	5,402
1977	5,535
1978	5,601
1979	5,589
1980	5,650
1981	5,736
1982	5,677
1983	5,424
1984	5,180
1985	4,709

Figures at 31 March each year.

Nurses

Mr. Rogers asked the Secretary of State for Wales (1) how many people were being trained and educated for a nursing career in Wales in 1975 and each subsequent year;

(2) how many people were being trained and educated in the different categories for a nursing career in Wales in 1975 and each subsequent year.

Mr. Mark Robinson: The available information is given in the following table:

Whole-time equivalents at 30 September

	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
Student Nurse:											
Pre-registration	2,611	2,395	2,353	2,168	2,347	2,306	2,676	2,641	2,661	2,670	2,639
Post-registration				163	174	175	165	128	134	123	94
Pupil Nurse:											
Pre-enrolment	1,453	1,405	1,378	1,284	1,227	1,294	1,378	1,256	1,080	963	852
Post-enrolment				25	36	43	18	35	1	26	11
Student midwife	181	171	218	214	203	205	271	161	210	219	216
Cadet Nurse	255	142	78	29	20	21	16	16	1	1	2
Health Visitor student	24	48	30	38	19	50	44	56	45	54	51
Total	4,524	4,161	4,057	3,921	4,026	4,094	4,568	4,293	4,132	4,056	3,865

Mr. Rogers asked the Secretary of State for Wales (1) how many tutors and other staff were employed in the training and education of nurses in Wales in 1975 and in each subsequent year;

(2) how many people were employed, by occupation category, in the training and education of nurses in Wales in 1975 and in each subsequent year;

(3) how many people were employed in the training and education of nurses, by specialist category, in Wales in 1975 and in each subsequent year.

Mr. Mark Robinson: The available information is given in the following table:

Whole-time equivalents at 30 September

	1975	1976	1977	1978	1979	*1980	1981	1982	1983	1984	1985
Hospital Tutorial Staff:											
Qualified Nurse Tutor				87	99	104	112	125	136	151	173
Unqualified Nurse Tutor	137	182	212	9	17	16	15	22	24	20	15
Clinical Nurse Teacher				75	81	82	75	83	94	98	98
Qualified Midwife Tutor	21	26	24	23	26	24	28	20	24	27	21
Unqualified Midwife Tutor				2	1	2	2	2	3	1	1
District Nurse Tutor	5	5	4	4	3	4	2	2	2	2	3
	163	213	240	200	227	232	234	254	283	299	311

* Standard working hours for nurses were reduced from 40 to 37·5 hours per week in 1980, and therefore whole-time equivalents from 1980 onwards are not strictly comparable with those for previous years.

AGRICULTURE, FISHERIES AND FOOD

Food Labelling

Mr. Cohen asked the Minister of Agriculture, Fisheries and Food what representations he received from the BBC on behalf of the staff of the "Food and Drink" programme about food labelling; and what has been his response.

Mrs. Fenner: I was sent on 13 February copies of the top four entries to the BBC "Food and Drink" programme labelling competition and I undertook to look at these ideas alongside other comments received on our proposals for fat and nutrition labelling of food. In my acknowledgement I did draw to the attention of the programme producers the difficulty of reconciling this selective graphic format with guidelines which allow for a full nutritional profile using words and figures.

Mr. Cohen asked the Minister of Agriculture, Fisheries and Food if, as part of his proposals for the compulsory labelling of fat content in food, he will incorporate a mandatory requirement for the inclusion of a symbolic representation of the fat content.

Mrs. Fenner: The draft proposals for compulsory labelling of fat require levels of both total and saturated fatty acids to be displayed numerically, normally on a grams per 100 gram basis. We have no proposal for requiring in addition a symbolic representation.

Mr. Cohen asked the Minister of Agriculture, Fisheries and Food if, as part of his proposals for the voluntary labelling of salt, sugar and fibre content in food, he will incorporate a requirement for the inclusion of symbolic representation of these constituents.

Mrs. Fenner: No. Our guidelines for voluntary nutrition labelling provide for the declaration of a wide range of nutrients including salt, sugar and fibre, and I can seen no justification for giving special prominence to these items by selective graphic representation.

UK Companies (US Law)

Mr. Ashdown asked the Minister of Agriculture, Fisheries and Food what is his policy on the acquisition for the use of his Department of computers and equipment

supplied by companies which seek to impose extraterritorial United States controls on their United Kingdom staff or on non-Government United Kingdom customer or on United Kingdom exports; and if he will make a statement.

Mr. Jopling: The Government's policy on the acquisition and use of computers in this respect was expressed in an answer given by my hon. Friend the Minister of State, Treasury, on 8 April, at c. *95*, and my Ministry adheres to that policy.

Small Businesses

Mr. Watts asked the Minister of Agriculture, Fisheries and Food what was the value of contracts placed by his Department with small businesses in each of the financial years since 1978-79; and what percentage of total expenditure on purchases of goods and services those amounts represented.

Mr. Jopling: Records are not maintained in a form which enables this information to be provided.

Diabetics (Food Standards)

Mr. Dobson asked the Minister of Agriculture, Fisheries and Food what responsibilities his Department has in relation to the provision of, and standards applied to, special food for diabetics.

Mrs. Fenner: Apart from my general responsibilities for the nation's food supply, I have no particular responsibilities for the provision of foods for diabetics. I have, however, made the Food Labelling Regulations 1984 which does, amongst other things, control the conditions under which a claim can be made that a food is suitable, or has been specifically made, for diabetics.

Opium Poppies

Mr. Corbett asked the Minister of Agriculture, Fisheries and Food what steps he is proposing to take to ensure that opium poppy crops grown for seed are marketed solely for the purposes for which they are being grown.

Mr. Gummer [*pursuant to his reply*, 17 April 1986, c. *470*]: Under the Misuse of Drugs Act 1971, the unlicensed extraction of opium from poppies is already an offence. What, if any, additional steps to take will be decided in the light of the report which my officials are preparing jointly with those from the Home Office.

Mr. Corbett asked the Minister of Agriculture, Fisheries and Food what estimate he has made of the number of contracts signed to grow opium poppy for seed in England ad Wales; and what is the estimated contracted acreage.

Mr. Gummer [*pursuant to his reply*, 17 April 1986, c. *470*]: Reports suggest a total of about 20 contracts covering up to 300 acres.

Mr. Corbett asked the Minister of Agriculture, Fisheries and Food how many of his officials are involved in preparing a joint report with the Home Office into opium poppy production in England and Wales; and how many meetings have so far been held.

Mr. Gummer [*pursuant to his reply*, 17 April 1986, c. *470*]: Four of my officials are directly involved in the preparation of the report, and one meeting has taken place with Home Office officials.

THE ARTS

South Bank

Mr. Tony Banks asked the Minister for the Arts, pursuant to his reply of 14 April, if he will state the number of staff deployed on the South Bank by *(a)* Argus Shield, *(b)* Blue Arrow, *(c)* Pall Mall and *(d)* Matthew Hall.

Sir George Young: My right hon. Friend the Minister for the Arts is currently abroad. I have been asked to reply.

Information is as follows:

	Number
(a) Argus Shield	15
(b) Blue Arrow	48
(c) Pall Mall	3
(d) Matthew Hall	12

Mr. Tony Banks asked the Minister for the Arts, pursuant to his reply of 11 April, *Official Report*, column 221, how many staff were employed by the South Bank concert halls immediately prior to 1 April.

Sir George Young: My right hon. Friend the Minister for the Arts is currently abroad. I have been asked to reply.

A total of 239 at 31 March 1986.

NATIONAL FINANCE

Income Tax

Sir Geoffrey Finsberg asked the Chancellor of the Exchequer if he will set out in comparative form such information as he has as to the top rate of income tax in France, Japan, Canada, West Germany, the United States of America and the United Kingdom.

Mr. Moore: The information requested is as follows:

Maximum Rates on Employment Income

	Rate per cent.
France	65
Japan	84
Canada	54
West Germany	56
United States of America	55·5
United Kingdom	60

Note: Where applicable (Canada, Japan and the United States of America) the tax rates include local income taxes.

Personal Taxation

Sir Geoffrey Finsberg asked the Chancellor of the Exchequer, pursuant to the reply to the hon. Member for Hampstead and Highgate of 27 March, *Official Report*, columns *602-5*, if he will set out in respect of tables 1 and 2, the equivalent rates of tax for the United Kingdom.

Mr. Moore: The information requested is as follows:

Table 1
Income Tax Thresholds in £—Employment Income
(1986-87 proposed level)

	£
Single person	2,335
Married couple with no dependent children	3,655

Table 2
Rates of Tax on Bands of Net Taxable Employment Income in £
(1986-87 proposed taxable income and rates)

Single person/married couple with no dependent children	*Rate per cent.*
0—17,200	29
17,201—20,200	40
20,201—25,400	45
25,401—33,300	50
33,301—41,200	55
over 41,200	60

Small Businesses

Mr. Watts asked the Chancellor of the Exchequer what was the value of contracts placed by his Department with small businesses in each of the financial years since 1978-79; and what percentage of total expenditure on purchases of goods and services those amounts represented.

Mr. Brooke: Her Majesty's Treasury does not record information about the value of contracts according to the size of businesses with which they are placed. Such information could be obtained only at disproportionate cost. Since 1978-79 there has been greater emphasis on contracting-out Government business and the value of contracts placed with all businesses, including small businesses, has increased. Examples where Treasury purchasing is known to be from small businesses are travel arrangements, taxi hire and carpet purchasing and laying.

EC (Non-VAT Own Resources)

Mr. Freeman asked the Chancellor of the Exchequer if he will make a statement about the earlier payment of non-value added tax own resources to the European Communities in April.

Mr. Brooke: In accordance with article 10(2) of Council regulation 2891/77, the Commission has invited member states to advance from 20 May to 21 April the payment of own resources other than VAT in respect of agricultural, sugar and isoglucose levies and customs duties collected by the Government on its behalf in March.

In accordance with this request, the Government propose to make an advance payment of some £132 million on 21 April. This will be financed initially by a repayable advance from the Contingencies Fund, pending parliamentary approval of a summer Supplementary Estimate. The payment of levies and duties on 20 May 1986 which is made directly from the Consolidated Fund under section 2(3) of the European Communities Act 1972 will be reduced by the amount of the advance. There will therefore be no net addition to forecast public expenditure for 1986-87.

Budget Statement (Tax Changes)

Mr. McCrindle asked the Chancellor of the Exchequer if he will make it his policy to seek to ensure that tax changes announced in future Budget statements will take effect from a minute past midnight on the day of his statement.

Mr. Moore [*pursuant to his reply*, 16 April 1986, c. *418*]: I refer my hon. Friend to the statement I made in the debate on the Budget resolutions on 19 March at columns 377-78. Some Budget changes which affect income tax and corporation tax have to take effect more or less immediately. Where changes of this kind are proposed, it has been the normal practice in the past for those which work to the taxpayers' advantage to take effect on or after Budget day, but for those which impose or increase tax to take effect only after Budget day. In future the Government will consider making changes effective from the start of Budget day to prevent forestalling. This practice is already frequently followed for the capital taxes. As far as taxes on consumer expenditure (value added tax and excise duties) are concerned, the Government see no need to depart from the long-standing practice of applying changes from the most convenient and appropriate time after the Budget statement.

Private Health Insurance

Mr. Gordon Brown asked the Chancellor of the Exchequer how much has been paid out in tax relief for private health insurance since 1979, showing separately the figures for the financial year 1985-86.

Mr. Moore [*pursuant to his reply*, 15 April 1986, c. *354*.]: I assume the hon. Member is referring to the fact that, since 1982-83, tax has not been chargeable on the cost of private medical insurance provided by employers for employees earning less than £8,500 per annum. The total additional yield, if such benefit had been chargeable to tax, is estimated at about £25 milion for 1982-83 to 1985-86, of which about £7 million relates to 1985-86.

SCOTLAND

Prisoners

Mr. Dewar asked the Secretary of State for Scotland if he will give the number of prisoners admitted to Scottish prisons in the latest year for which figures are available who were sentenced to periods of three months and 30 days or less, respectively; and what percentage this was of the total number of admissions of prisoners serving sentences in that year.

Mr. Rifkind: Provisional figures for 1985 are as follows:

Receptions of Convicted Prisoners

Length of Sentence	*Number*	*As Percentage of Total*
3 months/90 days	3,306	13·6
1 month/30 days or less	12,660	52·2
All sentence lengths	24,258	100·0

Mr. Dewar asked the Secretary of State for Scotland if he will give the number of persons admitted to prison

in Scotland for the non-payment of fines in the latest year for which figures are available and the percentage that number represents of the total number of admissions of convicted prisoners; and what was the average sentence served by those admitted for non-payment of fines in that year.

Mr. Rifkind: According to provisional figures for 1985, 11,435 persons were admitted to penal establishments in Scotland in 1985 in default of payment of fines. This represents 47 per cent. of all receptions under sentence during the year. The average sentence imposed on fine defaulters was 19 days. No information is collected centrally on the average length of sentence actually served, which is affected by remission and by the payment of the fine in some cases before expiry of the sentence.

Nurses

Dr. Godman asked the Secretary of State for Scotland (1) how many people were employed, by occupational category, in the education and training of nurses in Scotland in 1975 and in each subsequent year;

(2) how many people were employed in the education and training of nurses, by specialist category, in Scotland in 1975 and in each subsequent year;

(3) how many tutors and other staff were employed in the education and training of nurses in Scotland in 1975 and each subsequent year.

Mr. John MacKay: Information on the number of nurses teachers employed by health boards in colleges of nursing and midwifery is obtainable from the "Scottish Health Statistics," which are published annually and are available from the House of Commons Library.

So far as specialist category is concerned "Scottish Health Statistics" distinguish only between nurse teachers employed in teaching midwifery students and those teaching other learners. No information is available centrally to enable numbers employed in teaching in the general, mental handicap and mental illness fields to be separately distinguished.

The number of non-nursing staff employed in colleges of nursing and midwifery in 1984 was 266·1 whole-time equivalents; information for previous years is not held centrally.

The colleges also use visiting lecturers from other occupational groups, but no records of this are held centrally.

Dr. Godman asked the Secretary of State for Scotland (1) how many people were being educated and trained for a nursing career in Scotland in 1975 and in each subsequent year;

(2) how many people were being educated and trained in the different categories for a nursing career in Scotland in 1975 and each subsequent year.

Mr. John MacKay: Information on the number of nursing staff in training, by specialist category, is obtainable from the "Scottish Health Statistics," which are published annually and are available from the House of Commons Library.

Local Government

Mr. Godman asked the Secretary of State for Scotland (1) how many people were working in the different occupational categories in local government in Scotland in 1975 and each subsequent year;

(2) how many people were employed in local government in Scotland in 1975 and each subsequent year.

Mr. Ancram: Quarterly figures for local authority manpower have been published jointly by the Scottish Office and the Convention of Scottish Local Authorities since 1976 and are available in the Library.

Education

Dr. Godman asked the Secretary of State for Scotland how many people were employed in education in Scotland, excluding the universities, in 1975 and each subsequent year.

Mr. Allan Stewart: The information requested is not readily available for years before 1977-78. The relevant figures from 1977-78 onwards are given in the table.

Numbers employed in education in Scotland (excluding universities)*

	Numbers
1977-78	111,618
1978-79	110,514
1979-80	112,508
1980-81	113,130
1981-82	112,028
1982-83	109,285
1983-84	107,639
1984-85	106,911
1985-86	106,580

* Includes the full-time equivalent of part-time staff.

Labour Statistics

Dr. Godman asked the Secretary of State for Scotland how many people were employed in the different occupational categories in Scotland in 1975 and each subsequent year.

Mr. Allan Stewart: Detailed information is available only for 1981 and is published by the Registrar General for Scotland in "Economic Activity (10 per cent. Sample), Census 1981 Scotland". Some annual estimates can be derived from the tables contained in "New Earnings Survey", part E, published each year by the Department of Employment. These analyses are based on a 1 per cent. sample of full-time employees, and the results are affected by non-response. Copies of these publications are in the Library of the House.

Departmental Staff

Dr. Godman asked the Secretary of State for Scotland (1) how many people were employed in his Department in 1975 and each subsequent year;

(2) how many people were employed in the different occupational categories in his Department in 1975 and each subsequent year.

Mr. Rifkind: I shall reply to the hon. Member as soon as possible.

National Health Service

Dr. Godman asked the Secretary of State for Scotland (1) how many people were employed in the different occupational categories within the National Health Service in Scotland in 1975 and each subsequent year;

(2) how many people were working in the National Health Service in Scotland in 1975 and each subsequent year;

(3) how many people were employed in the different occupational categories within hospitals in Scotland in 1975 and each subsequent year.

Mr. John MacKay: The information requested is published annually in "Scottish Health Statistics", the latest figures being for 1984. These volumes are available in the Library of the House.

DEFENCE

Royal Navy (Target Towing Contract)

Mr. Onslow asked the Secretary of State for Defence why he has decided to call for a revision of the tenders for his Department's target towing contract for the Royal Navy; and if he will make a statement.

Mr. Lee: We have decided to reissue invitations to tender, in the light of our evaluation of the tenders already received and the changes recently proposed to the Air Navigation Order 1985.

United States Dassault Falcon Aircraft

Mr. Onslow asked the Secretary of State for Defence on how many occasions United States registered Dassault Falcon aircraft on contract to the Royal Navy for target towing purposes have been used for air transport tasks involving service personnel or civilians; and whether such flights are covered by an appropriate air operators' certificate.

Mr. Lee: On 18 occasions, arrangements for the operation of the aircraft being agreed with the Civil Aviation Authority.

Small Businesses

Mr. Watts asked the Secretary of State for Defence what was the value of contracts placed by his Department with small businesses in each of the financial years since 1978-79; and what percentage of total expenditure on purchases of goods and services those amounts represented.

Mr. Norman Lamont: I shall answer shortly.

Royal Dockyards

Mr. Gordon Brown asked the Secretary of State for Defence (1) if he has instructed further consultancy work into the setting up of Government-owned plc's for the royal dockyards;

(2) what is the objective of the Coopers and Lybrand study into the royal dockyards; when it will be completed; and if he will publish it.

Mr. Lee: As I told the hon. Member in a letter to him of 27 March, Coopers and Lybrand is providing advice to my Department in two interrelated areas. The first concerns the possible future organisation of the royal dockyards at Devonport and Rosyth after the introduction of commercial management. The second relates to the framework of a Government-owned plc at Rosyth and at Devonport. As I also told him, this second study does not mark any shift in the Government's thinking about the future management of the dockyards. A Government-owned plc remains, as it always has been, an option to which the Government would have recourse only if it was felt that commercial interest in bidding for the contract to manage one of the dockyards was inadequate or unsuitable. The work being done by Coopers and Lybrand in connection with the Government-owned plc option will also provide a benchmark against which to evaluate the responses of potential contractors to the invitations to tender for the management contracts.

Both studies should be completed by early summer. I expect to be able to publish the first study, but it would not be appropriate to publish the second, at least in full. I shall, however, consider, when it has been received and studied, whether any part of it may sensibly be made public.

Upper Heyford Air Base

Mr. Alex Carlile asked the Secretary of State for Defence if he will make a statement on the arrest in the early hours of Tuesday 15 April of a newspaper reporter by a number of armed United States military personnel, about ½-mile from the outer perimeter of the Upper Heyford air base.

Mr. Stanley: I understand that United States air force security personnel at RAF Upper Heyford have made no such arrest.

PRIME MINISTER

Drug Abuse

Mr. Andrew F. Bennett asked the Prime Minister if she is satisfied with the co-ordination between the Department of Education and Science the Home Department and the Department of Health and Social Security in dealing with the drug abuse problem among the pupil and the student population; and if she will make a statement.

The Prime Minister: Yes; there is excellent co-ordination between all the Departments in this matter. The main link is the ministerial group on the misuse of drugs which has been in existence for almost two years and has been the forum in which the Government's comprehensive and closely co-ordinated strategy has been formulated. The group is chaired by my hon. Friend the Member for Putney (Mr. Mellor), Parliamentary Under-Secretary of State for the Home Department, and the Members at present include my hon. Friend the Member for Dartford (Mr. Dunn), Parliamentary Under-Secretary of State for Education and Science, and my hon. Friend the Member for Wycombe (Mr. Whitney), Parliamentary Under-Secretary of State for Health. Other Departments, including those with other education and health interests, are also represented. The most recent evidence of the group's coherent approach is provided by the latest edition of the document, "Tackling Drug Misuse: a Summary of the Government's Strategy," which has recently become available.

Whisky Exports (Japan)

Mr. Sims asked the Prime Minister if, during the forthcoming Heads of Government summit, she intends to raise with the Japanese Prime Minister the problem of tax and duty discrimination facing Scotch whisky exports to Japan.

The Prime Minister: Yes.

Nuclear Disarmament (Negotiations)

Mr. Deakins asked the Prime Minister when Her Majesty's Government intend to resume negotiations on nuclear disarmament as specified in article VI of the non-proliferation treaty.

The Prime Minister: The United Kingdom remains ready to play its full part in the arms control and disarmament process. As for nuclear disarmament, the immediate priority is for the United States and Soviet Union to agree substantial reductions in their nuclear arsenals. We accordingly support the objectives of the nuclear and space talks at Geneva. The United States proposals of November last year and February this year have our full support.

Argentina (Trade)

Mr. Austin Mitchell asked the Prime Minister if she will publish in the *Official Report* figures showing how trade between each European Economic Community country and Argentina was reduced during and after the conflict in 1982 in pursuance of the agreed sanctions.

The Prime Minister: The suspension of European Community imports from Argentina was effective from 16 April to 17 May 1982, although some countries maintained a ban until late June. Goods already licenced, contracted for, or in transit were not covered.

Given the volatility of trade from month to month, it is not possible to estimate the reduction in imports due to these sanctions. However, in the case of the United Kingdom, where trade was suspended until July 1985, imports in 1983 were about 1 per cent. of their level in 1981.

Plutonium

Mr. Chris Smith asked the Prime Minister, pursuant to the answer of 15 April to the hon. Member for Islington South and Finsbury what information she has as to whether any plutonium produced by the re-processing of spent fuel from any British civil reactor has ever been used in nuclear weapons programmes under previous adminstrations since 1956.

The Prime Minister: I am not able to answer for previous Administrations.

US Bases

Mr. Craigen asked the Prime Minister in what circumstances and under what conditions she is prepared to permit the use of American bases in the United Kingdom for the launching of attacks on other countries; and if she will make a statement.

The Prime Minister: Under long-standing arrangements, the use by the United States forces of bases in the United Kingdom in an emergency would be a matter for joint decision by Her Majesty's Government and the United States Government in the light of the circumstances prevailing at the time.

Mr. Craigen asked the Prime Minister what state of relations between the United Kingdom and Libya is implied by her decision to permit the use of United States bases in the United Kingdom for the launching of air strikes on Libya; and if she will make a statement.

The Prime Minister: No change is implied in our relations with Libya which were broken in April 1984 following the shooting of WPC Fletcher by a gunman inside the Libyan People's Bureau.

TRANSPORT

Small Businesses

Mr. Watts asked the Secretary of State for Transport what was the value of contracts placed by his Department with small businesses in each of the financial years since 1978-79; and what percentage of total expenditure on purchase of goods and services those amounts represented.

Mr. Ridley: This particular information is not available from our records, but we seek in appropriate cases to provide opportunities for smaller firms when inviting tenders for contracts and commissions.

TRADE AND INDUSTRY

Furniture Companies (Liquidations)

Mr. Holt asked the Secretary of State for Trade and Industry how many companies in the furniture sector have gone into liquidation in each of the past 10 years.

Mr. Howard: Separate figures for the furniture industry on its own are not available. Information on insolvencies in the timber and wooden furniture industry in England and Wales is in the table:

	Bankruptcies	*Company liquidations*
1976	31	121
1977	24	128
1978	29	128
1979	28	116
1980	24	211
1981	25	203
1982	31	350
1983	40	294
1984	61	382
1985	n/a	*495

* Provisional.
n/a=Not available.

The bankruptcy figures include receiving orders and administration orders: the total is the net number of cases administered after consolidations and rescissions.

Small Businesses

Mr. Watts asked the Secretary of State for Trade and Industry what was the value of contracts placed by his Department with small businesses in each of the financial years since 1978-79; and what percentage of total expenditure on purchases of goods and services those amounts represented.

Mr. Butcher: Given the devolved nature of the Department's purchasing activity, this information could be made available only at disproportionate cost.

EC (Research Council)

Mr. Patrick Thompson asked the Secretary of State for Trade and Industry what progress was made at the meeting of the Research Council of the European Community Ministers on 8 April; and if he will make a statement.

Mr. Pattie: The EC Research Council met in Luxembourg on 8 April. I represented the United Kingdom. In a discussion of the Community's 1987 to 1991 research framework there was general agreement that emphasis should be given to R and D to increase industrial competitiveness. Several member states, including the United Kingdom, questioned the unrealistically high level of finance proposed. The United Kingdom emphasised the need for clear criteria for Community programmes, and for the establishment of action priorities. The United Kingdom, supported by other member states, called for a thorough review of the role of the Community's joint research centre in the new industry-oriented programme. The Council accepted a number of changes requested by the European Parliament to the materials and environment programmes agreed last December, but maintained the previously decided funding levels.

EMPLOYMENT

Job Start Scheme

Ms. Clare Short asked the Paymaster General if, for each of the pilot areas of the job start scheme, he will give (i) the number of long-term unemployed, (ii) the number of people taking jobs with the job start allowance between 6 January and 18 March or such other dates for which data are available and (iii) the average level of gross earnings for such jobs.

Mr. Lang: The information available for the period 6 January to 4 April is as follows:

Job start scheme

	Number of long term unemployed	*Accepted applications*
Billingham	1,341	3
Crawley and Horsham	860	7
Dundee	5,766	15
Ealing	3,937	3
Huddersfield	3,719	15
Preston	3,633	23
Plymouth	5,498	14
Port Talbot and Neath	2,849	21
Stoke	5,942	21
TOTAL	33,545	*122

Information on the average level of gross earnings of job start allowance recipients is not readily available. The table sets out the earnings of job start allowance recipients according to five broad ranges.

Wages (£ a week)	*Number*
0-39	1
40-49	6
50-59	12
60-69	15
70-79	32
TOTAL	*66

* These totals differ because of backlogs in computer processing of information.

Small Businesses

Mr. Watts asked the Paymaster General what was the value of contracts placed by his Department with small businesses in each of the financial years since 1978-79; and what percentage of total expenditure on purchase of goods and services those amounts represented.

Mr. Trippier: Information in the form requested is not available. However, it is estimated that small firms benefited from at least 10 per cent. of the value of contracts placed directly by my Department in 1985-86.

Skill Shortages

Sir Patrick Wall asked the Paymaster General (1) whether, in view of the recent Confederation of British Industry report on future shortage of skills, a copy of which has been sent to him, he is satisfied with the current relevant output from higher education; and what assessment he has made of the degree of retraining which will be required;

(2) whether, in view of the recent Confederation of British Industry report on future shortage of skills, a copy of which has been sent to him, he is satisfied with the projected future relevant output from higher education; and what assessment he has made of the degree of retraining which will be required.

Mr. Trippier: The Confederation of British Industry, in co-operation with the Manpower Services Commission, undertook a skills shortages survey in conjunction with the regular industrial trends survey of manufacturing industry in December 1985. In the survey 4 per cent. of respondents reported shortages of professional engineers. The Government are aware that there are some skills shortages of this type, particularly in disciplines related to information technology. It was for this reason that in 1985 the Government established the engineering and technology programme to provide an additional 5,000 places in higher education institutions in shortage subjects. The first students under the programme were admitted to university last autumn. This programme builds on earlier initiatives, including a shift towards engineering in the public sector of higher education. These measures, which have increased, and will continue to increase the number of admissions of new students, will, of course, take some time to produce an increase in the number of graduates. I am confident, however, that the future relevant output from higher education will more closely match employers' needs for these key skills than the present output does.

The Government are aware that rapid technological change means that a substantial proportion of the work force will need some retraining within the near future. The main objective of the adult training strategy outlined in the White Paper "Training for Jobs" (Cmnd. 9135) is to secure an adequate supply of people with up-to-date skills to meet

the demands of new technology. However, it is for industry itself to assume prime responsibility for taking steps to identify and meet training needs.

Miss Juliet Kent

Mr. Rooker asked the Paymaster General if, pursuant to his reply, 28 January, *Official Report*, column *477*, he will list the factors causing the delay in the proceedings to recover wages owed to Miss Juliet Kent of Birmingham.

Mr. Trippier: Formal action to institute proceedings for recovery under section 22(5) of the Wages Councils Act 1979 was taken on 30 October 1985. Since then there has been correspondence between solicitors acting for the parties in an effort to achieve a settlement which would avoid the need to bring the matter to court. This has not been successful. Instructions have therefore been given for proceedings to be issued, but it is not possible at present to say when the case will be heard.

FOREIGN AND COMMONWEALTH AFFAIRS

United States Export Denials List

Mr. Ashdown asked the Secretary of State for Foreign and Commonwealth Affairs what is the status, in relation to the United Kingdom, of the United States export denials list unit at the United States embassy in London.

Mr. Eggar: We are not aware of any United States export denials list unit (or group) at the United States embassy in London. The internal workings of the United States embassy in London are in any case a matter for the United States Government. As my hon. Friend the Minister for Trade confirmed to the hon. Member on 27 March at column *611*, the United States denied parties list has no status in United Kingdom law.

United States Embassy (Mrs. Nelson)

Mr. Ashdown asked the Secretary of State for Foreign and Commonwealth Affairs what is the nationality, status, employment and function of Mrs. Nelson at the United States embassy in London; and if she has diplomatic status.

Mr. Eggar: I understand that Mrs. Nelson, a British national, is employed in the commercial section of the United States embassy. She has not been formally notified to us. She does not have diplomatic status.

Small Businesses

Mr. Watts asked the Secretary of State for Foreign and Commonwealth Affairs what was the value of contracts placed by his Department with small businesses in each of the financial years since 1978-79; and what percentage of total expenditure on purchases of goods and services those amounts represented.

Mr. Eggar: The Foreign and Commonwealth Office does not maintain separate records of purchases of goods and services from small businesses, and the information could be provided only at disproportionate cost.

SOCIAL SERVICES

Industrial Disablement Benefit

Mr. Wigley asked the Secretary of State for Social Services at what minimum level of percentage disablement it is proposed that industrial disablement benefit will be payable in future; and if he will make a statement.

Mr. Newton: I refer the hon. Member to my reply to my hon. Friend the Member for Suffolk, Central (Mr. Lord) on 17 April at columns *443-45*.

Medical Appeal Tribunals

Mr. Kirkwood asked the Secretary of State for Social Services how many applications were made to social security commissioners for leave to appeal on a point of law against a decision of a medical appeal tribunal (such leave having been refused by the tribunal) in each year from 1980 to 1985 *(a)* nationally, *(b)* in London south region and *(c)* in London north region; and, for the same years and areas, what numbers of applications were granted.

Mr. Major: The information required is as follows:

Number of applications for leave made to Social Security Commissioners

	1980	*1981*	*1982*	*1983*	*1984*	*1985*
Great Britain*	202	269	330	279	268	274
London South Region	15	17	†20	34	40	32
London North Region	N/A	4	†15	22	29	41
Number of applications for leave granted by Social Security Commissioners						
Great Britain*	46	60	69	78	96	100
London South Region	5	3	†6	9	16	12
London North Region	N/A	1	†1	5	11	11

Notes:

* The figures for Great Britain include applications for leave to appeal against decisions on mobility allowance and severe disablement allowance which are made direct to the Commissioners.

† The boundaries of the social security regions were restructured from 31 July 1982—details are shown in appendix 3 of "Social Security Statistics 1982" (HMSO).

British Pensions (Canada)

Sir John Farr asked the Secretary of State for Social Services what is the current situation in relation to negotiations which his Department has been having with the Federal Government of Canada in relation to the index linking of the pensions of British retirement pensioners

living in Canada; whether agreement has been reached; and when he expects this index linking will be commenced and the relative agreement signed.

Mr. Major: Officials of the Department and of the Canadian Department of Health and Welfare have work on hand on the preparatory technical matters which would lead to a social security convention between Canada and the United Kingdom to include uprating of United Kingdom pensions payable to pensioners in Canada. No agreement has been reached as the finance to permit a measure of pensions uprating is not available. We cannot therefore say when index-linking might commence or a convention be signed.

Sir John Farr asked the Secretary of State for Social Services what would be the cost of the index linking for the first year of pensions for retirement pensioners living in Canada.

Mr. Major: The cost of paying full index-linked United Kingdom pension to pensioners in Canada is estimated to be over £35 million a year. The cost of paying only the pension increases due after any agreement came into effect is estimated at about £4·8 million in the first year, rising progressively. These estimates are based on November 1985 rates.

Neurostimulator Implants

Mr. Cohen asked the Secretary of State for Social Services what assessment he has made of the efficacy of neurostimulator implants; what plans he has to support the development of this technique and extend its availability on the National Health Service; and if he will make a statement.

Mr. Whitney: We are aware of a number of developments in this field, not all of which are generally accepted within the medical profession. Comprehensive information about assessments of their efficacy is not held centrally. It is for health authorities to decide what level of resources should be allocated to the implantation of these devices, and for doctors to decide whether they should be prescribed for individual patients.

Drugs (Expenditure)

Mr. Jackson asked the Secretary of State for Social Services whether he will set out in a table the latest expenditure in pound sterling per head on drugs in those EEC countries for which figures are readily available.

Mr. Whitney: I shall let my hon. Friend have a reply as soon as possible.

Departmental Circulars (Copyright)

Mr. Kirkwood asked the Secretary of State for Social Services, pursuant to his answer of 25 March, *Official Report*, column *459*, whether his Department is planning to put a cover charge on circulars; and what action he intends to take against people who breach copyright.

Mr. Major: There is no immediate intention to place a cover charge on health circulars issued by the Department of Health and Social Security. As regards action in breach of copyright cases, it could be for the Department to decide whether to proceed in any particular instance which in turn could consist of asking Her Majesty's Stationery Office to deal with the offender on our behalf.

Alcohol Abuse

Mr. Michael Brown asked the Secretary of State for Social Services when he last met the British Medical Association and the Health Education Council to discuss alcohol abuse; and if he will make a statement.

Mr. Whitney: I reviewed Health Education Council programmes, including those on alcohol abuse, with representatives of the council on 17 March. Ministers have not recently discussed alcohol abuse with the British Medical Association.

Mr. Michael Brown asked the Secretary of State for Social Services how many civil servants in his Department liaise with Action on Alcohol Abuse; and what is the cost per annum.

Mr. Whitney: Liaison with Action on Alcohol Abuse takes up a very small amount of Department officials' time and the cost cannot be seperately identified.

Alcohol Concern

Mr. Michael Brown asked the Secretary of State for Social Services how much money has been paid from public funds to Alcohol Concern each year since 1983; and for what purpose.

Mr. Whitney: Central funds have been granted to Alcohol Concern as follows:

	£
1983-84	69,000
1984-85	310,789
1985-86	486,300

These sums have been awarded to enable the organisation to encourage and facilitate extensions of local services, especially local voluntary councils on alcohol, to assemble and provide information on alcohol misuse for public debate and for use by local voluntary agencies and to co-operate with the Health Education Council and other agencies concerned with the health education and training. The figure for 1985-86 includes £35,000 removal expenses grant.

Single Payments

Mr. Gordon Brown asked the Secretary of State for Social Services if he will give the latest estimate of the cost of payments made under the single payments regulations in 1985-86, and his estimate of the cost for 1986-87, taking into account the changes to be introduced to his new regulations.

Mr. Major: Figures for the full financial year 1985-86 are not yet available but expenditure for the period from 10 April 1985 to 11 March 1986 was £303 million.

As announced on 24 February 1986 by my hon. Friend the Minister for Social Security in reply to my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) at columns *476-78*, our proposals for amending the rules for single payments, which are currently being considered by the Social Security Advisory Committee, are intended to bring expenditure back to around the 1984 level.

Mr. Gordon Brown asked the Secretary of State for Social Services if he will give the figure for the average payment made under the single payments regulations for claimants taking up a new tenancy; and what he estimates will be average payment in 1987.

Mr. Major: The annual statistical inquiry contains information about the average amount of single payments for specific items but does not separately identify payments for furniture to those taking up tenancies for the first time. I regret therefore the information requested is not available.

Residential Care

Mr. Andrew Bowden asked the Secretary of State for Social Services if he has now received Ernst and Whinney's report on residential care and nursing homes; and if the report will be published.

Mr. Newton: We expect to receive a final report shortly. We shall then consider whether and, if so, in what form the report should be published.

Small Businesses

Mr. Watts asked the Secretary of State for Social Services what was the value of contracts placed by his Department with small businesses in each of the financial years since 1978-79; and what percentage of total expenditure on purchases of goods and services those amounts represented.

Mr. Major: I regret that information is not available in this form.

Bethlem Royal and Maudsley Hospitals

Ms. Harman asked the Secretary of State for Social Services if representatives of the Bethlem royal hospital and the Maudsley hospital special health authority have asked to meet him; and if he will make a statement.

Mr. Whitney: No. I shall be visiting the joint hospitals shortly and look forward to meeting the chairman and representatives of the authority when I do so.

Ms. Harman asked the Secretary of State for Social Services when he last met representatives of the Bethlem royal hospital and the Maudsley hospital special health authority; and if he will make a statement.

Mr. Whitney: My right hon. Friend the Minister for Health and I both met the chairman and general manager of the joint hospitals at a meeting of the London postgraduate committee last October; and I will be doing so again.

Psychiatric Emergency Clinics

Ms. Harman asked the Secretary of State for Social Services if he will list the psychiatric emergency clinics in London which are open 24 hours a day.

Mr. Whitney: I regret that this information is not collected centrally, although I am aware that such a facility is offered by the Maudsley hospital.

Neurosurgery

Ms. Harman asked the Secretary of State for Social Services if he will list the hospitals in *(a)* London and *(b)* the rest of the United Kingdom where neurosurgery can be performed on children.

Mr. Whitney: I shall let the hon. Member have the available information as soon as possible concerning hospitals in England. Statistics for the rest of the United Kingdom are a matter for my right hon. Friends the Secretaries of State for Scotland, Wales and Northern Ireland.

Ms. Harman asked the Secretary of State for Social Services (1) what has been the length of the waiting lists for neurosurgery at the Maudsley hospital in each of the years 1979 to the present day;

(2) what has been the length of the waiting list for the adolescent unit at the Bethlem royal hospital for each of the years 1979 to the present day.

Mr. Whitney: I am sorry I cannot give the hon. Member all the information she seeks. The latest figures centrally available are given in the table. The hon. Member may wish to write to the chairman of the Bethlem royal hospital and Maudsley hospital special health authority for current information.

Number of cases on in-patient waiting list for admission to department of neurosurgery, Maudsley Hospital at 30 September

	Number
1979	30
1980	28
1981	46
1982	47
1983	57
1984	75
*1985	77

Number of cases on in-patient waiting list for admission to adolescent psychiatry unit, Bethlem Royal Hospital at 30 September

	Number
1979	4
1980	5
1981	2
1982	2
1983	3
1984	nil
*1985	nil

* Provisional

Alcoholism

Ms. Harman asked the Secretary of State for Social Services what grants from public funds have been made for work on alcoholism at the Maudsley hospital.

Mr. Whitney: Services for people with alcohol-related problems are provided from revenue allocations to the Bethlem and Maudsley special health authority. The cost of these cannot be separately identified. In addition, the Institute of Psychiatry situated in the Maudsley hospital, received annual grants from the Department and the Medical Research Council from 1970 to 1983 to support a programme of research on alcoholism. Currently, this programme is receiving some £250,000 per annum from the Medical Research Council and continued funding has been guaranteed up to 1992.

Ms. Harman asked the Secretary of State for Social Services if he will list the special units for in-patient treatment of alcoholism in London.

Mr. Whitney: At December 1984 National Health Service returns indicated that there was a special unit for in-patient treatment of alcoholism at each of the following hospitals in the Greater London area:

St. Bernard's Wing, Ealing
Bexley
Bethlem Royal and Maudsley

Supplementary Benefit

Mr. Frank Field asked the Secretary of State for Social Services how many claims to supplementary benefit have been registered by young people at school studying for examinations during the summer term.

Mr. Major: This information is not available. Other than in exceptional circumstances, young people who are still attending school, as opposed to those who have left but still have exams to take, are unlikely to qualify for supplementary benefit.

Mr. Frank Field asked the Secretary of State for Social Services when he intends to produce an updated form FB20 on "Leaving School? A Pocket Guide to Social Security".

Mr. Major: Leaflet FB20 is currently under review, and a revised version will be issued in due course.

Mr. Frank Field asked the Secretary of State for Social Services how many circulars outlining the rights of young people to supplementary benefit while they take their examinations have been produced following the commissioners' decision on this subject; and to whom they have been sent.

Mr. Major: Two S circulars were issued following the commissioners' decision on the entitlement of young people to supplementary benefit while they take their examinations. These circulars were sent in the normal way to DHSS local and regional offices, to the House of Commons Library, and to members of the public who subscribe to the S manual and circulars.

Transplants

Mr. Dobson asked the Secretary of State for Social Services what information he has as to the number of transplants which have been performed on private patients in National Health Service hospitals using organs which would have been suitable for National Health Service patients waiting for treatment, for the last year for which figures are available; and if he will make a statement.

Mr. Whitney: None that I am aware of. I am informed that in 1985, 34 heart transplant operations and 15 liver transplant operations were performed privately in National Health Service hospitals, though 29 of these heart transplant operations and three of these liver transplant operations were performed on patients who were eligible for National Health Service treatment. Cadaveric organs procured in National Health Service hospitals are offered in the first instance to patients who are eligible for National Health Service treatment, and only if there are no such patients on the waiting list for whom they are suitable are they offered to patients who are not eligible for National Health Service treatment. Exceptions may be made in cases of extreme clinical urgency, but I have not been informed of any such cases in 1985. No kidney transplant operations were performed in National Health Service hospitals in 1985 on patients not eligible for National Health Service treatment using cadaveric organs procured within the National Health Service.

Chief Medical Officer (Advice)

Mr. Dobson asked the Secretary of State for Social Services on how many occasions since 1979 the Chief Medical Officer has given his formal advice; on what dates; and on what topics.

Mr. Hayhoe: The Chief Medical Officer, as the Government's principal medical adviser, provides advice as and when required to Ministers of this and other Government Departments. The Chief Medical Officer's advice to Ministers, like the advice to Ministers of all civil servants, is confidential. The Chief Medical Officer also from time to time gives advice and guidance to the medical profession and the public at large on public health issues.

Binfield Park Hospital

Mr. Dobson asked the Secretary of State for Social Services what information he has about the proposed closure of the Binfield park hospital, Berkshire, and about alternative accommodation to be provided for in-patients.

Mr. Whitney: The long term objective of providing a comprehensive community-based mental handicap service to permit the closure of Binfield park hospital was included in Oxford regional health authority's strategic plan approved in 1985 by my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), the then Minister for Health. We have had a copy of a consultation document issued by the managing health authority setting out proposals to put this into effect over eight to 10 years.

Hospital Waiting Lists

Mr. Dobson asked the Secretary of State for Social Services if he will give the total National Health Service waiting list every six months since 1956.

Mr. Whitney: I am sorry I cannot give the hon. Member all the information he seeks. Some of the information is not held centrally. The available information is given in the table. Over this period the number of in-patient discharges and deaths per year increased by 74 per cent. from 3·5 million to 6·2 million.

Number of cases on in-patient waiting list at 31 December, 31 March, 30 June, 30 September—England

	Number
December 1956	404,176
December 1957	415,168
December 1958	420,548
December 1959	447,469
December 1960	442,995
December 1961	450,681
December 1962	446,842
December 1963	454,193
December 1964	476,403
June 1965	499,730
December 1965	492,129
June 1966	512,002
December 1966	510,422
June 1967	513,351

	Number
December 1967	509,537
June 1968	513,004
December 1968	505,107
June 1969	515,140
December 1969	532,370
June 1970	539,686
December 1970	525,926
June 1971	519,322
December 1971	493,731
June 1972	496,569
December 1972	479,199
June 1973	542,074
December 1973	508,617
June 1974	508,390
December 1974	517,424
June 1975	532,613
December 1975	588,483
March 1976	583,851
September 1976	588,264
March 1977	595,490
September 1977	591,096
March 1978	603,240
September 1978	628,361
March 1979	752,422
September 1979	695,726
March 1980	664,919
September 1980	635,881
March 1981	628,333
September 1981	619,393
March 1982	622,480
September 1982	725,865
March 1983	726,186
September 1983	703,755
March 1984	692,945
September 1984	682,599
March 1985	674,453

Private Contractors

Mr. Dobson asked the Secretary of State for Social Services whether it remains his policy that health authorities be permitted to judge whether contract companies offer wage rates and conditions sufficient to attract adequate numbers of staff of the right calibre; and if he will make a statement.

Mr. Whitney: Our policy on the wage rates and conditions paid by private contractors and the factors health authorities have to take account of in assessing competitive tendering contracts remains unchanged. This was set out in our letter to regional health chairmen dated 9 October 1984, a copy of which was placed in the Library.

Young Offenders

Mr. Sheerman asked the Secretary of State for Social Services what is the average relative cost per head per week of placing a young offender in various kinds of care; and what is the cost in respect of placing a young offender under the alternative to custody projects scheme.

Mr. Whitney: The average relative cost per head per week of placing a young offender in various kinds of care is given in the table. This information is derived from The Chartered Institute of Public Finance and Accountancy (CIPFA) annual "Personal Social Services Statistics" for 1984-85 covering England and Wales. There is no recorded average cost of placing a young offender in an alternative to custody project. However, the grants made under the IT initiative (LAC (83)3) for the provision of alternatives to custody or residential care facilities for young offenders at £2,000 per young offender (approximately £154 per week for 13 weeks) are believed to be near to average costs.

	£ per week
Community Homes with Education	418
Observation and Assessment Centres	413
Other Community Homes	260

Mr. Sheerman asked the Secretary of State for Social Services what is the Government's intention towards future funding of alternatives to custody projects, initially funded under LAC/83/3, when this two-year project funding runs out.

Mr. Whitney: Local authorities are responsible for meeting the costs of young offenders using listed intermediate treatment facilities including those which are alternatives to custody or residential care. At the outset of the LAC(83)(3) scheme it was made clear that the grants were intended as short term funding of facilities to allow local authorities time to develop such facilities and rationalise other services so as to take over funding. Although the Government's intention has not changed, six-month extension funding is being approved in cases where, due to technical budgeting difficulties, such continuation funding is not available immediately.

Mental Patients

Mr. Bermingham asked the Secretary of State for Social Services what representations he has received as to the quality of community care given to discharged mental patients who have been placed in residential hostel accommodation.

Mr. Whitney [*pursuant to his reply*, 14 April 1986, c. *294-95*]: In the last year we have received letters from two former mental illness hospital patients complaining about the hostels they were living in and a letter from one hon. Member concerning alleged financial malpractices by a member of staff in another hostel. In all three instances the local social services department has investigated the complaints. In the two cases that concerned the quality of care the residents left the hostels before the complaints were resolved. In the other case the complaint was partially resolved.

Mr. Bermingham asked the Secretary of State for Social Services (1) what steps are taken to ensure the standards of hostel accommodation to which long-term mental health patients are discharged;

(2) what inspection arrangements have been made in respect of those hostels to which long-stay mental patients are discharged.

Mr. Whitney [*pursuant to his reply*, 14 April 1986, c. *294-95*]: Before long-stay patients in mental illness hospitals are considered for discharge a full assessment of their abilities and needs should be made and those people found capable of living outside the hospital should have an appropriate course of rehabilitation. When clinicians decide that the time for discharge has been reached, plans should be made, in consultation with the patient and with any other people or bodies who may be involved, for a move to a suitable setting with an appropriate level of ongoing care and support. Where the agreed setting is hostel accommodation—a term that is used to describe a variety of facilities—authorities are expected to assure

themselves about the standard of provision before patients are transferred. Hostels may be provided by health and social services authorities themselves, by housing associations, and by the voluntary and private sectors, and the approach needed may vary accordingly.

If a place termed a hostel is providing personal care and is a voluntary or private establishment, registration under the Registered Homes Act 1984 will apply and inspection by the social services department will be required. Some hostels do not provide personal care at this level, but provide accommodation to residents capable of looking after themselves on a day-to day basis. While there are no formal inspection arrangements laid down for non-registerable hostels, authorities can be expected to maintain contact with people they have placed there and to react appropriate to any indications of dissatisfaction.

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OFFICIAL REPORT

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SESSION 1985–86

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SCOPE OF THE INDEX, ARRANGEMENT AND ABBREVIATIONS

This index is derived from the House of Commons Library's Parliamentary On-Line Information System (POLIS), and the subject terms used are based on those used in POLIS. There are often changes in column numbering, etc., between the daily part or weekly Hansard (which simply collects together the daily parts without revision) and the bound volume. The index for the bound volume is revised to take account of these changes.

Scope and arrangement of the Index

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Rulings and Statements by Mr. Speaker and his deputies are brought together under the heading Speakers rulings and statements.

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Members' names are given in the form by which they prefer to be known and are printed in bold italics. Under their names, entries are arranged under one of the two headings *Debates etc.* (to include interventions on statements, points of order and so on) or *Questions*.

Abbreviations

Bills 1R = first reading, 2R = second reading, Money res = money resolution, Com = Committee stage, Rep = Report stage, 3R = third reading, amendt/amendts = amendment/amendments, * = matter taken formally, without debate.

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